

Laws and Policies		
SECTION 1: Environmental, Cultural Resources, and Animal Welfare		
<p><b>1.a. Clean Water Act of 1977, Section 404, as amended</b></p> <p><b>Original Statute:</b> 86 Stat. 816</p> <p><b>U.S. Code:</b> <a href="#">33 U.S.C. 1344</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">33 CFR 323</a> <a href="#">40 CFR 230–233</a></p> <p><b>Executive Order (EO):</b> <a href="#">EO 13547</a></p> <p><b>Departmental Manual:</b> <a href="#">516 DM 8</a></p> <p><b>Service Manual:</b> <a href="#">561 FW 3</a></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p>	<ul style="list-style-type: none"> <li>Regulates discharge of dredged or fill material into navigable waters of the United States (U.S. waters), including tributaries to navigable waters, interstate wetlands, wetlands affecting interstate or foreign commerce, and wetlands adjacent to U.S. waters.</li> <li>The Army Corps of Engineers administers day-to-day operation of the program under section 404; the Environmental Protection Agency (EPA) provides program oversight for both section 401 (certification from State where pollution originates) and section 404.</li> <li>Activities in U.S. waters regulated under the act include:               <ul style="list-style-type: none"> <li>Fill for development,</li> <li>Water-resource projects, such as dams and levees,</li> <li>Infrastructure development, such as access roads for recreation or resource management, and</li> <li>Mining projects.</li> </ul> </li> <li>Requires a permit for discharge of dredged or fill material into U.S. waters, unless activity is exempt under the act (e.g., certain farming and forestry activities).</li> </ul>
	<p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>We review proposed actions to decide if grant activities would result in discharge of dredged or fill material into U.S. waters, including wetlands.</li> <li>Grant activities that may require a permit include dredging, bank stabilization, coastal-wetland restoration, in-water construction, and maintenance of boating facilities.</li> <li>The Army Corps of Engineers may conduct National Environmental Policy Act, Endangered Species Act, and National Historic Preservation Act compliance as part of the permit-issuance process. We may use compliance documents that the Corps prepares to satisfy regulatory requirements under those acts if they meet the standards in the acts' implementing regulations. See 40 CFR 1506.3 for requirements specific to adopting a draft or final environmental impact statement (EIS) or a portion of one.</li> <li>By submitting signed SF 424B or SF 424D forms, applicants certify that they will comply with the act, including application for and receipt of a permit before project implementation, as required.</li> </ul>
	<p><b>Where to find Additional Information</b></p>	<p>U.S. Fish and Wildlife Service, Clean Water Act, Section 404, 33 U.S.C. 1344, on the <a href="#">Service's Web site</a> or <a href="#">EPA's site</a>.</p> <p><a href="#">EPA guidance to evaluate activities under Section 404.</a></p> <p><a href="#">Corps of Engineers Wetland Delineation Manual.</a></p>

<p><b>1.b. Coastal Zone Management Act (CZMA) of 1972, as amended</b></p> <p><b>Original Statute:</b> 86 Stat. 1280</p> <p><b>U.S. Code:</b> <a href="#">16 U.S.C. 1451</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">15 CFR 923 et. seq.</a></p> <p><b>Executive Order:</b> Not applicable</p> <p><b>Departmental Manual:</b> <a href="#">516 DM 8</a></p> <p><b>Service Manual:</b> <a href="#">613 FW 3</a></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p>	<ul style="list-style-type: none"> <li>Facilitates development of State Coastal Zone Management Plans.</li> </ul>
	<p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>Projects that affect the coastal zone must be consistent with the State-approved programs developed under the act. We must confirm that the official or entity designated by the Governor to make consistency determinations has determined that the project is consistent with these programs before we award the grant.</li> <li>We review proposed actions in coastal zone management areas to ensure that there are no practical alternatives outside the coastal area and to ensure the grantee minimizes potential harm.</li> <li>By submitting signed SF 424B or SF 424D forms, applicants certify that they will comply with the act.</li> </ul>
	<p><b>Where to find Additional Information</b></p>	<p><a href="#">15 CFR 930</a>, Federal Consistency with Approved Coastal Management Programs,   Department of Commerce, <a href="#">National Oceanic and Atmospheric Administration site for comprehensive Coastal Zone Management Act information.</a></p>

<p><b>1.c.</b> <b>Coastal Barriers Resources Act, as amended by the Coastal Barrier Improvement Act (CBRA) of 1990, as amended</b></p> <p><b>Original Statute:</b> 96 Stat. 1653</p> <p><b>U.S. Code:</b> <a href="#">16 U.S.C. 3501</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">44 CFR 71</a></p> <p><b>Executive Order:</b> Not applicable</p> <p><b>Departmental Manual:</b> <a href="#">516 DM 8</a></p> <p><b>Service Manual:</b> <a href="#">651 FW 1</a></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p>	<ul style="list-style-type: none"> <li>• Establishes the John H. Chafee Coastal Barrier Resources System, which includes undeveloped coastal barrier islands and other areas in the Atlantic Ocean, Caribbean Sea, Gulf of Mexico, and Great Lakes.</li> <li>• Restricts Federal financial assistance that would support development in the system, with potential exceptions for:             <ul style="list-style-type: none"> <li>○ The study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats and related lands;</li> <li>○ Stabilization projects for fish and wildlife habitats, including nonstructural shoreline stabilization designed to mimic, enhance, or restore a natural stabilization system;</li> <li>○ Recreational projects;</li> <li>○ Establishment, operation, and maintenance of navigational aids and devices, and access to them; and</li> <li>○ Fish and wildlife research.</li> </ul> </li> </ul>
	<p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>• The act requires grantees to consult with us on activities that it regulates.</li> <li>• We may ask for additional information from potential grantees to clarify proposed activities and whether consultation is required.</li> <li>• We must also consult with the Assistant Director–Fish and Aquatic Conservation on proposed activities regulated by the act.</li> </ul>
	<p><b>Where to find Additional Information</b></p>	<p><a href="#">50 CFR 84</a>, National Coastal Wetlands Conservation Grant Program.</p> <p><a href="#">Additional data on CBRA maps, background, and management.</a></p>
<p><b>1.d.</b> <b>Endangered Species Act of 1973, as amended</b></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p>	<ul style="list-style-type: none"> <li>• Provides guidance on how or where to find the protection status of rare, threatened, or endangered species of plants and animals.</li> <li>• Directs Federal agencies to extend and maintain these protections.</li> <li>• Authorizes States and Federal listing agencies to enter into conservation agreements.</li> <li>• Directs Federal agencies to further the purposes of the act and to ensure that Federal actions do not jeopardize the continued existence of listed species or adversely modify critical habitats.</li> </ul>

<p><b>Original Statute:</b> 87 Stat. 884</p> <p><b>U.S. Code:</b> <a href="#">16 U.S.C. 1531 et. seq.</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">50 CFR 402</a></p> <p><b>Executive Order:</b> <a href="#">EO 11911</a></p> <p><b>Departmental Manual:</b> <a href="#">632 DM 1</a></p> <p><b>Service Manual:</b> <a href="#">521 FW 4</a></p>	<p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>• Grantees may charge the costs of compliance to grants.</li> </ul> <ul style="list-style-type: none"> <li>• Endangered Species program policy describes our responsibilities when the Regional Director (RD) or Assistant Director (AD) delegates signature authority and responsibilities for Intra-Service section 7 determinations, which is also referred to as "Extension of the Redelegation of Authority for Intra-Service ESA section 7 Findings."</li> <li>• Even if RDs or ADs retain signature authority and responsibilities, we must assist with intra-Service section 7 determinations by evaluating proposed grant activities for potential effects on: (a) listed species, species proposed for listing, candidate species, and their habitats; and (b) effects on proposed or designated critical habitats. We must review enough information to assess whether the action may affect the species' population, reproductive capability, food, cover, pollinators, symbiotic relationships, predators, competitors, or other biological factors. For designated or proposed critical habitat, the assessment should address the potential effect on important components of critical habitat (some of which may be identified as constituent elements) and the conservation role of the critical habitat unit. We must use the intra-Service section 7 biological evaluation form or prepare a biological assessment to document potential effects on listed species and critical habitat.</li> <li>• Based on the evaluation described above, the WSFR Regional office may determine that grant activities will have "no effect" or "may affect-not likely to adversely affect" ESA-listed, proposed, or candidate species. We may also decide whether actions will adversely modify proposed critical habitat. An RD may delegate to a WSFR division chief the authority and responsibility to make that determination if: (a) a proposal will result in a determination of "<i>no effect</i>" <b>OR</b> "<i>may affect—not likely to adversely affect,</i>" and (b) critical habitat will not be adversely modified.</li> <li>• If a proposed grant will result in a determination (a) of "<i>may affect-likely to adversely affect</i>" ESA-listed/proposed/candidate species or (b) that the designated or proposed critical habitat may be adversely modified, we must prepare a Biological Opinion/Conference Opinion (BO/CO) and make a finding regarding jeopardy, destruction, or adverse modification of designated/proposed critical habitat. If the RD retains signature authority for BOs/COs in the Ecological Services program, we send a finding of "<i>no jeopardy and no destruction or adverse modification of designated/proposed critical habitat</i>" to the Ecological Services program for review and signature. If the RD delegates signature authority for BOs/COs, we review and sign the BO/CO.</li> <li>• If a proposed grant will result in a determination of "<i>may affect-likely to adversely affect</i>" ESA-listed or proposed species, the designation "<i>jeopardy or destruction or adverse modification of designated/proposed critical habitat</i>" applies, and if no delegation of authority is possible, we have four options: <ul style="list-style-type: none"> <li>○ Work with the Ecological Services program to modify the action to avoid jeopardy and destruction or adverse modification of critical habitat;</li> <li>○ Implement the reasonable and prudent alternative(s) in the biological opinion;</li> <li>○ Refrain from funding, approving, or undertaking the project; or</li> </ul> </li> </ul>
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	<b>Where to find Additional Information</b>	<p><a href="#">Director's Memorandum to Regional Directors, Guidance for Conducting ESA Section 7 Consultations on Federal Assistance Grants to States, August 23, 2004.</a></p> <p><a href="#">Endangered Species Consultation Handbook</a>, Procedures for Conducting Consultation and Conference Activities under Section 7 of the ESA, FWS/ National Marine Fisheries Service, March 1998.</p> <p><a href="#">50 CFR 402</a>, Interagency Cooperation– Endangered Species Act of 1973, as amended.</p> <p>ESA of 1973, as amended, <a href="#">16 U.S.C. 1531 et seq.</a></p> <p><a href="#">EO 13175</a>, Consultation and Coordination with Indian Tribal Governments.</p>
<b>1.e. Floodplains and Wetlands Protection</b>  <u>Statute:</u> Not applicable  <u>U.S. Code:</u> Not applicable  <u>Code of Federal</u>	<b>Requirements, Prohibitions, or Relevant Information</b>	<ul style="list-style-type: none"> <li>● Prohibits use of Federal funds for projects affecting floodplains or wetlands unless there are no practical alternatives outside the floodplain or wetland and only if the grantee takes actions to minimize the adverse effects.</li> </ul>
	<b>Effects on WSFR Management</b>	<ul style="list-style-type: none"> <li>● We review proposed actions in floodplains or wetlands to ensure that there are no practical alternatives outside the floodplain or wetland, and to ensure the grantee minimizes potential harm.</li> <li>● If there are no practical alternatives, WSFR must ensure grantees minimize the adverse effects in their project plans.</li> <li>● By submitting signed SF 424B or SF 424D forms, applicants certify that they will comply with the regulations.</li> </ul>

<p><b>Regulations:</b> <a href="#">44 CFR 9</a></p> <p><b>Executive Order:</b> <a href="#">EO 11988</a> <a href="#">EO 11990</a></p> <p><b>Departmental Manual:</b> <a href="#">520 DM 1</a></p> <p><b>Service Manual:</b> <a href="#">613 FW 1</a></p>	<p><b>Where to find Additional Information</b></p>	<p><a href="#">Departmental Manual, 520 DM 1</a>, Floodplain Management/Wetlands Protection Procedures.</p>
<p><b>1.f. National Invasive Species Act of 1996</b></p> <p><b>Statute:</b> 110 Stat. 4073</p> <p><b>U.S. Code:</b> <a href="#">16 U.S.C. 4701</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">3 CFR, 1977</a></p> <p><b>Executive Order:</b> <a href="#">EO 13112</a> <a href="#">EO 11987</a></p> <p><b>Departmental Manual:</b> <a href="#">516 DM 8</a></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p>	<ul style="list-style-type: none"> <li>• Invasive species are alien species occurring in areas outside their historical range or ecosystem. The introduction of invasive species in new areas causes or is capable of causing economic or environmental harm or harm to human health. An <i>alien species</i> means any species that is not native to the ecosystem, including its seeds, eggs, spores, or other biological material capable of propagation.</li> <li>• The EOs listed to the left: <ul style="list-style-type: none"> <li>○ Require Federal agencies whose actions may affect the status of invasive species to identify those actions and use their resources and authorities to: <ul style="list-style-type: none"> <li>▪ Prevent introductions of invasive species,</li> <li>▪ Detect and respond rapidly to control invasive species populations,</li> <li>▪ Monitor populations of invasive species,</li> <li>▪ Restore native species,</li> <li>▪ Conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control, and</li> <li>▪ Promote public education on invasive species and ways to manage them.</li> </ul> </li> <li>○ Prohibit Federal agencies from funding actions that spread, introduce, or promote introduction of invasive species unless the benefits of those actions are documented and clearly outweigh the consequences.</li> </ul> </li> <li>• See EOs 13112 and 11987 for additional requirements.</li> </ul>
	<p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>• We are prohibited from funding introductions of invasive species that may cause economic or environmental harm or harm to human health.</li> </ul>

<p><b>Service Manual:</b> <a href="#">750 FW 1</a></p>	<p><b>Where to find Additional Information</b></p>	<p>National Invasive Species Council <a href="#">Web site</a>.</p>
<p><b>1.g. National Environmental Policy Act (NEPA) of 1969, as amended</b></p> <p><b>Original Statute:</b> 83 Stat. 852</p> <p><b>U.S. Code:</b> <a href="#">42 U.S.C. 4321</a> <a href="#">and 4331–4347</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">40 CFR 1500–1508</a></p> <p><b>Executive Order:</b> <a href="#">EO 11514</a></p> <p><b>Departmental Manual:</b> <a href="#">516 DM 1–8</a></p> <p><b>Service Manual:</b> <a href="#">550 FW 3</a></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p>	<ul style="list-style-type: none"> <li>• Requires critical examination of all proposed Federal actions in cooperation with the public to determine the impacts of these actions on the “quality of the human environment.” EO 11514 describes Federal responsibilities for taking these actions.</li> <li>• Is a mechanism to:             <ul style="list-style-type: none"> <li>○ Identify reasonable alternatives to a proposed action,</li> <li>○ Assess the impacts of these alternatives,</li> <li>○ Develop appropriate mitigation measures,</li> <li>○ Notify and involve the public, and</li> <li>○ Identify and inform Federal decisionmakers.</li> </ul> </li> <li>• A <i>lead agency</i> is the agency or agencies preparing, or taking primary responsibility for preparing, an environmental assessment (EA) or environmental impact statement (EIS). A lead agency must supervise the preparation of an EIS if more than one Federal agency either:             <ul style="list-style-type: none"> <li>○ Proposes or is involved in the same action; or</li> <li>○ Is involved in a group of actions directly related to each other because of their functional interdependence or geographical proximity.</li> </ul> </li> <li>• Federal, State, or local agencies, including at least one Federal agency, may act as joint lead agencies to prepare an EIS.</li> <li>• A <i>cooperating agency</i> is any Federal agency other than a lead agency that has jurisdiction by law or expertise with respect to any environmental impact involved in a proposal, or a reasonable alternative, for legislation or other major Federal action significantly affecting the quality of the human environment.</li> <li>• A lead agency must use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise to the maximum extent possible consistent with its responsibility as lead agency.</li> <li>• Either of the following may be a cooperating agency by agreement with the lead agency:             <ul style="list-style-type: none"> <li>○ A State or local agency if it has jurisdiction or expertise on any environmental impact of a proposal (or a reasonable alternative) for a major Federal action affecting the quality of the human environment, and</li> <li>○ A tribe, if the effects are on a reservation.</li> </ul> </li> <li>• If a lead agency asks for help on an EIS, a cooperating agency may reply that other commitments preclude its involvement.</li> </ul>
	<p><b>Effects on WSFR</b></p>	<ul style="list-style-type: none"> <li>• We must document how a project addresses NEPA requirements before we approve the grant.</li> </ul>

	<b>Management</b>	<ul style="list-style-type: none"> <li>○ If a categorical exclusion covers the action, we must complete the NEPA checklist and sign it to establish a record. No further NEPA analysis is needed.</li> <li>○ If we determine that a proposed action does not have a categorical exclusion or has a categorical exclusion, but the action triggers one of the exceptional circumstances, then we must prepare an EA. If the EA leads to a finding of no significant impact (FONSI), we prepare a FONSI for the RD or his or her designee to review and sign. See 550 FW 3.3B for more information on procedures and requirements related to an EA and FONSI.</li> <li>○ We should prepare an environmental action statement (EAS): (a) to facilitate internal interprogram review and final approval when a FONSI will be signed at the level of the RD or HQ, (b) to document a normally categorically excluded action that may be controversial, and (c) in other circumstances as described in 550 FW 3.C(2). An EAS: (a) establishes a process for internal review of the Service’s NEPA-related decision documents at the Regional and Headquarters levels, and (b) provides an administrative record of NEPA-related decisions at all management levels of the Service. See 550 FW 3.3C for more information on procedures and requirements related to an EAS.</li> <li>○ If the proposed action could have a significant effect on the environment, we must prepare an EIS. The RD decides whether to proceed with the proposed action, selects an alternative if deciding to move forward, and documents all decisions in an EAS and the Record of Decision (ROD) that we have prepared. The EAS is optional for an EIS; an ROD is required to document decisions associated with an EIS. See 550 FW 3.3A for more information on procedures and requirements related to an ROD.</li> <li>● We may adopt another Federal EA or EIS, in whole or in part, for a proposed action if it meets the standards in 40 CFR 1500–1508. See 40 CFR 1506.3 for requirements specific to adopting a draft or final EIS or a portion of one.</li> <li>● We must cooperate with State and local agencies to reduce duplication in the NEPA process and comparable State and local requirements unless legally barred from doing so. To the fullest extent possible, this cooperation must include developing joint EAs and EISs. If a State or local agency chooses to develop a joint EIS, WSFR and the State or local agency must work together as joint leads.</li> </ul>
	<b>Where to find Additional Information</b>	<p><a href="#">Forty Most Asked Questions Concerning CEQ’s NEPA Regulations</a>. Council on Environmental Quality.</p> <p><a href="#">40 CFR 1500–1508</a>, Implementing the Procedural Provisions of NEPA.</p> <p>Departmental Manual, <a href="#">516 DM 1–8</a>, NEPA, (Categorical Exclusions at 516 DM 8.5),</p> <p>Service Manual, <a href="#">550 FW 3</a>, Documenting and Implementing Decisions.</p>

		<p>Service Handbook, <a href="#">NEPA Guidance to States Participating in the Federal Aid Program</a> (Appendix A and B for Categorical Exclusions).</p> <p><a href="#">EO 12898</a>, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.</p> <p><a href="#">WSFR NEPA Checklist</a>.</p> <p><a href="#">U.S. Fish and Wildlife Service Consultation Handbook</a>.</p> <p>Department of the Interior Revised NEPA Procedures, <a href="#">43 CFR Part 46</a>, Implementation of the National Environmental Policy Act of 1969.</p>
<p><b>1.h. Rivers and Harbors Act, of 1899, Section 10, as amended</b></p> <p><b>Original Statute:</b> 30 Stat. 1151</p> <p><b>U.S. Code:</b> <a href="#">33 U.S.C. 401 et. seq.</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">33 CFR 322</a></p> <p><b>Executive Order:</b> Not applicable</p> <p><b>Departmental Manual:</b></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p>	<ul style="list-style-type: none"> <li>• Authorizes the U.S. Army Corps of Engineers (Corps) to regulate the construction of any structure in or over any navigable water of the United States, the excavation or deposition of material in these waters, or any obstruction or alteration in navigable water.</li> <li>• <i>Navigable waters</i> are those waters subject to the ebb and flow of the tide or used in the past for interstate or foreign commerce, or susceptible to these uses.</li> <li>• Requires a permit for structures or works obstructing or altering navigable water. Exceptions include:             <ul style="list-style-type: none"> <li>○ Wharves and piers located wholly on water within a single State and with no adverse impact on navigation;</li> <li>○ Hydropower facilities licensed by the Federal Energy Regulatory Commission (discharges of dredged or fill material require a Clean Water Act section 404 permit);</li> <li>○ Corps civil works projects, including floating recreational facilities on Corps reservoirs; and</li> <li>○ Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) cleanup activities.</li> </ul> </li> </ul> <p>(May overlap with section 404 of the Clean Water Act in some activities that involve wetlands; the Corps processes permits for both simultaneously.)</p>
	<p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>• We review proposed actions to determine if grant activities would result in obstruction or alteration of navigable water.</li> <li>• By submitting signed SF 424B or SF 424D forms, applicants certify that they will comply with the act, including application for and receipt of a permit before project implementation, as required.</li> </ul>

<p><a href="#">516 DM 8</a></p> <p><b>Service Manual:</b> Not applicable</p>	<p><b>Where to find Additional Information</b></p>	<p>Not applicable.</p>
<p>1.i. <b>National Historic Preservation Act (NHPA) of 1966, Section 106, as amended</b></p> <p><b>Original Statute:</b> 80 Stat. 915</p> <p><b>U.S. Code:</b> <a href="#">16 U.S.C. 470 et. seq.</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">36 CFR 800</a></p> <p><b>Executive Order:</b> Not applicable</p> <p><b>Departmental Manual:</b> <a href="#">516 DM 8</a></p> <p><b>Service Manual:</b> <a href="#">614 FW 2</a></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p>	<ul style="list-style-type: none"> <li>• The WSFR grants manager is responsible for complying with NHPA by following the section 106 compliance process in 36 CFR 800 to consider the effects of a WSFR-administered grant on historic properties. However, any supervisory level official above the grants manager may retain this responsibility or assign it to another position. An intra-agency agreement may also assign responsibility to another position.</li> <li>• As part of the application process, the grantee signs either the <i>Assurances-Nonconstruction Programs</i> form (SF 424B), the <i>Assurances-Construction Programs</i> form (SF 424D), or both. By signing those forms, the grantee commits to assisting the Service in assuring compliance with section 106 of NHPA and the Archaeological and Historic Preservation Act of 1974.</li> <li>• The grants manager may delegate any step(s) in the consultation process to an applicant or grantee except government-to-government consultations with federally-recognized tribes. The Service remains legally responsible for all findings and determinations that result from any delegation.</li> <li>• The Regional Historic Preservation Officer (RHPO) serves as the subject matter expert for cultural resources management and may be available to advise the WSFR grants manager.</li> <li>• The grants manager may seek guidance from the RHPO on:             <ul style="list-style-type: none"> <li>○ Identifying proposed projects that may initiate the section 106 process,</li> <li>○ Conducting the process, and</li> <li>○ Making major decisions in the process.</li> </ul> </li> <li>• The Section 106 compliance process starts with a decision on whether the project has the potential to affect historic properties. A general outline of the process is:             <ul style="list-style-type: none"> <li><b>A.</b> If the review of the project is governed by a Federal agency program alternative under 36 CFR 800.3(a)(2), the grants manager must follow the program alternative.</li> <li><b>B.</b> If the project <b>DOES NOT</b> have the potential to affect historic properties (assuming for the purpose of this analysis that such properties are present), we have no further obligations under section 106 or under 36 CFR 800.</li> <li><b>C.</b> If the project <b>DOES</b> have the potential to affect historic properties (assuming for the purpose of this analysis that such properties are present), the grants manger:                 <ul style="list-style-type: none"> <li><b>(1)</b> Notifies the Advisory Council on Historic Preservation that we have initiated the section 106 process for a project that has the potential to affect historic properties.</li> <li><b>(2)</b> Identifies participants in the section 106 process as defined at 36 CFR 800.2(c), and</li> </ul> </li> </ul> </li> </ul>

		<p>consults and/or gives them opportunities to comment following 36 CFR 800.</p> <ul style="list-style-type: none"> <li>(3) Seeks and considers the views of the public by following 36 CFR 800.2(d).</li> <li>(4) Determines the area of potential effect as defined at 36 CFR 800.16(d).</li> <li>(5) Identifies historic properties by following 36 CFR 800.4 in collaboration with the RHPO.</li> <li>(6) Assesses the adverse effects of the project by following 36 CFR 800.5.</li> <li>(7) Resolves the adverse effects on historic properties by following 36 CFR 800.6.</li> </ul> <ul style="list-style-type: none"> <li>• We and our partner agencies must not disclose historic/cultural resource surveys or other information on the location, character, or ownership of a historic property when disclosure may cause a significant invasion of privacy, risk harm to the historic property, or impede the use of a traditional religious site by practitioners.</li> <li>• Presence of significant historic resources may lead to compliance with other laws, such as the Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations in <a href="#">43 CFR 10</a>. Discoveries that would trigger NAGPRA or individual State unmarked burial law requirements include: <ul style="list-style-type: none"> <li>○ Human remains,</li> <li>○ Funerary objects,</li> <li>○ Sacred objects, or</li> <li>○ Objects of cultural patrimony from Federal or tribal lands.</li> </ul> </li> </ul>
	<p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>• Allow grantees to charge the costs of compliance to their grants.</li> <li>• Ensure a <i>reasonable and good faith effort</i> to identify and protect all significant historic properties before approving the expenditure of any Federal funds.</li> <li>▪ Coordinate compliance with NEPA following 36 CFR 800.8.</li> </ul>
	<p><b>Where to find Additional Information</b></p>	<p><a href="#">36 CFR 800</a>, Protection of Historic Properties.</p> <p><a href="#">Consulting with Indian Tribes in the Section 106 Review Process</a>.</p> <p>The Secretary of the Interior’s <a href="#">Standards and Guidelines for Preservation Planning</a>.</p> <p><a href="#">National Register of Historic Places</a>.</p> <p><a href="#">Historic Preservation</a>.</p> <p><a href="#">ACHP Section 106 Applicant toolkit</a>.</p> <p><a href="#">Secretarial Order 3206</a>, American Indian Tribal Rights, Federal-Tribal Trust Responsibilities and the</p>

		Endangered Species Act.
<b>SECTION 2: Administrative Requirements</b>		
<p><b>1.j. Animal Welfare Act of 1985, as amended</b></p> <p><b>Original Statute:</b> 80 Stat. 350</p> <p><b>U.S. Code:</b> <a href="#">7 U.S.C. 2131 et. seq.</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">9 CFR 1-3</a></p> <p><b>Executive Order:</b> Not applicable</p> <p><b>Departmental Manual:</b> Not applicable</p> <p><b>Service Manual:</b> Not applicable</p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p> <ul style="list-style-type: none"> <li>• Requires humane treatment of: <ul style="list-style-type: none"> <li>○ Warm-blooded animals used in research, experimentation, testing, and teaching, excluding birds, rats of the genus <i>Rattus</i>, and mice of the genus <i>Mus</i>, bred for research;</li> <li>○ Horses not used for research; and</li> <li>○ Other farm animals (see 9 CFR 1.1) used or intended for use as food or fiber; for improving animal nutrition, breeding, management, or production efficiency; or for improving the quality of food or fiber.</li> </ul> </li> <li>• Studies on free-living wild animals in their natural habitat may be exempt from some requirements of the act if the studies do not: <ul style="list-style-type: none"> <li>○ Involve invasive procedures, or</li> <li>○ Harm or materially alter the behavior of the animals under study.</li> </ul> </li> <li>• Requires grantees, subgrantees, and contractors who carry out research, tests, or experiments on animals to have a current registration as a research facility in active status with the Secretary of Agriculture. If unregistered, the act requires the grantee, subgrantee, or contractor to register through the Animal and Plant Health Inspection Service (APHIS).</li> <li>• APHIS supplies a copy of regulations and standards in 9 CFR, subchapter A, to those who request a registration form. The act requires registrants to acknowledge receipt and agree to comply with regulations and standards by signing this form.</li> </ul>	
	<b>Effects on WSFR Management</b>	<ul style="list-style-type: none"> <li>• By submitting signed SF 424B or SF 424D forms, applicants certify that they will comply with the act, including application for and receipt of a permit before project implementation.</li> </ul>
	<b>Where to find Additional Information</b>	<a href="#">9 CFR 1,2, and 3</a> , Animals and Animal Products.
<p><b>2.a Debarment and Suspension</b></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p> <ul style="list-style-type: none"> <li>• Prohibits Federal agencies from awarding grants to people/entities debarred or suspended by any Federal agency.</li> </ul>	

<p><b>Statute:</b> Not applicable</p> <p><b>U.S. Code:</b> Not applicable</p> <p><b>Code of Federal Regulations:</b> <a href="#">2 CFR 180</a></p> <p><b>Executive Order:</b> <a href="#">EO 12549</a></p> <p><b>Departmental Manual:</b> Not applicable</p> <p><b>Service Manual:</b> <a href="#">417 FW 4</a></p>	<p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>• We must check that financial assistance applicants and any subgrantees or contractors included in a proposal are not on the list of excluded parties in the <a href="#">System for Award Management (SAM)</a> before making an award.</li> <li>• We must include a term or condition in awards that requires grantees to:               <ul style="list-style-type: none"> <li>○ Comply with 2 CFR 180, subpart C, as supplemented by 2 CFR 1400, subpart C; and</li> <li>○ Include a similar term or condition in any subawards.</li> </ul> </li> <li>• Subpart C of 2 CFR 180 requires that grantees and subgrantees verify that any subgrantees or contractors with whom they intend to do business have not been excluded or disqualified from Federal programs. Grantees and subgrantees can do this by:               <ul style="list-style-type: none"> <li>○ Checking the SAM,</li> <li>○ Collecting a certification from the subgrantee or contractor, or</li> <li>○ Adding a clause or condition to any subaward document between the grantee or subgrantee, or between a subgrantee and a lower-tier subgrantee.</li> </ul> </li> </ul>
	<p><b>Where to find Additional Information</b></p>	<p><a href="#">2 CFR 180</a>, OMB Guidelines to Agencies on Governmentwide Debarment and Suspension.</p> <p><a href="#">2 CFR 1400</a>, Non-procurement Debarment and Suspension (for the Department of the Interior).</p>
<p><b>2.b. Drug-Free Workplace Act of 1988, as amended</b></p> <p><b>Original Statute:</b> 102 Stat. 4304</p> <p><b>U.S. Code:</b> <a href="#">41 U.S.C. 701 et. seq.</a></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p>	<ul style="list-style-type: none"> <li>• Requires grantees to make a "good faith effort" to maintain a drug-free workplace and identify all known workplaces under the award.</li> <li>• Requires grantees to publish a drug-free workplace statement and establish a drug-free awareness program for employees.</li> <li>• Requires grantees to take actions concerning employees who are convicted of violating drug statutes in the workplace.</li> <li>• Requires applicants to certify that they maintain drug-free workplaces.</li> </ul>
	<p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>• We must include as a term and condition in all awards a reference to the current version of the Service's Financial Assistance Award Terms and Conditions on our <a href="#">grants Web site</a>. These terms and conditions include compliance with 2 CFR 1401.</li> </ul>

<p><b>Code of Federal Regulations:</b> <a href="#">2 CFR 1401</a> <a href="#">36 CFR 1212</a></p> <p><b>Executive Order:</b> <a href="#">EO 10450</a></p> <p><b>Departmental Manual:</b> <a href="#">370 DM 752</a></p> <p><b>Service Manual:</b> Not applicable</p>	<p><b>Where to find Additional Information</b></p>	<p><a href="#">2 CFR 1401</a>, Governmentwide Requirements for Drug-free Workplace (Financial Assistance).</p>
<p><b>2.c. Intergovernmental Review</b></p> <p><b>Statute:</b> Not applicable</p> <p><b>U.S. Code:</b> Not applicable</p> <p><b>Code of Federal Regulations:</b> <a href="#">24 CFR 52</a></p> <p><b>Executive Order:</b> <a href="#">EO 12372</a> <a href="#">EO 12416</a></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p>	<ul style="list-style-type: none"> <li>• Allows States to establish processes for review, comment, and consultation on proposed WSFR and other financial assistance and direct Federal development projects.</li> </ul>
	<p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>• All of our grant programs are subject to review in those States that have established a centralized process for review through designation of a Single Point of Contact (SPOC). The list of SPOCs is on the <a href="#">White House Web site</a>.</li> <li>• For States that are on the SPOC list and that participate in the centralized process, we must: <ul style="list-style-type: none"> <li>○ Provide opportunities to the States for coordination and consultation on proposed financial assistance programs, and</li> <li>○ Consider and respond to recommendations from the States before awarding grants.</li> </ul> </li> </ul>

<p><b>Departmental Manual:</b> Not applicable</p> <p><b>Service Manual:</b> Not applicable</p>	<p><b>Where to find Additional Information</b></p>	<p><a href="#">EO 12372.</a></p> <p><a href="#">List of Federal Programs Requiring EO 12372 Review.</a></p> <p><a href="#">50 CFR 80.80(c)</a>, Administrative Requirements, Pittman-Robertson Wildlife Restoration and Dingell-Johnson Sport Fish Restoration Acts.</p>
<p><b>2.d. Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements</b></p> <p><b>Statute:</b> 94 Stat. 3023</p> <p><b>U.S. Code:</b> <a href="#">35 U.S.C. 206</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">37 CFR 401</a></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p> <hr/> <p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>• Defines the Federal rights to inventions that are “conceived or first actually reduced to practice in the performance of work on a Federal grant, contract, or cooperative agreement.”</li> <li>• States, tribes, and local governments and institutions of higher education are subject to these laws if they use WSFR funds and invent or discover something that may be patentable under Title 35 during the grant period using equipment or facilities bought with funds available under the grant.</li> <li>• Each award to a small business or nonprofit organization must contain the proper standard patent rights clause at 37 CFR 401.14(a).</li> <li>• In some cases, a contractor or grantee may believe that an exceptional-circumstances determination is incorrect or the Service is abusing its discretion by using a particular standard patent rights clause. If either or both situations occur, the grantee may request alternative provisions or exceptions to these rules in a written notice within 30 days of the first determination of exceptional circumstances.</li> </ul>

<p>43 CFR 12.936 43 CFR 12.74</p> <p><b>Executive Order:</b> Not applicable</p> <p><b>Departmental Manual:</b> Not applicable</p> <p><b>Service Manual:</b> <a href="#">402 FW 1</a></p>	<p><b>Where to find Additional Information</b></p>	<p>U.S. Code – Patents and Inventions, <a href="#">42 U.S.C. 5908</a></p> <p><a href="#">37 CFR 401</a>, Patents, Trademarks, and Copyrights: Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements.</p>
<p><b>2.e. Restrictions on Lobbying</b></p> <p><b>Statute:</b> 103 Stat. 756</p> <p><b>U.S. Code:</b> <a href="#">31 U.S.C. 1352</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">6 CFR 9</a></p> <p><b>Executive Order:</b> <a href="#">EO 13490</a></p> <p><b>Departmental Manual:</b> Not applicable</p> <p><b>Service Manual:</b> Not applicable</p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p>	<ul style="list-style-type: none"> <li>• Prohibits grantees from using appropriated funds to pay any person to influence or attempt to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with: <ul style="list-style-type: none"> <li>○ Awarding of a Federal contract or grant;</li> <li>○ Making a Federal loan;</li> <li>○ Entering into a cooperative agreement; or</li> <li>○ Extending, continuing, renewing, amending, or modifying a Federal contract, grant, loan, or cooperative agreement.</li> </ul> </li> <li>• Requires applicants or grantees to file with the awarding agency a certification in 43 CFR 18, Appendix A, that the applicant or grantee has not made, and will not make, any payment prohibited in the first bullet in this section.</li> <li>• Requires applicants or grantees to submit a completed SF–LLL, <i>Disclosure of Lobbying Activities</i> and, when necessary, an SF–LLL–A, <i>Disclosure of Lobbying Activities Continuation Sheet</i>, if an applicant or grantee: <ul style="list-style-type: none"> <li>○ Applies for a grant of more than \$100,000, and</li> <li>○ Has used or has agreed to use nonappropriated funds to pay for influencing or trying to influence an officer or employee of any agency, Member of Congress, officer or employee of Congress, or employee of a Member of Congress in connection with the grant or cooperative agreement that is the subject of the application. Nonappropriated funds include profits from a Federal contract, grant, loan, or cooperative agreement. See 43 CFR 18.110(b–f) for other obligations related to this requirement.</li> </ul> </li> </ul>
	<p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>• We must include as a term and condition in all awards a reference to the current version of the Service’s Financial Assistance Award Terms and Conditions on the grants <a href="#">Web site</a>. These terms and conditions include compliance with 43 CFR 18.</li> </ul>

	<b>Where to find Additional Information</b>	<p><a href="#">43 CFR 18</a>, New Restrictions on Lobbying.</p> <p><a href="#">Standard Form LLL</a>, Disclosure of Lobbying Activities.</p>
<b>2.f. Terrorist Financing</b>	<b>Requirements, Prohibitions, or Relevant Information</b>	<ul style="list-style-type: none"> <li>Requires actions to block property and prohibit transactions with people who commit, threaten to commit, or support terrorism.</li> </ul>
<b>Statute:</b> Not applicable	<b>Effects on WSFR Management</b>	<ul style="list-style-type: none"> <li>Before making an award or approving an amendment to an award, we must be sure that applicants for financial assistance, any proposed subgrantees, and contractors under a financial assistance agreement are not on the searchable list of excluded parties in the <a href="#">System for Award Management (SAM)</a>.</li> </ul>
<b>U.S. Code:</b> <a href="#">50 U.S.C. 1702(b)(2)</a>	<b>Where to find Additional Information</b>	<p><a href="#">EO 13268 of July 2, 2002</a>: Termination of Emergency with Respect to the Taliban and Amendment of EO 13224 of September 23, 2001.</p> <p><a href="#">EO 13284 of January 23, 2003</a>: Amendment of Executive Orders, and Other Actions, in Connection With the Establishment of the Department of Homeland Security.</p> <p><a href="#">EO 13371 of January 27, 2005</a>: Amendments to Executive Order 13285, Relating to the President's Council on Service and Civic Participation.</p>
<b>Code of Federal Regulations:</b> Not applicable		
<b>Executive Order:</b> <a href="#">EO 13224</a> <a href="#">EO 13268</a> <a href="#">EO 13284</a> <a href="#">EO 13371</a>		
<b>Departmental Manual:</b> Not applicable		
<b>Service Manual:</b> Not applicable		
<b>2.g. Trafficking Victims Protection</b>	<b>Requirements, Prohibitions, or Relevant</b>	<ul style="list-style-type: none"> <li>When a Federal agency gives funds to a private entity through a grant or cooperative agreement, the TVPA requires that we include a term and condition that allows us to terminate the award without penalty if the grantee or subgrantee:</li> </ul>

<p><b>Act (TVPA) of 2000, as amended</b></p> <p><b>Original Statute:</b> 114 Stat. 1466</p> <p><b>U.S. Code:</b> <a href="#">22 U.S.C. 7107 et. seq.</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">2 CFR 175</a></p> <p><b>Executive Order:</b> <a href="#">EO 13126</a></p> <p><b>Departmental Manual:</b> Not applicable</p> <p><b>Service Manual:</b> Not applicable</p>	<p><b>Information</b></p>	<ul style="list-style-type: none"> <li>○ Engages in severe forms of trafficking in people during the period of time that the award is in effect,</li> <li>○ Procures a commercial sex act during the period of time that the award is in effect, or</li> <li>○ Uses forced labor in the performance of the award or subawards under the contract.</li> <li>● <i>Severe forms of trafficking in people</i> means:             <ul style="list-style-type: none"> <li>○ Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or</li> <li>○ The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. For purposes of the TVPA, <i>peonage</i> is a system of convict labor in which convicts are leased to contractors.</li> </ul> </li> </ul>
	<p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>● Contracted-out convict labor is prohibited on WSFR-funded projects unless workers are either paid or they voluntarily enroll in an approved work-training program.</li> <li>● According to the TVPA, grantees and contractors must also ensure that, if used, contracted-out convict labor will not result in displacement of employed workers.</li> <li>● The information described under <i>Requirements, Prohibitions, or Relevant Information</i> must be a term and condition of the following award categories:             <ul style="list-style-type: none"> <li>○ Grant or cooperative agreement to a private entity, and</li> <li>○ Grant or cooperative agreement to a State, local government, tribe, or foreign public entity, if it could provide funding under the award to a private entity as a subgrantee.</li> </ul> </li> <li>● We must include as a term and condition of the above award categories a reference to the current version of the <a href="#">Service's Financial Assistance Award Terms and Conditions</a>. These terms and conditions include compliance with 2 CFR 175.</li> <li>● If we terminate an award based on a violation of the TVPA, we must inform the Office of Acquisition and Property Management (PAM) in the Department of the Interior. PAM's Director is the Service's suspending and debaring official (see <a href="#">PAM's Web site</a>).</li> </ul>
	<p><b>Where to find Additional Information</b></p>	<p>Trafficking Victims Protection Act of 2000, as amended (<a href="#">22 U.S.C. 7101 et seq.</a>).</p> <p><a href="#">EO 11755</a>, Relating to prison labor, 39 F.R. 779.</p> <p><a href="#">2 CFR 175</a>, Award Term for Trafficking in Persons.</p>
<p><b>2.h. Uniform Relocation Assistance and</b></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p>	<ul style="list-style-type: none"> <li>● The Uniform Act applies to direct acquisition of real property by the Federal Government and to federally-funded acquisition in real property under a grant.</li> <li>● Regulations at 49 CFR 24 implement the Uniform Act, but are silent on many issues that are common in grant-funded acquisition of real property.</li> </ul>

<p><b>Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended</b></p> <p><b>Original Statute:</b> 84 Stat. 1894</p> <p><b>U.S. Code:</b> <a href="#">42 U.S.C. 4601 et. seq.</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">49 CFR 24</a></p> <p><b>Executive Order:</b> <a href="#">EO 12259</a></p> <p><b>Departmental Manual:</b> Not applicable</p> <p><b>Service Manual:</b> 520 FW 6–8 <b>(Currently in Draft Form)</b></p>		<ul style="list-style-type: none"> <li>• Service Manual chapters 520 FW 6–8 (to be published) establish policy to fill in the gaps in 49 CFR 24. Service grant managers must attach terms and conditions to the grant that require the grantee to comply with these policies.</li> <li>• Chapter 520 FW 6 (when published) will define the real property terms used in 520 FW 7 and 8 and describes the various kinds of partial interests in real property.</li> <li>• Chapter 520 FW 7 will describe:             <ul style="list-style-type: none"> <li>○ Simplified acquisition procedures, which a buyer may use if it follows specific steps that vary depending on whether the buyer has condemnation authority (but does not intend to use it), or the seller is a State or Federal agency.</li> <li>○ Default acquisition procedures, which a buyer must use if it has condemnation authority and intends to use it, or fails to follow the simplified acquisition procedures.</li> <li>○ Exceptional acquisition procedures, which the Service must approve in advance, e.g., State procedures, waiver, auction, and administrative settlement.</li> <li>○ Requirements for completing waiver valuations, appraisals, and appraisal reviews.</li> <li>○ Qualification standards for appraisers and review appraisers.</li> <li>○ When to use the Uniform Standards of Professional Appraisal Practice and when to use the Uniform Appraisal Standards for Federal Land Acquisition.</li> <li>○ When a buyer acquires title insurance and when it obtains a certificate of title from the State’s Attorney General.</li> </ul> </li> <li>• Chapter 520 FW 7 will also describe a buyer’s obligation to record in the local Recorder’s Office a Notice of Federal Participation. This affirms that the real property must be managed for the purpose of the grant, and the Federal Government’s right to receive a share of the proceeds of a sale or a share of the fair market value if the grantee retains the property but stops managing it for the purpose(s) of the grant. If the grant program receives funding from a revolving fund, the responsible Regional or Assistant Director may return the Federal share to the grantee for use on other projects in the same program. The Wildlife Restoration program, the Sport Fish Restoration program, and the Enhanced Hunter Education and Safety programs, and their subprograms receive their funding from revolving funds.</li> <li>• Chapter 520 FW 8 will describe:             <ul style="list-style-type: none"> <li>○ Eligibility requirements for specific types of real property, e.g., fee without mineral rights, conservation easements, leases, grazing rights, and water rights.</li> <li>○ How to apply for a grant to fund the acquisition of real property.</li> <li>○ Requirements for application, match, preaward costs, multiyear financing, an application to acquire unspecified parcels in a project area, legal compliance, prior approvals, and reporting.</li> </ul> </li> </ul>
	<p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>• Chapter 520 FW 8 (to be published) will contain a table that explains when prior approval is necessary and describes information needed to support a request for prior approval.</li> <li>• The chapter will also specify which documents and information on the acquisition process must be in performance and financial reports.</li> </ul>

	<p><b>Where to find Additional Information</b></p>	<p>Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs, <a href="#">42 U.S.C. 4601</a>, et. seq.</p> <p>Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users, <a href="#">Public Law 109–59, Section 1119(o)</a>, August 10, 2005.</p> <p><a href="#">49 CFR 24</a>, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.</p>
<p><b>2.i. Deposit of Publications Produced Under Grants</b></p> <p><b>Statute:</b> Not applicable</p> <p><b>U.S. Code:</b> Not applicable</p> <p><b>Code of Federal Regulations:</b> Not applicable</p> <p><b>Executive Order:</b> Not applicable</p> <p><b>Departmental Manual:</b> <a href="#">505 DM 4</a></p> <p><b>Service Manual:</b> <a href="#">518 FW 1</a></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p>	<ul style="list-style-type: none"> <li>• Requires that we give the Department of the Interior’s Natural Resources Library two copies of each publication produced under a grant or cooperative agreement.</li> <li>• Exceptions are: <ul style="list-style-type: none"> <li>○ Administrative instruments,</li> <li>○ Classified information,</li> <li>○ Material that cannot be released without the approval of an authorized official of the Department of the Interior,</li> <li>○ Tentative drafts, such as preliminary planning reports that will be published later in a revised form, and</li> <li>○ Leaflets and brochures that offer general information to the public or interpret the natural or cultural environment.</li> </ul> </li> <li>• The publications received by the Library must have a transmittal that: <ul style="list-style-type: none"> <li>○ Identifies the sender,</li> <li>○ Identifies the publications, and</li> <li>○ States that the publications are for deposit in the Natural Resources Library.</li> </ul> </li> <li>• Make packages deliverable to: U.S. Department of the Interior, Natural Resources Library Interior Service Center, Gifts and Exchanges Section 1849 C Street, NW Washington, DC 20240</li> <li>• Send by commercial delivery service to avoid damage of hard copies and the destruction of compact discs by the irradiation of U.S. Postal Service deliveries.</li> <li>• Electronic publications may be sent to: <a href="mailto:library@ios.doi.gov">library@ios.doi.gov</a>.</li> </ul>
	<p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>• We must include the requirements of this section as a term of any grant or cooperative agreement that will produce a publication (other than those listed as exceptions). Do not include this condition if it does not apply to the grant-funded project.</li> </ul>

		<ul style="list-style-type: none"> <li>We must ensure that the Natural Resources Library receives the publications with the transmittal described in this section.</li> </ul>
	<b>Where to find Additional Information</b>	<a href="#">Departmental Manual, 505 DM 4</a> , Deposit of Publications Produced Under Grants.
<b>2j. Scientific Integrity and Scholarly Conduct</b>  <b>Statute:</b> Not applicable  <b>U.S. Code:</b> Not applicable  <b>Code of Federal Regulations:</b> Not applicable  <b>Executive Order:</b> Not applicable  <b>Departmental Manual:</b> <a href="#">305 DM 3</a>  <b>Service Manual:</b> <a href="#">212 FW 7</a>	<b>Requirements, Prohibitions, or Relevant Information</b>	<ul style="list-style-type: none"> <li>Requires us to base our management and public policy decisions only on science and scholarly work that meets certain standards.</li> <li>Requires us to ensure that grantees operate under a code of conduct when performing scientific or scholarly work.</li> <li>Requires us to enforce these standards if necessary, with a standard process for handling violations.</li> </ul>
	<b>Effects on WSFR Management</b>	<ul style="list-style-type: none"> <li>When appropriate, we must include the following condition in the award letter: “The grantee must ensure quality services. Service must consist of unbiased assessments through proper management and enforcement of scientific integrity standards, which include avoiding conflicts of interest.”</li> </ul>
	<b>Where to find Additional Information</b>	<p>Departmental Manual, <a href="#">305 DM 3, Integrity of Scientific and Scholarly Activities</a>.</p> <p>Service Manual, <a href="#">212 FW 7</a>, Scientific Integrity and Scholarly Conduct.</p>
<b>SECTION 3: Nondiscrimination Requirements</b>		
<b>3.a. Age Discrimination Act of 1975, as</b>	<b>Requirements, Prohibitions, or Relevant Information</b>	<ul style="list-style-type: none"> <li>Prohibits discrimination based on age in programs or activities receiving Federal financial assistance.</li> <li>Prohibits grantees from: <ul style="list-style-type: none"> <li>Excluding anyone from participation in any activity receiving financial assistance on the basis of</li> </ul> </li> </ul>

<p><b>amended</b></p> <p><b>Original Statute:</b> 89 Stat. 728</p> <p><b>U.S. Code:</b> <a href="#">42 U.S.C. 6101 et. seq.</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">43 CFR 17, subpart C</a></p> <p><b>Executive Order:</b> <a href="#">EO 11141</a> <a href="#">EO 11246</a> <a href="#">EO 11375</a></p> <p><b>Departmental Manual:</b> Not applicable</p> <p><b>Service Manual:</b> <a href="#">033 FW 6</a> <a href="#">063 FW 1–3</a></p>	<p></p> <p><b>Effects on WSFR Management</b></p> <p><b>Where to find Additional Information</b></p>	<p>age,</p> <ul style="list-style-type: none"> <li>○ Excluding anyone from or denying anyone the benefits of that activity, and</li> <li>○ Subjecting anyone to other forms of discrimination based on age.</li> </ul> <p>• We must not approve any grant application unless we receive a signed SF 424B or SF 424D, or both, from the applicant. By signing one or both of these forms, the applicant certifies that it and any subgrantees and contractors will comply with the requirements of this act.</p> <p><a href="#">43 CFR 17</a>, Nondiscrimination in Federally Assisted Programs in the Department of the Interior.</p> <p>Service Handbook, <a href="#">Guidelines for Compliance with Federal Assistance Nondiscrimination Requirements</a> (2009).</p>
<p><b>3.b. Americans with Disabilities Act, as amended</b></p> <p><b>Original Statute:</b> 104 Stat. 328</p> <p><b>U.S. Code:</b> <a href="#">42 U.S.C. 12101 et. seq.</a></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p>	<ul style="list-style-type: none"> <li>• Requires a public entity to ensure that it does not exclude people with disabilities from services, programs, and activities because buildings are inaccessible.</li> <li>• Requires a State or local government's programs to be readily accessible to and usable by people with disabilities.</li> <li>• Known as <i>program accessibility</i>, this standard applies to facilities that existed after January 25, 1992.</li> <li>• Does not necessarily require public entities to make all their existing facilities accessible.</li> <li>• Allows States to provide program accessibility by a number of methods including: <ul style="list-style-type: none"> <li>○ Alteration of existing facilities,</li> <li>○ Acquisition or construction of additional facilities,</li> <li>○ Relocation of a service or program to an accessible facility, or</li> </ul> </li> </ul>

<p><b>Code of Federal Regulations:</b> <a href="#">29 CFR 1630</a> <a href="#">43 CFR 17</a></p> <p><b>Executive Order:</b> <a href="#">EO 13164</a></p> <p><b>Departmental Manual:</b> Not applicable</p> <p><b>Service Manual:</b> <a href="#">062 FW 2</a> <a href="#">063 FW 1-3</a></p>		<ul style="list-style-type: none"> <li>○ Provision of services at alternate accessible sites.</li> </ul>
	<p><b>Effects on WSFR Management</b></p>	<ul style="list-style-type: none"> <li>● We must ensure that facilities constructed, remodeled, or purchased with WSFR funds comply with the act. These facilities are subject to inspection by the Region’s Office of Diversity and Civil Rights. These inspections occur on a specific schedule described in 063 FW 3.</li> <li>● We must evaluate all projects for compliance with the act.</li> </ul>
	<p><b>Where to find Additional Information</b></p>	<p><a href="#">Americans with Disabilities Act (ADA) Document Center.</a></p> <p>The Americans with Disabilities Act, Titles II and V, 42 U.S.C. 12101 et seq., on the <a href="#">Department of Justice’s Web site</a> and the <a href="#">EEOC Web site.</a></p> <p><a href="#">The Americans with Disabilities Act Amendments Act of 2008</a> (a key amendment of the ADA).</p> <p><a href="#">U.S. Department of Justice ADA site.</a></p> <p><a href="#">28 CFR 35</a>, Nondiscrimination on the Basis of Disability in State and Local Government Services.</p> <p>Architectural Barriers Act of 1968, <a href="#">42 U.S.C. 4151</a> et seq.</p> <p>Service Manual, <a href="#">063 FW 1</a>, Overview of the Public Access Civil Rights Program.</p> <p>Service Manual, <a href="#">063 FW 2</a>, Complaint Processing in the Public Access Civil Rights Program.</p> <p>Service Manual, <a href="#">063 FW 3</a>, Public Access Civil Rights Program-Review Process.</p> <p>Service Handbook, <a href="#">Guidelines for Compliance with Federal Assistance Nondiscrimination Requirements</a> (2009).</p>
<p><b>3.c. Civil Rights Act of 1964 – Title VI, as amended</b></p> <p><b>Original Statute:</b> 78 Stat. 241</p> <p><b>U.S. Code:</b></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p>	<ul style="list-style-type: none"> <li>● Prohibits discrimination based on race, color, or national origin in any "program or activity receiving [Federal] financial assistance." The act prohibits grantees and subgrantees from selecting, locating, or operating project facilities that will exclude or limit opportunity for use or benefits based on race, color, or national origin.</li> <li>● Requires grantees and subgrantees to make reasonable efforts to inform the public that: <ul style="list-style-type: none"> <li>○ Opportunities are available through WSFR projects, and</li> <li>○ Projects are subject to Title VI compliance.</li> </ul> </li> </ul>
	<p><b>Effects on WSFR</b></p>	<ul style="list-style-type: none"> <li>● We must not approve a grant application unless we receive a signed SF 424B or SF 424D, or both,</li> </ul>

<p><a href="#">42 U.S.C. 2000(d)</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">43 CFR Part 17</a></p> <p><b>Executive Order:</b> <a href="#">EO 11247</a> <a href="#">EO 11764</a></p> <p><b>Departmental Manual:</b> Not applicable</p> <p><b>Service Manual:</b> <a href="#">063 FW 1-3</a></p>	<b>Management</b>	from the applicant. By signing one or both of these forms, the applicant certifies that it and any subgrantees and contractors will comply with the requirements of this act.
	<b>Where to find Additional Information</b>	<p>43 CFR 17, Nondiscrimination in Federally Assisted Programs in the Department of the Interior, <a href="http://fawiki.fws.gov/display/WTk/Code+of+Federal+Regulations">http://fawiki.fws.gov/display/WTk/Code+of+Federal+Regulations</a></p> <p>Service Manual, <a href="#">063 FW 1</a>, Overview of the Public Access Civil Rights Program.</p> <p>Service Manual, <a href="#">063 FW 2</a>, Complaint Processing in the Public Access Civil Rights Program.</p> <p>Service Manual, <a href="#">063 FW 3</a>, Public Access Civil rights Program-Review Process.</p> <p>Service Handbook, <a href="#">Guidelines for Compliance with Federal Assistance Nondiscrimination Requirements</a> (2009).</p>
<p><b>3.d. Education Amendments of 1972 – Title IX, as amended</b></p> <p><b>Original Statute:</b> 86 Stat. 235</p>	<b>Requirements, Prohibitions, or Relevant Information</b>	<ul style="list-style-type: none"> <li>• Prohibits grantees from denying educational benefits to anyone on the basis of sex.</li> </ul>
	<b>Effects on WSFR Management</b>	<ul style="list-style-type: none"> <li>• We must not approve any grant application unless we receive a signed SF 424B or SF 424D, or both, from the applicant. By signing one or both of these forms, the applicant certifies that it and any subgrantees and contractors will comply with the requirements of this act.</li> </ul>

<p><b>U.S. Code:</b> <a href="#">20 U.S.C. 1681 et. seq.</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">43 CFR 41</a></p> <p><b>Executive Order:</b> Not applicable</p> <p><b>Departmental Manual:</b> Not applicable</p> <p><b>Service Manual:</b> <a href="#">063 FW 1-3</a></p>	<p><b>Where to find Additional Information</b></p>	<p><a href="#">43 CFR 41</a>, Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance.</p> <p>Service Manual, <a href="#">063 FW 1</a>, Overview of the Public Access Civil Rights Program.</p> <p>Service Manual, <a href="#">063 FW 2</a>, Complaint Processing in the Public Access Civil Rights Program.</p> <p>Service Manual, <a href="#">063 FW 3</a>, Public Access Civil Rights Program-Review Process.</p> <p>Service Handbook, <a href="#">Guidelines for Compliance with Federal Assistance Nondiscrimination Requirements</a> (2009).</p>
<p><b>3.e. Rehabilitation Act of 1973, as amended</b></p> <p><b>Original Statute:</b> 87 Stat. 355</p> <p><b>U.S. Code:</b> <a href="#">29 U.S.C. 785 et. seq.</a></p> <p><b>Code of Federal Regulations:</b> <a href="#">43 CFR 17(B)</a></p> <p><b>Executive Order:</b> <a href="#">EO 11758</a></p> <p><b>Departmental</b></p>	<p><b>Requirements, Prohibitions, or Relevant Information</b></p> <p><b>Effects on WSFR Management</b></p> <p><b>Where to find Additional Information</b></p>	<ul style="list-style-type: none"> <li>• Prohibits discrimination based on disability in programs or activities receiving Federal financial assistance.</li> <li>• Requires that grantees receiving Federal funds must not: <ul style="list-style-type: none"> <li>○ Exclude or discriminate against people with disabilities, or deny them the opportunity to participate in or benefit from projects;</li> <li>○ Deny a person with disabilities the opportunity to participate as a member of a planning or advisory board; or</li> <li>○ Locate facilities so that they exclude people with disabilities, deny them the benefits, or otherwise subject them to discrimination under any WSFR project.</li> </ul> </li> <li>• We must not approve a grant application unless we receive a signed SF 424B or SF 424D, or both, from the applicant. By signing one or both of these forms, the applicant certifies that it and any subgrantees and contractors will comply with the requirements of this act.</li> </ul> <p><a href="#">43 CFR 17</a>, Nondiscrimination in Federally Assisted Programs in the Department of the Interior.</p> <p>Service Handbook, <a href="#">Guidelines for Compliance with Federal Assistance Nondiscrimination Requirements</a> (2009).</p> <p>Service Manual, <a href="#">063 FW 1-3</a>, Equal Opportunity, Federally Assisted and Conducted Programs.</p>

<p><b>Manual:</b> Not applicable</p> <p><b>Service Manual:</b> <a href="#">033 FW 6</a></p>		<p><a href="#">The Americans with Disabilities Act Amendments Act of 2008 amended section 504 of the Rehabilitation Act of 1973.</a></p> <p><a href="#">The Workforce Innovation and Opportunity Act</a>, July 22, 2014, Title IV, replaced an earlier amendment titled the Workforce Investment Act of 1998 and amended the Rehabilitation Act of 1973.</p>
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