

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

2.1 What is the purpose of this chapter? This chapter describes:

A. The relationship between the U.S. Fish and Wildlife Service’s (Service) cultural resources program and the activities of other Service programs when those activities may affect cultural or historic preservation, and

B. The kinds of information and cooperation that is useful for Service program staff.

2.2 What is the objective of the chapter? Our objective is to promote positive communication between the cultural resources program and those it serves. Communication among programs is important not only for managing cultural resources and complying with laws, regulations, and policies, but also for meeting our overall stewardship goals.

A. See Table 2-1 for information about the programs this chapter discusses.

Table 2-1: Service Activities Covered in this Chapter	
Program	Section
Fire	2.5
Financial Assistance Awards	2.6
Permits	2.7
Portfolio Management (facilities and transportation activities)	2.8
Land	2.9
Other Day-to-Day Management Activities	2.10

B. If a particular Service program, action, or activity is **not** covered by a section in this chapter, it does not mean that it is exempt from National Historic Preservation Act (NHPA) review. Service staff must communicate with their Regional Historic Preservation Officer (RHPO) or the Federal Preservation Officer in Headquarters (HQ) to determine what, if any, requirements there may be for their project(s).

2.3 What are the authorities, definitions of terms, and responsibilities for this chapter?

See 614 FW 1 for information about the authorities, terms used, and responsibilities for all the chapters in Part 614.

2.4 In general, what does Section 106 of the NHPA require of all Service programs?

A. When an activity or project we are performing, managing, or providing Federal assistance for meets the NHPA’s definition of an “undertaking” (see 614 FW 1.6), then we must meet our obligations under NHPA.

B. See 614 FW 3, Compliance with Section 106 of NHPA, for more detailed information about the NHPA review process.

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2.5 How do prescribed burning and other fire-related activities affect cultural resources?

A. Remember:

- (1) The Federal Wildland Fire Management Policy of 1995 requires that we develop Fire Management Plans.
- (2) Fire program activities, which include developing Fire Management Plans that describe such activities as prescribed burns, are undertakings. Because they are undertakings, they require compliance with NHPA.

B. What to do:

- (1) The fuels management specialists who plan and implement prescribed fires and related activities must, as soon as a prescribed fire is proposed and with as much lead time as possible, notify the RHPO of the proposed burn.
- (2) The RHPO reviews the information to assess Section 106 compliance needs. See 614 FW 3 for detailed information about the process.

2.6 How does issuance of a financial assistance award affect cultural resources?

A. Remember: When we award funds to non-Federal organizations for activities that will be conducted in the United States, including U.S. embassies and military installations in foreign countries, those activities are undertakings and must comply with Section 106 of NHPA (see 519 FW 2, Compliance Requirements Summary).

B. What to do:

- (1) Financial assistance staff, in consultation with their RHPO, must determine whether a recipient's activities have the potential to affect historic resources, and for those that do, initiate the Section 106 review process. The Section 106 process is described in detail in 614 FW 3.
- (2) Financial assistance recipients must provide us any documentation of Section 106 compliance that they have already completed for the project. Service staff must review the documentation before the recipient may begin any potentially impactful activities to ensure that there are plans in place if there is a potential impact that must be resolved. If the recipient does not have such documentation, we must initiate consultation under Section 106.
- (3) We strongly encourage Service programs who make awards to ensure all legally required compliance reviews are complete before obligating funds. Staff administering financial assistance awards must make it clear to applicants that they must comply with the NHPA and other regulatory authorities.
- (4) There is training available for applicants about complying with NHPA (e.g., the Service's Cultural Resources Overview course (CLM2117) offered through the National Conservation Training Center (NCTC), and the Advisory Council on Historic Preservation's applicant [tool kit](#)).

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(5) While the Service remains legally responsible for NHPA compliance, it may delegate certain activities, such as site visits and identifications, to applicants or their designees as part of the NHPA compliance process.

(6) The Service cannot delegate the tribal consultation portion of the Section 106 process without express permission (in writing) from the tribe(s) potentially affected.

(7) The Service must always initiate, preside over, and complete the NHPA consultation process (see 614 FW 3). We are responsible for making all final decisions developed during NHPA consultation.

2.7 How does issuance of a permit affect cultural resources?

A. Remember: Issuing any type of permit is an undertaking under NHPA and requires initiation of the Section 106 process. We must identify any historic properties, assess effects, and resolve any adverse effects.

B. What to do:

(1) Permitting staff must determine whether an applicant's activities have the potential to affect historic resources, and for those that do, initiate the Section 106 review process (see 614 FW 3 for detailed information about the process).

(2) Service staff, in consultation with their RHPO, must identify the appropriate level of compliance when reviewing the project proposal, the permit application, and any additional documentation provided as part of the permit application.

(3) While the Service is legally responsible for NHPA compliance, program staff may use consultants for site visits and evaluations and the services of the permit applicants or their designees to effectively and efficiently comply with NHPA.

(4) The Service cannot delegate tribal consultation for the Section 106 process unless there is an agreement in writing with the potentially affected tribe(s).

2.8 How do portfolio and asset management affect cultural resources?

A. Remember:

(1) Construction, rehabilitation, Deferred Maintenance (DM), transportation, and deconstruction activities on refuges, fish hatcheries, and research facilities are undertakings under NHPA and require Section 106 compliance. These undertakings include projects we complete under our force account, construction contracts, youth programs, cooperative agreements, matching grants, Federal Assistance, and private lands partnership programs. See 372 FW 1-7 for more information on how we manage constructed real property assets.

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(2) Service staff must indicate in official documentation authorizing the transfer or disposal of Service real property if it is a historic property, or if it contains or is likely to contain historic properties, appropriate conditions to ensure continued compliance with NHPA, unless:

- (a)** Staff have satisfactorily completed the NHPA review prior to transfer or disposal, or
- (b)** Staff are transferring the property to another Government agency that must comply with the same historic preservation standards that apply to the Service.

B. What to do: Activities such as, but not limited to, construction, deconstruction, new or expanded development, and exchange or disposal are undertakings under NHPA. They require program staff to contact their RHPO and begin the NHPA review process. See 614 FW 3 for detailed information about the NHPA process.

2.9 How do land acquisition and disposal affect cultural resources?

A Remember:

(1) Under NHPA, land acquisition is not an undertaking with the potential to affect historic properties. However, acquired land may contain significant cultural resources. Program staff and the RHPO should work together to review acquisitions to determine what cultural resources may be present so that proper planning can ensue.

(2) Disposal or exchanges of land are undertakings that do have the potential to affect historic properties, so they require compliance with Section 106 of NHPA.

B. What to do:

(1) For land acquisition, an RHPO review during the initial project planning stages (e.g., as part of a contaminants survey) will help identify historic properties that could be adversely affected by our planned activities.

(2) The RHPO can:

- (a)** Provide information to help with planning for the management of newly acquired historic properties, and
- (b)** Work with Service staff to ensure that other Federal agencies complete cultural resource inventories, evaluations, and mitigation work on cultural resources that may be required before we acquire (or dispose of or exchange) a property. See 614 FW 3 for detailed information about the process.

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2.10 How do general, day-to-day refuge or hatchery management activities affect cultural resources?

A. Remember:

(1) Any management activity that has the potential to impact the surface of the ground or affect a standing structure has the potential to affect a cultural resource. Such activities would be considered undertakings under the NHPA, so they require compliance with Section 106.

(2) Environmental effects, which can be exacerbated by climate change, such as aridity, flooding, and erosion, also have the potential to affect cultural resources and trigger the NHPA review process.

B. What to do: Field station staff (from both the Refuges and Hatchery programs) must involve the RHPO early in planning discussions to ensure full consideration of measures to protect cultural resources and to initiate the NHPA review process. See 614 FW 3 for detailed information about the process.

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