

**FISH AND WILDLIFE SERVICE
NATURAL AND CULTURAL RESOURCES MANAGEMENT**

Natural and Cultural Resources Management

Part 614 Cultural Resources Management

Chapter 1 Overview of Managing Cultural Resources

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1.1 What is the purpose of this chapter?

A. This chapter:

(1) Establishes U.S. Fish and Wildlife Service (Service) policy for managing cultural resources for lands, facilities, and programs we administer; and

(2) Provides the authorities, definitions of terms, and responsibilities for all the chapters in Part 614, Cultural Resources Management.

B. Table 1-1 summarizes the chapters in Part 614.

| Table 1-1: Summary of the Chapters in Part 614, Cultural Resources Management | |
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| 614 FW 1 | Overview of Managing Cultural Resources |
| 614 FW 2 | How the Cultural Resources Program Ties into Other Service Programs |
| 614 FW 3 | Compliance with Section 106 of the National Historic Preservation Act |
| 614 FW 4 | Authorization to Use Cultural Resources for Research and Study |
| 614 FW 5 | Interpreting Cultural, Archeological, and Paleontological Resources for the Public |
| 614 FW 6 | Tribal Consultation under Cultural Resources Authorities |

1.2 What are the objectives of the Service's cultural resources program? The cultural resources program objectives are to:

A. Recognize the intrinsic value of the Service's cultural resources by properly protecting and maintaining them in compliance with historic preservation legislation and Departmental policy;

B. Plan for the potential public and scientific use of Service-managed cultural resources for the benefit of present and future generations;

C. Maintain and preserve unique cultural resources and make them applicable to our ongoing natural resource and wildlife conservation mission;

D. Identify, evaluate the importance of, and seek the appropriate protective designation of cultural resources in compliance with existing legal requirements, regulations, and professional standards;

E. Ensure that when we are conducting activities to meet the Service's mission and program goals, we do not inadvertently transfer, sell, demolish, or alter our cultural resources until we can adequately identify them, evaluate impacts, and make informed decisions and necessary plans;

F. Prevent or avoid damage and deterioration to cultural resources that result from erosion, abandonment, lack of maintenance, and neglect;

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G. Encourage and enhance educational, interpretive, and research opportunities for Service cultural resources consistent with overall Service management objectives;

H. Ensure employees recognize the importance of cultural resources to habitat and land management issues and safeguard them so that the Service can maximize opportunities to enhance the public's knowledge and understanding of the environmental and cultural contexts of conservation; and

I. Protect and manage cultural resources that are important for maintaining the traditional culture of Native American tribes, Native Hawaiians, Alaska natives, and other traditional communities.

1.3 What is the scope of the Service's cultural resources program?

A. Service cultural resources include archaeological resources (prehistoric and historic), historic and architectural properties, and areas or sites of traditional or religious significance to Native Americans, Native Hawaiians, and Alaska natives.

B. The activities covered by Part 614 include any Federal, federally assisted, or federally licensed project, activity, or program.

1.4 What is the Service's overall cultural resources policy? The Service recognizes cultural resources as fragile, irreplaceable assets with potential public and scientific uses, representing an important and integral part of the heritage of our Nation and descendant communities. It is our policy to identify, protect, and manage cultural resources located on our lands and affected by what we do (i.e., any Service, Service-assisted, or Service-licensed or permitted project, activity, or program), in a spirit of stewardship and in compliance with cultural resources legislation for future generations. The Service must:

A. Manage these resources so that the sites, buildings, structures, objects, and properties are sufficiently protected for present or future scientific study, public appreciation, and socio-cultural use;

B. Fully consider cultural resources during the appropriate stages of Service-administered or assisted activities, such as:

(1) Permitted "takings;"

(2) Financial and technical assistance to non-Federal entities;

(3) Construction projects;

(4) Land use or resource planning and management actions; and

(5) Asset management activities, such as real property acquisition and disposal, Deferred Maintenance (DM), and habitat restoration; and

C. Protect cultural resources consistent with Federal law, regulations, and policies.

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1.5 What are the authorities for this and the other chapters in Part 614?

- A.** Abandoned Shipwreck Act of 1987 (43 U.S.C. 2101-2106).
- B.** American Battlefield Protection Act of 1996 (54 U.S.C. 308101-308103).
- C.** American Indians Religious Freedom Act (42 U.S.C. 1996, 1996a).
- D.** Antiquities Act (16 U.S.C. 431-433).
- E.** Archeological and Historic Preservation Act (16 U.S.C. 469-469c).
- F.** Archaeological Resources Protection Act, as amended (16 U.S.C. 470aa-470mm).
- G.** Coastal Zone Management Act of 1972 (16 U.S.C. 1451-1466)
- H.** Curation of Federally Owned and Administered Archeological Collections (36 CFR 79).
- I.** Executive Order 13007, Indian Sacred Sites.
- J.** Executive Order 13175, Consultation and Coordination with Indian Tribal Governments.
- K.** Executive Order 13287, Preserve America.
- L.** Government Performance and Results Act (P.L. 103-62).
- M.** Historic Sites, Buildings, and Antiquities Act (54 U.S.C. 320101-320106).
- N.** National Environmental Policy Act (42 U.S.C. 4321-4347).
- O.** National Historic Preservation Act (NHPA) (54 U.S.C. 300101).
- P.** National Trails System Act (16 U.S.C. 1241).
- Q.** National Wildlife Refuge System Improvement Act of 1997 (P.L. 105-57).
- R.** National Wildlife Refuge System Volunteer Act of 2004 (P.L. 108-327).
- S.** Native American Graves Protection and Repatriation Act (25 U.S.C. 3001-3013).
- T.** Paleontological Resources Preservation Act (P.L. 111-011, Title VI, Subtitle D).
- U.** Preserve America and Save America's Treasures Act (54 USC 311101-311105; 54 USC 308901-308905).
- V.** Protection of Archaeological Resources (43 CFR 7).
- W.** Protection of Historic Properties (Advisory Council on Historic Preservation) (36 CFR 800).

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X. Sunken Military Craft Act (10 U.S.C. 113).

1.6 What terms do you need to know to understand this and the other chapters in Part 614?

A. Advisory Council on Historic Preservation. The NHPA established the Advisory Council on Historic Preservation in 1966. Its members serve as the primary policy advisors to the President and Congress on historic preservation issues. The Council reviews and comments on Federal or federally assisted undertakings (see section 1.6N for a definition of “undertakings”).

B. Cultural Resources. Cultural resources is a general phrase that describes a wide variety of resources, including, but not limited to, archaeological sites, isolated artifacts, features, records, manuscripts, historical sites, and traditional cultural properties. Cultural resources include:

(1) Archaeological Resources. An archaeological resource is any material remains of past human life or activity more than 100 years old that is of archaeological interest (also see 43 CFR Part 7.3).

(2) Historic Property. Historic property is any significant or important cultural resource, prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places. This includes artifacts, records, and remains that are related to and located within such properties.

(3) Objects of Antiquity. An object of antiquity is any object of historic or archaeological interest protected by the Antiquities Act and 43 CFR Part 3.

(4) Cultural Items. Cultural items are Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony that can reasonably be associated with a Native American Indian tribe, Native Hawaiian, or Alaska native organization, or individual descendants of Native Americans. The Native American Graves Protection and Repatriation Act of 1990 and its implementing regulations define cultural items.

(5) Traditional Cultural Property. Traditional cultural properties are properties that are associated with the cultural practices, traditions, beliefs, arts, crafts, or social institutions of a living community. These properties are eligible for the National Register (see section 1.6H).

(6) Sacred Sites. A sacred site is any specific, discrete, narrowly delineated location on Federal land that is sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion. A Native American tribe or an individual who is an appropriately authoritative representative of a Native American religion identifies these sites.

(7) Heritage Assets. A heritage asset is a collectible or non-collectible property with intrinsic historic, architectural, cultural, or archeological value.

(8) Cultural Landscapes. A cultural landscape is a geographic area (including both cultural and natural resources) associated with a historic event, activity, or person or exhibiting other cultural

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or aesthetic values. It can include historic sites, historic designed landscapes, vernacular landscapes, or ethnographic landscapes.

C. Cultural Resource Management Plan. A cultural resource management plan specifies a long-term program for administering important cultural resources that are in need of major protection and maintenance.

D. Cultural Resource Overview. A cultural resource overview is a document prepared for a field office that discusses, among other things:

- (1) Its prehistory and cultural history,
- (2) The nature and extent of known cultural resources,
- (3) Previous research,
- (4) Management objectives,
- (5) Resource management conflicts or issues, and
- (6) How cultural resources program objectives should be met and conflicts resolved.

E. Heritage Education. Heritage education is the method of presenting the cultural heritage, particularly the physical past (i.e., historic items or replicas), to the public to enhance people's understanding of the past.

F. Heritage Tourism. Heritage tourism is the business and practice of attracting and accommodating visitors to a place or area based on the unique or special aspects of that locale's history, landscape (including trail systems), and culture.

G. National Historic Landmark. A National Historic Landmark is a site, district, building, structure, or object that the Secretary of the Interior determines to have national significance in American history, archaeology, architecture, engineering, or culture (see 36 CFR 65). A National Historic Landmark may be publicly or privately owned.

H. National Register. The National Park Service maintains the National Register of Historic Places for the Secretary of the Interior under the authority of the NHPA. It is a register of districts, buildings, structures, and objects having national, State, or local significance in American history, architecture, archaeology, and culture.

I. Paleontological Resources. Paleontological resources are fossilized remains, traces, or imprints of organisms preserved in or on the earth's crust that provide information about the history of the earth. If these resources are found in direct association with archaeological materials protected by the Archaeological Resources Protection Act, they are distinct from cultural resources and protected by the Paleontological Resources Protection Act.

J. Public Interpretation. Public interpretation involves arranging information about a particular resource into a meaningful sequence, narrative, or presentation. The goal of public

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interpretation is to put the significance of the resource into context for the visitor, not merely provide disconnected statistics, dates, or technical terms. The medium can include, but is not limited to, text panels, tours, or virtual reality applications. Public interpretation always provides information about the resource that would be unavailable through visual inspection alone.

K. Qualified Professional.

(1) When using the term ‘qualified professional’ in Part 614, it means an individual who meets the applicable professional qualifications standards described in:

- (a) The Secretary of the Interior's "[Standards and Guidelines for Archeology and Historic Preservation](#)" that state general qualifications required to perform identification, evaluation, registration, and treatment of cultural resources;
- (b) 43 CFR 7.8 for the excavation and removal of archaeological resources;
- (c) 36 CFR 79 for the curation of cultural resources; and
- (d) Other professional standards, as required.

(2) These standards apply to any professional, including Service staff, involved in the protection of cultural, historic, and paleontological resources and the execution of our compliance responsibilities.

L. State Historic Preservation Officer. The State Historic Preservation Officer is the State employee responsible for working with Federal agencies to implement the provisions of the NHPA. He/she is an essential part of the consultation process related to the effects of our undertakings on historic properties. When we are conducting activities on historic properties, we must formally seek advice or confer with the State Historic Preservation Officer and the Advisory Council on Historic Preservation (see 36 CFR 800 and section 1.6A). Although this consultation is required, the decision-making authority remains with the Service.

M. Tribal Historic Preservation Officer. The Tribal Historic Preservation Officer is a member or an employee of a federally recognized tribe who is responsible for working with Federal agencies to implement the provisions of the NHPA when Federal activities occur on or affect tribal lands. The tribe decides whether or not to participate in the program.

N. Undertakings. The NHPA defines ‘undertakings’ as a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency. Undertakings include those activities:

- (1) Carried out by or on behalf of the Service;
- (2) Carried out with Service financial assistance; and
- (3) Requiring a Service permit, license, or approval.

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1.7 Who is responsible for the cultural resources management program in the Service?

Table 1-2 describes the cultural resources management responsibilities of Service employees.

| Table 1-2: Responsibilities for the Cultural Resources Management Program | |
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| These employees... | Are responsible for... |
| A. The Director | <p>(1) Ensuring that employees identify, evaluate, and appropriately protect cultural resources for which we are responsible and as is consistent with our overall mission and individual program responsibilities; and</p> <p>(2) Ensuring that the Service takes part in Government-to-Government consultation with pertinent federally recognized tribes for those cultural resources activities that may affect them.</p> |
| B. The Chief – National Wildlife Refuge System (NWRS) | <p>(1) Overseeing and implementing the Service’s cultural resources program,</p> <p>(2) Ensuring that the Federal Preservation Officer develops Servicewide cultural resources policy and addresses Service cultural resources issues, and</p> <p>(3) Coordinating with other Service programs and offices to ensure overall compliance with the policies in Part 614.</p> |
| C. Regional Directors | <p>(1) Ensuring that proposed and on-going cultural resources activities are administered according to appropriate statutes and regulations;</p> <p>(2) Signing memorandums of agreement and other official interagency correspondence related to compliance with 36 CFR 800, unless he/she has re-delegated the authority in writing to someone else in the Region; and</p> <p>(3) Issuing permits under the Archaeological Resources Protection Act, the Antiquities Act, and the Paleontological Resources Preservation Act for work on lands under Service jurisdiction, unless he/she has re-delegated the authority in writing to someone else in the Region.</p> |
| D. Service Federal Preservation Officer | <p>(1) Advising the Director, the Chief – NWRS, and Regional Directors regarding mission-related activities and their potential risks to cultural resources and to the Service;</p> <p>(2) Assisting the Regions and Headquarters (HQ) programs with cultural resource management requirements and guidance;</p> <p>(3) Maintaining a satisfactory level of job-related training (e.g.,</p> |

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| Table 1-2: Responsibilities for the Cultural Resources Management Program | |
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| These employees... | Are responsible for... |
| | <p>training established by the Secretary under the NHPA);</p> <p>(4) Coordinating with other officials (other Federal agencies or State and tribal partners) as required under the NHPA; and</p> <p>(5) Developing Servicewide cultural resources policy and guidance and keeping it up-to-date.</p> |
| E. Service Deputy Federal Preservation Officer | <p>(1) Working with the Federal Preservation Officer on cultural resource management standards and guidance; budget formulation and execution; and issues involving risks to resources, the inventory, evaluation, protection, curation, and overall management of cultural resources;</p> <p>(2) Providing technical assistance to Regional offices, Project Leaders, and other HQ programs upon request (i.e., expertise on all aspects of the compliance process and for archaeological and historical research);</p> <p>(3) Coordinating the development and Servicewide implementation of cultural resource requirements in cooperation with the National Park Service, the Advisory Council on Historic Preservation, and other agencies;</p> <p>(4) Developing national training for Service staff on cultural resources; and</p> <p>(5) Communicating regularly with the Regional Historic Preservation Officers on our cultural resources compliance activities.</p> |
| F. Regional Historic Preservation Officers (RHPOs) | <p>(1) Advising the Regional Director and Assistant Regional Directors about mission-related activities and their potential risks to cultural resources and to the Service;</p> <p>(2) Maintaining a satisfactory level of job-related training (e.g., training as established by the Secretary under the NHPA);</p> <p>(3) Providing Regional training on cultural resources upon request;</p> <p>(4) Serving as the primary point of contact for professional advice and technical assistance on cultural resource management activities and for formal consultations with State and Tribal Historic Preservation Officers and the Advisory</p> |

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| Table 1-2: Responsibilities for the Cultural Resources Management Program | |
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| These employees... | Are responsible for... |
| | <p>Council on Historic Preservation; and</p> <p>(5) Coordinating with any local non-Service cultural resources staff we may use to help with cultural resources projects, and reviewing their findings for presentation to the Regional Director.</p> |
| <p>G. Project Leaders/ Field Station Managers or non-NWRS program staff</p> | <p>(1) Ensuring that cultural resources on Service lands and facilities, or that are affected by our undertakings, are appropriately preserved, protected, and given consideration to the fullest extent possible within their management objectives; and</p> <p>(2) Consulting with the RHPO on the following:</p> <ul style="list-style-type: none"> (a) Enforcing laws and regulations to ensure the protection of cultural resources; (b) Reporting violations of the Archaeological Resources Protection Act and the Antiquities Act to appropriate Service law enforcement personnel and to the RHPO for investigation; (c) Reporting when he/she finds cultural resources at the field station; (d) Reporting maintenance, stabilization, and protection needs for cultural resources to the Regional office and incorporating these needs into budgetary and land use planning processes by entering them into Service Asset and Maintenance Management System (SAMMS) databases; (e) Notifying the RHPO as soon as possible during the planning stage of any project to modify, demolish, restore, divest, or lease buildings, bridges, and other structures; (f) Referring requests for research, investigation, excavation, or removal of cultural resources to the RHPO; (g) Issuing Special Use Permits, as appropriate and with the advice of the RHPO, to people who have asked to conduct cultural resource studies and research; (h) Responding to requests for information on cultural resource activities from the Regional office to meet |

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| Table 1-2: Responsibilities for the Cultural Resources Management Program | |
|---|--|
| These employees... | Are responsible for... |
| | legislative reporting requirements; (i) Regulating visitor use on sensitive cultural resources; (j) Strategizing with the RHPO to identify the best solutions for undertakings affecting cultural resources to minimize impacts to them and to ensure a proper level of consultation takes place; and (k) Establishing regular communication with appropriate Native American tribes, including Native Hawaiians and Alaska natives, on the status and management of cultural resources and Service undertakings. |

1.8 Where can employees find cultural resources guidance in addition to that in Part 614?

Service staff can find more information about our cultural resources program and requirements on our [Web site](#), from the Deputy Federal Preservation Officer, and from their servicing RHPO.

/sgd/ Stephen Guertin
DEPUTY DIRECTOR

Date: August 9, 2016