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**OVERVIEW**

3.1 What is the purpose of this chapter? This chapter describes how to:

A. Prepare new or revised U.S. Fish and Wildlife Service Manual (Service Manual) chapters for review and surname (see 011 FW 2 for information on how to write a chapter);

B. Seek Directorate comment on draft chapters and summarize comments;

C. Seek input from the Office of the Solicitor (SOL) on a policy;

D. Seek input from the Office of Management and Budget (OMB) and the public on a policy, if necessary; and

E. Make minor revisions to a chapter by issuing an amendment.
3.2 What is the scope of this chapter? This chapter is applicable to all national policy written for the Service Manual.

3.3 Who is responsible for preparation and clearance of Service Manual chapters?

Table 3-1: Responsibilities for Preparation and Clearance of Service Manual Chapters

<table>
<thead>
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<th>These employees…</th>
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<td>A. The Director</td>
<td>Approving or declining to approve Service Manual chapters.</td>
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| B. Directorate members | (1) Reviewing drafts of new Service Manual chapters and revised chapters when the revisions have impacts on their Regions/programs, and  
|                       | (2) Providing comments to the originating division/office. |
| C. Division or Office Chief Responsible for Subject (the division or office that is responsible for the subject matter of a chapter is also responsible for developing the chapter and revising it when necessary) | (1) Consulting with the Policy and Regulations Branch (PRB) before developing, revising, or amending a chapter;  
|                       | (2) Consulting with other divisions or offices affected by the policy, as necessary, and with SOL;  
|                       | (3) Writing, revising, or amending the chapter;  
|                       | (4) Seeking Directorate comments on new chapters and revised chapters that have Servicewide impacts;  
|                       | (5) Ensuring that OMB has an opportunity to review chapters that meet the threshold of “significant,” and determining whether or not to seek comment from the public; and  
|                       | (6) Determining what impacted offices should surname a final chapter. |
| D. Chief, Policy and Regulations Branch (PRB) in the Division of Policy, Economics, Risk Management, and Analytics | (1) Reviewing chapters for format and clarity;  
|                       | (2) Editing for plain language;  
|                       | (3) Working with the originating division or office to resolve issues and clarify language;  
|                       | (4) Determining if divisions or offices other than those the originating office identifies are affected, and notifying the originating office about the need for additional concurrence;  
|                       | (5) Reviewing chapters to ensure they are consistent with other Service and Departmental policies; and |
These employees… | Are responsible for…
---|---
(6) | Retaining the latest electronic copy of the chapters to ensure that the proper version gets signed and posted.

### PREPARING A DRAFT

#### 3.4 How does the division/office prepare a draft? The division or office that is responsible for the subject matter must:

**A.** Consult with other affected divisions or offices and PRB before writing the chapter or revising an existing chapter,

**B.** Use the template and guidelines provided in [011 FW 2](#) to write or revise the chapter, and

**C.** Contact PRB after you have written a draft. PRB:

1. Reviews and edits your draft chapter before others review it. This review ensures it follows the standards described in [011 FW 2](#).

2. Sends edits and comments back to you. Incorporating these will strengthen your document.

3. Does not change the substance of policy, but may make recommendations to clarify it, resolve internal inconsistencies, and make it easier to read.

### GETTING FEEDBACK

#### 3.5 How does the division/office get comments from other programs and the Regions? If a chapter is new or it’s a revision to an existing chapter that has a Servicewide impact, the author must seek review from other programs and the Regions. To get this input:

**A.** After the division/office receives and incorporates PRB’s edits and comments on the draft, it prepares a memorandum from the Director to the Directorate asking them to review the chapter.

**B.** The memorandum should include (see [Exhibit 1](#) for templates):

1. A deadline by which the Directorate must provide comments (allow at least 30 days),

2. A brief summary of the chapter (if it is new) or a description of how you revised the chapter, and

3. Contact information.
C. Following current division/office procedures and the Correspondence Handbook, the division/office prepares a surname package that includes a note to reviewers, the memorandum, and the draft chapter, and then uploads them to the Service’s Data Tracking System (DTS).

(1) The package is routed through the program’s chain of command, to any other program(s) that has significant responsibilities under the chapter, and then to PRB. PRB will insert additional routings necessary before the Director’s office.

(2) After the Director or his/her designee signs the memorandum, the Correspondence Control Unit (CCU) will electronically distribute it to the Directorate.

D. The authoring division/office incorporates Directorate comments, as appropriate. They should make notes about how they incorporated comments and give a rationale when they do not incorporate a comment. Divisions/offices may use a table to summarize the comments received and how they were incorporated (see Exhibit 2 for a sample). If only a few comments were received, the division/office may handwrite responses directly on copies of the comments or summarize them in the note to reviewers that accompanies the final surname package.

E. See sections 3.9 and 3.10 for how to prepare a final chapter and obtain the Director’s signature.

3.6 How should an author ask the Office of the Solicitor to review a chapter?

A. For new chapters and substantive revisions, authors must seek SOL’s feedback on their legal sufficiency before finalizing it for the Director’s signature. Authoring divisions/offices may involve SOL informally early, even before the chapter is sent to the Directorate for review. PRB can help divisions/offices determine when SOL should review the package.

B. It is especially important to involve SOL early for chapters that:

(1) Have legal implications (e.g., a policy that could lead to a lawsuit or public controversy, or one that involves enforcement actions, such as arrests, penalties, or fines),

(2) Include sample agreements or memorandums of understanding with partners or other third parties,

(3) Discuss ethics,

(4) Interpret regulations or law, or

(5) Include descriptions of contractual obligations.

3.7 When does an author need to seek OMB review?

A. OMB requires that we notify them about “significant” policies and give them a chance to review them. (See OMB “Agency Good Guidance Practices,” dated 1/25/2007.) OMB wants to
review a policy if we could reasonably anticipate that it might:

(1) Lead to an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or state, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of such recipients; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in Executive Order 12866, as further amended.

B. PRB maintains a list for OMB that includes descriptions of the significant draft regulations and policies the Service is working on and when they will be available for review. OMB reviews the list quarterly and informs PRB if they’d like to review a policy informally or formally. OMB may:

(1) Provide comments and corrections, and

(2) Require that we publish a policy in the Federal Register (FR) to get public input (see section 3.8).

3.8 When should an author seek public comment, and how does he/she do it?

A. If a chapter meets one of OMB’s “significant” criteria (section 3.7A), then an author should seek public comment by publishing a notice of the chapter’s availability in the FR. OMB may also require us to publish a notice of availability in the FR.

B. For some chapters, authoring program offices or the Director’s office may determine that it’s in the Service’s best interest to get public comment because the chapter will have some effect on the public or a particular sector(s) of the public (regardless of whether or not the policy meets the “significant” criteria).

C. To write an FR notice, see Part 202 of the Service Manual. PRB will help you coordinate the process and submit the notice to the Office of the Federal Register.

FINAL CONCURRENCE

3.9 How does a division/office seek concurrence on final chapters (after receiving comments from the Directorate or when Directorate comment is not necessary)? The division/office must:
A. After incorporating comments and preparing a summary of those comments, email the revised version of the chapter to PRB. PRB will review and edit the chapter again.

B. Incorporate PRB’s edits.

C. Identify who should surname the chapter (i.e., which programs are affected). Create another record in DTS that routes the chapter through the surname chain to PRB. (Contact PRB for more information to help you decide who should review the chapter.)

D. Upload the elements of the final surname package into the new DTS record (see section 3.10 for more information). Contact PRB to determine whether your package can be surnamed electronically or if you need to prepare a hard copy package.

E. Use DTS to notify the first reviewing official in the routing that the chapter is available for their surname. When the first reviewing official has read the package and approves its content, the official will surname it and route it to the next person on the list for review. If there are questions or the official would like you to revise something, they will contact you.

3.10 What are the elements of a final surname package? The final surname package is composed of the various files that reviewers need to concur on the policy. It may be totally electronic (a DTS record) until it reaches PRB, or an office can begin with a hard copy that is physically routed through the offices and tracked through DTS. Discuss requirements with the managers in your chain of command to determine which type you must prepare.

A. Put the following documents in a DTS record:

(1) A note to reviewers that explains why you wrote or revised the chapter or points out any other information you would like reviewers to know, such as when you sent the draft out for Directorate review. (See Exhibit 3 for an example.)

(2) A summary table of the comments you received (see Exhibit 2) or notations about how you addressed comments.

(3) A Clearance Record (Form DI-228) for hard copy packages only (not necessary when electronically surnaming chapters using DTS’s surname capability).

(4) A copy of the chapter and any exhibits.

(5) For revisions, a copy of the existing chapter before revision.

B. When the chapter is assigned to PRB in the final surname chain, PRB reviews the chapter and:

(1) Puts headers, footers, and a signature line at the end of the chapter;

(2) If the package is:
(a) *Entirely electronic*, prepares a hard copy, or

(b) *In hard copy*, makes any necessary corrections; and

(3) Surnames the chapter and sends it through the chain of command to CCU. CCU determines whether or not the package is ready for the Director’s review and final approval. The Director’s office also may require additional surnames outside of the Service, when necessary (e.g., in the Department, SOL, etc.).

3.11 What happens if a reviewing official does not concur with the chapter and requests changes? A reviewing official should never hold a chapter because of a disagreement. If the reviewing official takes exception to a chapter, then:

A. The reviewing official should contact the originating office to discuss and resolve the issue. If possible, the reviewing official should provide suggestions for ways to change the document to make it acceptable.

B. If you cannot resolve the issue, then the originating office should contact PRB. PRB will take one of the following actions:

(1) Act as an intermediary to try to find a way to resolve the issue.

(2) Refer the matter to the Director’s office (through the Assistant Director – Management and Administration) for resolution.

3.12 What if the author needs to make substantial changes to the document after reviewing officials have already surnamed it, but before the Director approves it? When you make substantial changes to a chapter after it has been through all or part of the surname process, you should ask offices or divisions substantially affected to re-surname the chapter. If PRB has already surnamed the document, PRB will help you coordinate the re-surnaming process.

AFTER APPROVAL

3.13 Who publishes the chapter after the Director approves it? PRB publishes the chapter on the Service Manual website. PRB will notify the originating office when they publish the chapter and will retain the original documents with signatures. PRB posts all chapters on the internet as soon as possible after the Director signs them.

3.14 Do authors need to put entire chapters through the surname process if they only want to make small changes or corrections? No. If you have a minor change, you can amend the chapter. We consider minor changes to be such things as modifying a few sentences, removing sections or subsections, correcting typographical errors, or changing titles
to reflect changes in the organization. We provide a template for amendments in 011 FW 2, Exhibit 3. The amendment must go through the surname process and be approved by the Director or his/her designee.

6/29/2020

X Aurelia Skipwith
Aurelia Skipwith
Director
Signed by: AURELIA SKIPWITH