Appendix G: Compliance Requirements

Rivers and Harbor Act (1899) (33 U.S.C. 403)

Section 10 of this Act requires the authorization by the U.S. Army Corps of Engineers prior to any work in, on, over, or under a navigable water of the United States.

Antiquities Act of 1906. 16 U.S.C. 431 et seq.

Authorizes the scientific investigation of antiquities on Federal land and provides penalties for unauthorized removal of objects taken or collected without a permit.

Migratory Bird Treaty Act, 16 U.S.C. 703 et seq.

Designates the protection of migratory birds as a federal responsibility. This Act enables the setting of seasons, and other regulations including the closing of areas, federal or non federal, to the hunting of migratory birds.

Migratory Bird Conservation Act, 16 U.S.C. 715 et seq.

Establishes procedures for acquisition by purchase, rental, or gift of areas approved by the Migratory Bird Conservation Commission.

Fish and Wildlife Coordination Act 16 U.S.C. 661 et seq. (1934)

Requires that the Fish and Wildlife Service and state fish and wildlife agencies be consulted whenever water is to be impounded, diverted or modified under a federal permit or license. The Service and state agency recommend measures to prevent the loss of biological resources, or to mitigate or compensate for the damage. The project proponent must take biological resource values into account and adopt justifiable protection measures to obtain maximum overall project benefits. A 1958 amendment added provisions to recognize the vital contribution of wildlife resources to the Nation and to require equal consideration and coordination of wildlife conservation with other water resources development programs. It also authorized the Secretary of Interior to provide public fishing areas and accept donations of lands and funds.

Migratory Bird Hunting Stamp Act. Also known as the Duck Stamp Act, 16 U.S.C. 718 et seq. (1934)

Requires every waterfowl hunter 16 years of age or older to carry a stamp and earmarks proceeds of the 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.

Historic Sites, Buildings and Antiquities Act. Also known as the Historic Sites Act of 1935, 16 U.S.C. 461 et seq.

Declares it a national policy to preserve historic sites and objects of national significance, including those located on refuges. Provides procedures for designation, acquisition, administration, and protection of such sites.

Refuge Revenue Sharing Act,16 U.S.C. 715s (1935)

Requires revenue sharing provisions to all fee-title ownerships that are administered solely or primarily by the Secretary through the Service.

Transfer of Certain Real Property for Wildlife Conservation Purposes Act, 16 U.S.C. 667b-667d (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 Interior if the land has particular value for migratory birds, or to a state agency for other wildlife conservation purposes.

Federal Records Act of 1950, 44 U.S.C. 31

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

Fish and Wildlife Act of 1956, 16 U.S.C. 742a et seq.

Established a comprehensive national fish and wildlife policy and broadened the authority for acquisition and development of refuges.

Refuge Recreation Act, 16 U.S.C. 460k et seq. (1962)

Allows the use of refuges for recreation when such uses are compatible with the refuge's primary purposes and when sufficient funds are available to manage the uses.

Wilderness Act of 1964, 16 U.S.C. 1131 et seq.

Directed the Secretary of 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.

Land and Water Conservation Fund Act of 1965, 16 U.S.C. 460 et seq.

Uses the receipts from the sale of surplus federal land, outer continental shelf oil and gas sales, and other sources for land acquisition under several authorities.

National Wildlife Refuge System Administration Act of 1966, 16 U.S.C. 668dd, 668ee

Defines the National Wildlife Refuge System and authorizes the Secretary to permit any use of a refuge provided such use is compatible with the major purposes for which the refuge was established. The Refuge Improvement Act clearly defines a unifying mission for the Refuge System; establishes the legitimacy and appropriateness of the six priority public uses (hunting, fishing, wildlife observation and photography, or environmental education and interpretation); establishes a formal process for determining compatibility; established the responsibilities of the Secretary of Interior for managing and protecting the System; and requires a Comprehensive Conservation Plan for each refuge by the year 2012. This Act amended portions of the Refuge Recreation Act and National Wildlife Refuge System Administration Act of 1966.

National Historic Preservation Act, 16 U.S.C. 470 et seq. (1966)

Establishes as policy that the Federal Government is to provide leadership in the preservation of the nation's prehistoric and historic resources. Section 106 requires federal agencies to consider impacts their undertakings could have on historic properties; 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 to 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.

Architectural Barriers Act of 1968, 42 U.S.C. 4151 et seq.

Requires federally owned, leased, or funded buildings and facilities to be accessible to persons with disabilities.

National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq.

Requires the disclosure of the environmental impacts of any major federal action significantly affecting the quality of the human environment.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601 et seq.

Provides for uniform and equitable treatment of persons who sell their homes, businesses, or farms to the Service. The Act requires that any purchase offer be no less than the fair market value of the property.

Endangered Species Act of 1973, 16 U.S.C. 1531 et seq.

Requires all federal agencies to carry out programs for the conservation of endangered and threatened species.

Rehabilitation Act of 1973, 29 U.S.C. 701 et seq.

Requires programmatic accessibility in addition to physical accessibility for all facilities and programs funded by the federal government to ensure that anybody can participate in any program.

Archaeological and Historic Preservation Act 16 U.S.C.469-469c

Directs the preservation of historic and archaeological data in federal construction projects.

Clean Water Act of 1977, 33 U.S.C. 1251

Requires consultation with the Corps of Engineers (404 permits) for major wetland modifications.

Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq.

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.

Executive Order 11988 (1977)

Each federal agency shall provide leadership and take action to reduce the risk of flood loss and minimize the impact of floods on human safety, and preserve the natural and beneficial values served by the floodplains.

Executive Order 11990

Executive Order 11990 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)

Directs the Service to send copies of the Environmental Assessment to state planning agencies for review.

American Indian Religious Freedom Act, 42 U.S.C. 1996, 1996a (1976)

Directs agencies to consult with native traditional religious leaders to determine appropriate policy changes necessary to protect and preserve American Indian religious cultural rights and practices.

Fish and Wildlife Improvement Act of 1978, 16 U.S.C. 742a

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, and the Fish and Wildlife Act of 1956. It authorizes the Secretary 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.

Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa et seq.

Protects materials of archaeological interest from unauthorized removal or destruction and requires federal managers to develop plans and schedules to locate archaeological resources.

Farmland Protection Policy Act, Public Law 97-98, 7 U.S.C. 4201 (1981)

Minimizes the extent to which federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses.

Emergency Wetlands Resources Act of 1986, 16 U.S.C. 3901 et seq.

Promotes the conservation of migratory waterfowl and offsets or prevents the serious loss of wetlands by the acquisition of wetlands and other essential habitats.

Federal Noxious Weed Act of 1974, 7 U.S.C. 2801 et seq.

Requires the use of integrated management systems to control or contain undesirable plant species, and an interdisciplinary approach with the cooperation of other federal and state agencies.

Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et seq. (1990)

Requires federal agencies and museums to inventory, determine ownership of, and repatriate cultural items under their control or possession.

Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

Prohibits discrimination in public accommodations and services.

Executive Order 12898 (1994)

Establishes environmental justice as a federal government priority and directs all federal agencies to make environmental justice part of their mission. Environmental justice calls for fair distribution of environmental hazards.

Executive Order 12996 Management and General Public Use of the National Wildlife Refuge System (1996)

Defines the mission, purpose, and priority public uses of the National Wildlife Refuge System. It also presents four principles to guide management of the 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.

National Wildlife Refuge System Improvement Act of 1997, 16 U.S.C. 668dd

Considered the "Organic Act of the National Wildlife Refuge System. Defines the mission of the System, designates priority wildlife-dependent public uses, and calls for comprehensive refuge planning. Section 6 requires the Service to make a determination of compatibility of existing, new and changing uses of Refuge land; and Section 7 requires the Service to identify and describe the archaeological and cultural values of the refuge.

The Act also directs the administration of the Refuge System to ensure the biological integrity, diversity, and environmental health of the System. According to the U.S. FWS Service Manual (601 FW3) this refers to the maintenance of existing elements, and where appropriate the restoration of lost or severely degraded elements. Integrity pertains to biotic composition, structure, and function at genetic, organismal, and community levels. Diversity includes protection of the broad variety of living organisms, genetic distinctions, and community compositions. Environmental health recognizes the importance of both biotic and abiotic features and processes in the System. The standard of measure for each of these terms is defined using historic conditions, or conditions and processes present prior to substantial anthropogenic changes, as indicated by the best available science and sound professional judgment.

National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998, 16 U.S.C. 742a

Amends the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes.

National Trails System Act, 16 U.S.C. 1241 et seq. (1968)

Assigns responsibility to the Secretary of Interior and thus the Service to protect the historic and recreational values of congressionally designated National Historic Trail sites.

Treasury and General Government Appropriations Act, Pub. L. 106-554, §1(a)(3), Dec. 21, 2000, 114 Stat. 2763, 2763A–125

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 (OMB) 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.

Cultural Resources and Historic Preservation

The National Wildlife Refuge System Improvement Act of 1997, Section 6, requires the Service to make a determination of compatibility of existing, new and changing uses of Refuge land; and Section 7 requires the Service to identify and describe the archaeological and cultural values of the refuge.

The National Historic Preservation Act (NHPA), Section 106, requires federal agencies to consider impacts their undertakings could have on historic properties; 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.

The Archaeological Resources Protection Act of 1979 (ARPA) prohibits unauthorized disturbance of archeological resources on federal and Indian land; and other matters. Section 10 requires establishing "a program to increase public awareness" of archeological resources. Section 14 requires plans to survey lands and a schedule for surveying lands with "the most scientifically valuable archaeological resources." This Act requires protection of all archeological sites more than 100 years old (not just sites meeting the criteria for the National Register) on federal land, and requires archeological investigations on federal land be performed in the public interest by qualified persons.

The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) imposes serious delays on a project when human remains or other cultural items are encountered in the absence of a plan.

The American Indian Religious Freedom Act (AIRFA) iterates the right of Native Americans to free exercise of traditional religions and use of sacred places.

EO 13007, Indian Sacred Sites (1996), directs federal agencies to accommodate access to and ceremonial use, to avoid adverse effects and avoid blocking access, and to enter into early consultation.