



DoD INSTRUCTION 4180.02

IMPLEMENTATION AND MANAGEMENT OF THE DoD MISSION COMPATIBILITY EVALUATION PROCESS

Originating Component: Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics

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Under Secretary of Defense for Acquisition, Technology, and Logistics Memorandum, "Delegation of Authority to Sign Agreements Accepting Voluntary Contributions and Agreeing to Mitigation Measures," October 18, 2012
Clearinghouse Board of Directors Memorandum, Mitigation Oversight Committee Duties, October 16, 2015

Approved by: Frank Kendall, Under Secretary of Defense for Acquisition, Technology, and Logistics

Purpose: In accordance with the authority in DoD Directive 5134.01, this issuance establishes policy, assigns responsibilities, and prescribes procedures pursuant to Section 358 of Public Law 111-383 (referred to in this issuance as "Section 358") and guidance in the July 15, 2011, Secretary of Defense Memorandum to:

- Establish a central DoD Siting Clearinghouse (referred to in this issuance as the "Clearinghouse") for the evaluation of the projects described in this purpose.
- Implement and manage a mission compatibility evaluation process for proposed projects that are:
 - Referred to the DoD by the Secretary of Transportation in conjunction with studies required pursuant to Section 44718 of Title 49, United States Code (U.S.C.);
 - Submitted to the DoD for informal review pursuant to Part 211 of Title 32, Code of Federal Regulations (CFR); or
 - Submitted to the Clearinghouse by, or through, the DoD Components or another federal department or agency.
- Provide supplementary guidance to the process established in Part 211 of Title 32, CFR.
- Identify advocates within the DoD for technologies and techniques to mitigate the impact of proposed projects on military operations and readiness.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This issuance applies to:

a. OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the United States element of the North America Aerospace Defense Command (NORAD), the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

b. An application concerning an energy project filed under the Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) process, or which may be filed with the Secretary of Transportation pursuant to Section 44718 of Title 49, U.S.C., for which:

(1) A request for an informal review has been received from a State government, an Indian tribe government, a local government, a landowner, or the developer of an energy project pursuant to Section 211.7 of Title 32, CFR.

(2) A request for a formal review has been received by the DoD from the Secretary of Transportation, through the Federal Aviation Administration (FAA), pursuant to Section 211.6 of Title 32, CFR.

c. The planned construction of a new structure, or the modification of an existing structure associated with an energy project in the United States for which one of the following apply:

(1) A Military Department has requested that the Clearinghouse conduct a DoD-wide review of a proposed energy project, to include bulk electric system transmission lines, on a military installation.

(2) A federal agency has submitted to the DoD for review a proposed energy project, to include bulk electric system transmission lines on Bureau of Land Management (BLM)-administered public lands not withdrawn for military use.

(3) The Federal Energy Regulatory Commission (FERC) has submitted to the DoD for review a proposed liquefied natural gas (LNG) terminal or bulk electric system transmission line that falls within FERC’s backstop authority.

(4) The Bureau of Ocean Energy Management (BOEM) has submitted to the DoD a proposed commercial development lease, with a plan for construction and operation of an energy project on the Outer Continental Shelf.

(5) The Army Corps of Engineers has referred a proposed energy project to the Clearinghouse for review. The proposed energy project, which includes an application for an individual permit or a pre-construction notification for a general permit:

(a) Was submitted to the Army Corps of Engineers pursuant to either Section 1344 of Title 33, U.S.C. (also known as Section 404 of the Federal Water Pollution Control Act, which is

also known as the Clean Water Act), or Section 403 of Title 33, U.S.C., also known as Section 10 of the Rivers and Harbors Act of 1899; or

(b) Has the potential to adversely affect military operations and readiness.

(6) The DoD has become aware of a proposed energy project or bulk electric system transmission line on public or private land that may have an adverse impact on military operations and readiness.

(7) A federal agency outside the DoD has submitted for review, to any DoD Component, a proposal for a bulk electric system transmission line that crosses a military installation and does not meet the criteria for review in accordance with Part 211 of Title 32, CFR.

(8) Presidential Permitting actions.

1.2. POLICY. It is DoD policy that:

a. The Clearinghouse facilitates, coordinates, and oversees a mission compatibility evaluation process that minimizes or mitigates adverse impacts on military operations and readiness during the development of a proposed project in accordance with Section 358; Part 211 of Title 32, CFR; and this issuance.

b. The Deputy Secretary of Defense, as the senior officer designated by the July 15, 2011 Secretary of Defense Memorandum, will make the determination that a proposed project submitted to the Clearinghouse for review in accordance with Section 358 poses an unacceptable risk to the national security of the United States.

c. The Clearinghouse will identify proposed projects, communicate potential impacts on military activities, and promote compatibility between energy development and national security goals.

1.3. INFORMATION COLLECTIONS. The Informal DoD Review of Energy Projects Requests, referred to in Paragraph 3.3., have been assigned an Office of Management and Budget Control Number 0790-0005 in accordance with the procedures in Volume 2 of DoD Manual 8910.01. The expiration date of this control number is listed at <http://www.reginfo.gov/public/do/PRASearch>.

SECTION 2: RESPONSIBILITIES

2.1. USD(AT&L). The USD(AT&L):

- a. Serves as the senior official pursuant to Section 358(b)(1) and in accordance with the July 15, 2011, Secretary of Defense Memorandum.
- b. Advises the Deputy Secretary of Defense when, as the senior DoD official for mission compatibility evaluation, it is USD(AT&L)'s assessment that an energy project filed with the Secretary of Transportation pursuant to Section 44718 of Title 49, U.S.C. would result in an unacceptable risk to the national security of the United States.
- c. Establishes policy, responsibilities, and procedures for the mission compatibility evaluation process in coordination with the USD(P&R) and the DOT&E.
- d. Establishes resourcing policy to ensure that the Assistant Secretary of Defense for Energy, Installation, and Environment (ASD(EI&E)), as the lead organization, is assigned such personnel and resources as are appropriate to carry out the mission compatibility evaluation process.
- e. Signs mitigation agreements made on behalf of the DoD pursuant to Section 358(g) accepting voluntary contributions of \$1.5 million or more.

2.2. ASD(EI&E). Under the authority, direction, and control of the USD(AT&L), the ASD(EI&E):

- a. Establishes, maintains, and oversees the Clearinghouse.
- b. In coordination with the USD(P&R) and the DOT&E, leads the mission compatibility evaluation process for proposed projects.
- c. Serves as chair of the Board of Directors (BoD) of the Clearinghouse.
- d. Develops a detailed implementation manual for the mission compatibility evaluation process.
- e. Promotes the development of tools to support the mission compatibility evaluation process and the mitigation of any adverse impacts on military operations and readiness from proposed projects.
- f. Coordinates outreach and strategic communications in support of the mission compatibility evaluation process.
- g. Serves as an advocate for the development and deployment of mitigation technologies with respect to the impact of projects on military operations and readiness.

h. Signs mitigation agreements made on behalf of the DoD pursuant to Section 358(g) accepting voluntary contributions of less than \$1.5 million.

i. Assists the USD(P&R) with offshore energy project development planning and mission compatibility processes when the associated projects are subject to the jurisdiction of the BOEM and outside the scope of FAA authority.

2.3. DIRECTOR, TEST RESOURCE MANAGEMENT CENTER (DTRMC). Under the authority, direction, and control of the USD(AT&L), the DTRMC designates a representative who:

a. Assists the ASD(EI&E) with the mission compatibility evaluation process pursuant to DoD Directive 5105.71 and DoD Instruction 5134.17. Responsibilities with regard to the mission compatibility evaluation process are described in Paragraph 3.1.d.

b. Designates a representative to serve as a co-chair of the BoD.

c. Serves as the OSD functional lead on mitigation response teams (MRTs), where a project's primary impacts are on DoD testing and evaluation activities.

d. Reviews proposed projects for compatibility with DoD testing and evaluation, in accordance with this issuance and consistent with the oversight responsibilities identified in DoD Directive 5105.71.

2.4. USD(P&R). The USD(P&R):

a. Assists the USD(AT&L) with the mission compatibility evaluation process pursuant to the July 15, 2011, Secretary of Defense Memorandum. Responsibilities with regard to the mission compatibility evaluation process are described in Paragraph 3.1.d.

b. Designates a representative to serve as a co-chair of the BoD.

c. Serves as the OSD functional lead on MRTs, where a project's primary impacts are on military training and readiness activities.

d. Reviews proposed projects for compatibility with military training and readiness, in accordance with this issuance, and consistent with the oversight responsibilities identified in DoD Directive 1322.18.

e. Leads DoD mission compatibility assessments, in coordination with the USD(AT&L) and the DOT&E, for offshore energy project development planning and mission compatibility processes when the associated projects are subject to the jurisdiction of the BOEM and outside the scope of FAA authority. These processes will be consistent with objectives expressed in Section 358 and 32, Part 211 of Title 32, CFR.

2.5. UNDER SECRETARY OF DEFENSE (COMPTROLLER)/CHIEF FINANCIAL OFFICER (USD(C)/CFO). The USD(C)/CFO develops guidance and procedures for the acceptance of voluntary contributions in accordance with Section 358(g) and for disbursing those funds in a timely manner.

2.6. DOT&E. The DOT&E:

a. Assists the USD(AT&L) with the mission compatibility evaluation process pursuant to the July 15, 2011, Secretary of Defense Memorandum. Responsibilities with regard to the mission compatibility evaluation process are described in Paragraph 3.1.d.

b. Designates a representative to serve as a co-chair of the BoD.

c. Reviews proposed projects for compatibility with DoD testing and evaluation, in accordance with this issuance and consistent with the oversight responsibilities identified in DoD Directive 5141.02.

d. Assists the USD(P&R) with offshore energy project development planning and mission compatibility processes when the associated projects are subject to the jurisdiction of the BOEM and outside the scope of FAA authority.

2.7. ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE AND GLOBAL SECURITY (ASD(HD&GS)). Under the authority, direction, and control of the Under Secretary of Defense for Policy, the ASD(HD&GS):

a. Assists the ASD(EI&E) with the mission compatibility evaluation process with respect to homeland defense, pursuant to DoD Directive 5111.13, and long-range surveillance radar. Responsibilities with regard to the mission compatibility evaluation process are described in Paragraph 3.1.d.

b. Designates a representative to serve on the BoD.

c. Coordinates with the following individuals on mission compatibility evaluation process matters concerning homeland defense and long-range surveillance radar:

(1) Director for Strategic Plans and Policies, Joint Staff (J-5).

(2) Through the Chairman of the Joint Chiefs of Staff, Commanders, NORAD and United States Northern Command (USNORTHCOM), United States Pacific Command (USPACOM), United States Southern Command (USSOUTHCOM), and United States Strategic Command (USSTRATCOM).

(3) Director, Office of Operations Coordination and Planning, Department of Homeland Security.

2.8. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments:

- a. Assist the ASD(EI&E) with the mission compatibility evaluation process. Responsibilities with regard to the mission compatibility evaluation process are described in Paragraph 3.1.d.
- b. Designate an official within their respective Departments to:
 - (1) Serve on the BoD and as the single, authoritative representative on the compatibility of proposed projects with the Military Department's activities.
 - (2) Review proposed projects for compatibility with military operations and readiness (e.g., DoD Instruction 4165.57).
- c. Maintain Military Department-specific guidance to ensure timely review of proposed projects in accordance with this issuance and Part 211 of Title 32, CFR.
- d. Execute the mission compatibility evaluation process through applicable component organizations, such as regional and installation level commanders, and officials that communicate with the public or State, Indian tribal, and local officials who support the mission compatibility evaluation process.

2.9. CHAIRMAN OF THE JOINT CHIEFS OF STAFF. The Chairman of the Joint Chiefs of Staff, through the Director, Joint Staff J-5:

- a. Assists the ASD(EI&E) with the mission compatibility evaluation process. Responsibilities with regard to the mission compatibility evaluation process are described in Paragraph 3.1.d.
- b. Designates an official within the J-5 Office to serve on the BoD.
- c. When requested by the Clearinghouse, requests that the Commanders of NORAD and USNORTHCOM, USPACOM, USSOUTHCOM, and USSTRATCOM review proposed energy projects in the United States for compatibility with military homeland defense and long-range surveillance radar activities.
- d. In coordination with the ASD(HD&GS), reviews and transmits to the Clearinghouse analyses performed by NORAD and USNORTHCOM, USPACOM, USSOUTHCOM, USSTRATCOM, and the National Guard Bureau on mission compatibility concerning homeland defense and long-range surveillance radar.
- e. Develops and distributes Joint Staff, Combatant Commands, and NORAD guidance to ensure timely reviews of proposed projects in accordance with this issuance and Part 211 of Title 32, CFR.

SECTION 3: PROCEDURES

3.1. THE CLEARINGHOUSE.

a. Functions. The Clearinghouse will:

(1) Serve as the single point of contact on the mission compatibility evaluation process for individuals and organizations outside the DoD with respect to the types of projects identified in Paragraphs 1.1.b. and 1.1.c.

(2) Consistent with this issuance and Part 211 of Title 32, CFR, facilitate, coordinate, and perform mission compatibility evaluations of projects that may have an adverse impact on military operations and readiness, whether the project or related infrastructure is on private, State, Indian tribal, or federal lands.

(3) Evaluate analyses submitted by DoD Components on the compatibility of proposed projects with military operations and readiness.

(4) Provide information and advice to the USD(AT&L) and the Deputy Secretary of Defense concerning whether proposed obstruction evaluation projects would result in an unacceptable risk to the national security of the United States if they would:

(a) Endanger safety in air commerce, related to the activities of the DoD;

(b) Interfere with the efficient use and preservation of the navigable airspace and of airport traffic capacity at public-use airports, related to the activities of the DoD; or

(c) Significantly impair or degrade the capability of the DoD to conduct training, research, development, testing, and evaluation, and operations or to maintain military operations and readiness.

(5) Issue guidance for the energy project mission compatibility evaluation process.

(6) Provide training, as needed, to DoD personnel on the mission compatibility evaluation process.

(7) Conduct and oversee outreach and strategic communication in support of the mission compatibility evaluation process.

(8) Advocate for the development and deployment of mitigation technologies and modeling with respect to the impact of the types of projects identified in Paragraphs 1.1.b. and 1.1.c. on military operations and readiness.

(9) Serve as the lead DoD coordinating organization in interdepartmental or interagency groups or organizations addressing the impact of the types of energy projects identified in Paragraphs 1.1.b. and 1.1.c. on military operations and readiness.

b. BoD. The Clearinghouse will have a BoD consisting of:

(1) Members.

- (a) The ASD(EI&E), who will chair the BoD.
- (b) The Assistant Secretary of Defense for Readiness (ASD(R)) or alternate designated by USD(P&R) co-chairs the BoD.
- (c) The DOT&E or alternate designated by DOT&E co-chairs the BoD.
- (d) The DTRMC or alternate designated by DTRMC co-chairs the BoD.
- (e) The Assistant Secretary of the Army for Installations, Energy, and Environment, or an alternate designated by the Secretary of the Army.
- (f) The Assistant Secretary of the Navy for Energy, Installations, and Environment, or an alternate designated by the Secretary of the Navy. This member will also represent the Marine Corps.
- (g) The Assistant Secretary of the Air Force for Installations, Environment, and Energy, or an alternate designated by the Secretary of the Air Force.
- (h) The Vice Director, Joint Staff J-5, or an alternate designated by the Director, Joint Staff (J-5).
- (i) The ASD(HD&GS), or an alternate designated by the ASD(HD&GS), when matters concerning homeland defense and long-range homeland surveillance radar are considered.
- (j) The Chief of the National Guard Bureau, or an alternate designated by the Chief of the National Guard Bureau.
- (k) Additional members when determined by the BoD.

(2) Legal Counsel. The DoD Deputy General Counsel (Environment, Energy, and Installations), or a designated Associate General Counsel under the Deputy General Counsel, is the legal advisor to the BoD and its committees and working groups.

c. BoD Meetings. The BoD will meet as directed by the chair and co-chairs.

d. Mission Compatibility Evaluation Process.

(1) Members of the BoD will assist the ASD(EI&E) in leading the mission compatibility evaluation process to include:

- (a) Developing detailed implementation guidance.
- (b) Promoting the development of supporting tools.

(c) Coordinating outreach and strategic communication.

(2) The DOT&E and DTRMC will assist EI&E in development and deployment of mitigation technologies with respect to the impact of projects on DoD testing and evaluation activities.

(3) The ASD(R) will assist EI&E in development and deployment of mitigation technologies with respect to the impact of projects on military training and readiness activities.

e. Executive Director. The ASD(EI&E) will assign and retain a Federal Government employee as the Executive Director for the Clearinghouse. The Executive Director:

(1) Notifies affected DoD Components of requests for informal review of proposed projects.

(2) Notifies OSD functional offices responsible for oversight of test and evaluation, training, and homeland defense of requests for informal review of proposed projects.

(3) Notifies requesters of informal reviews and project proponents, if different from the requester, of DoD points of contact for discussions of adverse impacts and mitigation.

(4) Directs preliminary reviews of OE/AAA projects to specific DoD Components.

(5) Prioritizes preliminary reviews of OE/AAA projects.

(6) Establishes procedures for the conduct of preliminary reviews.

(7) Directs the timeline for preliminary reviews.

(8) Designates, at the direction of the Mitigation Oversight Committee (MOC) co-chairs, one or more DoD Components to form an MRT when it has been concluded that an OE/AAA project may have an adverse impact on military operations and readiness.

(9) Coordinates proposed mitigation agreements with the MOC for presentation to the BoD.

(10) Directs, in conjunction with the final review of an OE/AAA project, the MRT to provide an assessment of whether the proposed project, as modified by the applicant after discussions, may result in an unacceptable risk to the national security of the United States.

(11) Informs the requester, project proponent, and relevant government officials of the status of the DoD review of a proposed project.

(12) Notifies the requester, the project proponent, the MOC, and relevant government officials, as appropriate, when the DoD concludes that the OE/AAA project may have an adverse impact on military operations or readiness. Notification will include:

(a) The basis for the conclusion that the OE/AAA project may have an adverse impact on military operations or readiness.

(b) A statement to the effect that the DoD intends to offer to discuss mitigation with the project proponent.

(13) Issues notifications, as necessary, to implement decisions of the USD(AT&L) or the Deputy Secretary of Defense with respect to the final review of an OE/AAA project.

f. Committees and Working Groups. The BoD may establish and disestablish committees and working groups as needed to support its functions and those of the Clearinghouse.

(1) There will be a MOC, composed of a senior subordinate to each member of the BoD and other representatives such as senior officers or federal civil servants of commensurate rank or grade from Combatant Commands and NORAD. The MOC will:

(a) Be chaired by the Executive Director and co-chaired by officials designated by the ASD(R), the DOT&E, and the DTRMC.

(b) Review mitigation negotiations and initial recommendations of MRTs regarding OE/AAA projects, as specified in Part 211 of Title 32, CFR, with respect to whether they pose an unacceptable risk to the national security of the United States.

(c) Establish MRTs, assigning their functions and parameters, and designating their members.

(d) The MOC is delegated the following duties:

1. Advise on mission compatibility evaluation policy, for BoD consideration, so as to increase timeliness, transparency, efficiency and effectiveness.

2. Recommend mission compatibility evaluation processes and procedures to the ASD(EI&E) that will increase timeliness, transparency, efficiency, and effectiveness.

3. Review final agreements to maintain awareness of new mitigation measures, modeling approaches, or challenges to reaching agreement in the future.

4. Recommend geographic areas where projects could have an adverse impact on military operations and readiness, developed by the Military Departments and coordinated through the Clearinghouse, to the ASD(EI&E) for approval and Clearinghouse publication.

5. Establish and disestablish working groups (WGs) subordinate to the MOC. Utilize existing groups or teams if consistent with their charters or authorizations. Identify a chair from one of the Military Departments when a WG includes members from field activities. Identify one of the DoD MOC co-chairs to provide a member to each WG that is established.

6. Through a WG, led by the Executive Director of the Clearinghouse, advise on the development and execution of analytical modeling and simulation tools, comprehensive studies, technology demonstrations and evaluations, necessary to identify and validate reasonable and affordable mitigation solutions.

7. Maintain a list of all WGs and report annually to the BoD on their results.
8. Identify and prepare topics to be briefed to the BoD.
9. Make any reports or recommendations to the BoD through the Executive Director of the Clearinghouse.

(2) On an ad hoc basis, when authorized by the MOC, MRTs will discuss with the proponents of OE/AAA projects any possible mitigation measures that address potential adverse impacts on military operations and readiness. The MRTs will:

(a) Conduct or oversee detailed analyses to evaluate whether a proposed project may result in an unacceptable risk to the national security of the United States.

(b) In most cases, a Military Department (the most severely impacted Component when multiple DoD Components are affected) will manage an MRT, and the OSD functional office will provide oversight.

(3) As requested by the chair, BoD members will designate officials from their respective organizations to co-chair subordinate bodies of the Clearinghouse, such as the MOC and working groups.

3.2. COMMUNICATION AND OUTREACH.

a. Public Outreach. The Clearinghouse will establish a website accessible to the public to provide applicants, project proponents, requesters, and members of the public with available information necessary to help them participate in the mission compatibility evaluation process.

b. Early Identification and Tracking of Proposed Energy Projects. The Clearinghouse will maintain a database and information technology (IT) system that serves as a repository of proposed energy projects, analyses, and findings. All members of the BoD will have access to the database and IT system. All proposed projects identified by outreach activities will be entered into the database and IT system by the Clearinghouse.

c. Proprietary Information. Proprietary information will be appropriately marked, protected, and stored. DoD Components will handle all proprietary information in a controlled and secure manner, in accordance with applicable regulations, to ensure that no unauthorized disclosure occurs.

d. Inquiries Received by DoD Components and Role of Regional Environmental Coordinators.

(1) An inquiry received by a DoD Component relating to any type of project named in Paragraphs 1.1.b. and 1.1.c. will be forwarded to the Clearinghouse by the DoD Component, except when that DoD Component has already been designated by the Clearinghouse to engage in discussions with the entity on the matter.

(2) DoD Regional Environmental Coordinators (RECs) will be utilized to:

(a) Provide notice to the Clearinghouse, consistent with existing agreements and DoD Instruction 4715.02, of proposed energy projects within their respective geographic areas of responsibility. Although Paragraph 2b of DoD Instruction 4715.02 states that DoD Instruction 4715.02 does not apply to civil works functions of the Department of the Army, for purposes of this Instruction that exclusion does not encompass the Army Corps of Engineers' regulatory function, referenced in Paragraph 1.1.c.(6) of this issuance.

(b) Provide information to the Clearinghouse that may impact the siting and construction of energy projects, to include bulk electric transmission line infrastructure projects.

(c) Assist in outreach, strategic communication, and efforts to work with State and Indian tribal governments, when tasked by the Clearinghouse through the Military Departments.

3.3. INFORMAL REVIEW OF PROPOSED PROJECTS SUBJECT TO SECTION 358.

a. Informal reviews subject to Section 358 will be conducted in accordance with Section 211.7 of Title 32, CFR and this Instruction.

b. For DoD processes regarding evaluations under Paragraph 1.1.b.(2):

(1) The Executive Director may reject a request for review if insufficient data were provided to conduct an adequate review to determine the potential for adverse effects of the proposed project on military operations and readiness activities.

(2) The Executive Director will, within 5 business days of accepting a request:

(a) Enter essential information about the project into an approved IT system, and send that information to the affected DoD Components, requesting that they review the proposed project.

(b) Provide the essential information about the project to the OSD or the Joint Staff functional offices with oversight of test and evaluation, training, and military operations, including homeland defense.

(3) Those DoD Components that receive such requests from the Clearinghouse will conduct informal reviews by determining whether a proposed project may have an adverse impact on military operations or readiness.

(4) DoD Components that receive such requests from the Clearinghouse will provide their comments and recommendations to the Clearinghouse not later than 30 days after receiving the request. OSD functional offices may also provide their comments and recommendations to the Clearinghouse. DoD Components that find potential adverse impacts during reviews described in Paragraph 3.3.b. will notify the Clearinghouse of those potential adverse impacts and provide a point of contact for more detailed discussions with the project proponent.

(5) Not later than 50 days after receiving the request for an informal review, the Clearinghouse will review all comments and recommendations received from the DoD Components and take one of the three actions listed in Section 211.7(b)(2) of Title 32, CFR.

c. After mitigation discussions, the affected DoD Components will submit to the Clearinghouse their respective responses to the proposed project.

3.4. FORMAL REVIEW OF PROPOSED PROJECTS SUBJECT TO SECTION 358.

a. Applicability of Formal Reviews. Paragraph 1.1.b.(2) lists the types of proposed projects for which a formal review will be conducted. The procedures applicable to projects described in Paragraph 1.1.b.(2) will be performed in accordance with Section 211.6 of Title 32, CFR. A formal DoD review begins when DoD has received notice of the proposed project from the FAA, normally through the database used by the Clearinghouse to track proposed projects. The Executive Director may prioritize reviews and may direct reviews to specific affected DoD Components. Any BoD member may review a proposed project even if not directed to do so by the Executive Director.

b. DoD Component Reviews. The DoD Components conducting a formal review will:

(1) Assess whether the proposed project, if completed, would cause an adverse impact on military operations or readiness. Reviews will be conducted in accordance with relevant implementation guidance issued by the Clearinghouse. DoD Components are encouraged, but not required, to coordinate their individual reviews with other DoD Components during a preliminary assessment.

(2) Provide their assessments to the Clearinghouse in accordance with procedures and deadlines provided by the Executive Director. Such assessments will be provided by the DoD Component's member on the BoD authorized to respond on behalf of their DoD Component.

(3) For an OE/AAA project, if the DoD Component review does not identify a potential adverse impact on military operations or readiness, and the DoD Component is a user of the FAA's OE/AAA system, the DoD Component will enter the appropriate "no objection" or "no objection with provision" entry into the FAA OE/AAA system. The use of term "objection" as it relates to the impact of proposed energy projects is reserved for use by the senior officer.

c. Mitigation Negotiations.

(1) Mitigation negotiations will be conducted pursuant to Section 211.6 of Title 32, CFR.

(2) For DoD process management in accordance with Section 211.6 of Title 32, CFR, on behalf of the DoD, the MRT, when authorized by the MOC, will discuss with the applicant measures that would mitigate the adverse impact of the proposed project on military operations or readiness. The MRT will keep the MOC informed as to the status and progress of all work through no less than quarterly updates. As appropriate, the Clearinghouse will invite representatives of the Administrator of the FAA, the Secretary of Homeland Security, and other affected federal agencies to participate in such discussions.

(a) Such discussions will take place within the formal review timeline prescribed in Part 211 of Title 32, CFR. As Part 211 of Title 32, CFR provides, the MRT and the proponent may agree, in writing, to an extension of a specific period of time.

(b) In discussing mitigation to avoid an unacceptable risk to the national security of the United States, the DoD Components that have been designated by the MOC to discuss mitigation with an applicant will analyze available types of DoD mitigation. The purpose of this analysis is to determine if those types of mitigation are feasible and affordable actions that may be taken to mitigate adverse impacts of projects on military operations and readiness. As time allows, the designated DoD Components will consider, at a minimum, the following types of DoD mitigation when available as provided in Section 211.9 of Title 32, CFR:

1. Modifications to military operations.
2. Modifications to radars or other items of military equipment.
3. Modifications to military test and evaluation activities, military training routes, military training procedures, or training sites and ranges.
4. Upgrades or modifications to existing systems or procedures.
5. The acquisition of new systems by the DoD and other agencies of the Federal Government.

(c) In discussing mitigation to avoid an unacceptable risk to the national security of the United States, in accordance with Section 211.9 of Title 32, CFR, the applicant should consider these possible actions:

1. Modification of the proposed structure, the operating characteristics, or the equipment in the proposed project.
2. Changing the location of the proposed project.
3. Limiting daily operating hours or the number of days the equipment in the proposed structure is in use in order to avoid interference with military activities.
4. Providing a voluntary contribution of funds to offset the cost of measures undertaken by the Secretary of Defense to mitigate adverse impacts of the project on military operations and readiness.

(d) The MRT may not enter into an agreement with a proponent. The MRT may negotiate a proposed agreement for coordination of the MOC and BoD, followed by signature of the agreement by the ASD(EI&E) or USD(AT&L). Mitigation measures will be specifically identified in a proposed agreement.

(e) If a proposed agreement between the proponent and the MRT has been reached on mitigation measures that sufficiently reduce or eliminate the adverse impact of the proposed project on military operations or readiness:

1. The MRT will notify the Clearinghouse and the MOC of the proposed agreement.
2. The Executive Director will coordinate the proposed agreement with the MOC for presentation to the BoD. The Clearinghouse BoD may conclude that:
 - a. The proposed project as modified by virtue of the agreement sufficiently reduces or eliminates the potential adverse impact on military operations or readiness and should be accepted.
 - b. The proposed project as modified by virtue of the agreement still may have an adverse impact on military operations or readiness and should be revised.
- (3) The MRT will notify the Clearinghouse if the proponent:
 - (a) Does not agree to discuss with the DoD efforts to mitigate the project's adverse impact on military operations or readiness; or
 - (b) Does agree to discuss mitigation efforts, but the proponent and the MRT cannot agree on mitigation.

d. Recommendation for Determination of Unacceptable Risk to the National Security of the United States.

- (1) If the MRT is unable to reach an agreement with the proponent regarding a project described by Paragraph 1.1.b.(2), the Executive Director will direct each DoD Component member of the MRT to provide its recommendation to the MOC.
- (2) After reviewing the recommendations provided by the designated DoD Components, the MOC will take one of two actions:
 - (a) Conclude that the proposed project may result in an unacceptable risk to the national security of the United States, and make a recommendation to the BoD that the USD(AT&L) be asked to pursue a Deputy Secretary of Defense determination of unacceptable risk pursuant to Section 211.6 of Title 32, CFR.
 1. If the BoD agrees with the MOC recommendation, the BoD will endorse that recommendation and forward it to the USD(AT&L) for review.
 2. The USD(AT&L) will make a determination on the BoD recommendation within 30 days.
 - a. If the USD(AT&L) agrees with the BoD recommendation, the USD(AT&L) will recommend to the Deputy Secretary of Defense that DoD object to the proposed project.
 - b. If the USD(AT&L) disagrees with the BoD recommendation, the USD(AT&L) will notify the BoD to that effect.

(b) Determine that there is another course of action necessary before making a recommendation to the BoD. The MOC may seek new approaches to finding an acceptable mitigation solution before making a recommendation to the BoD.

(3) If the MOC or the BoD concludes that the proposed project would not result in an unacceptable risk to the national security of the United States and the affected DoD Component disagrees with that conclusion, the Component:

(a) May request that the USD(AT&L) pursue a determination of unacceptable risk.

(b) Must at the same time provide the USD(AT&L) with the rationale for the Component's position.

(4) The Executive Director will make any necessary notifications to implement decisions by the USD(AT&L) and the Deputy Secretary of Defense.

(5) Determinations of unacceptable risk that must be reported to Congress will be made in accordance with Section 211.10 of Title 32, CFR.

3.5. REVIEW OF PROPOSED PROJECTS NOT SUBJECT TO SECTION 358.

a. Applicability of Reviews. The procedures in Paragraph 3.5 apply to energy projects described in Paragraphs 1.1.c.(1) through 1.1.c.(5) and paragraph 1.1.c.(7).

b. Review of Proposed Energy Projects on Military Installations. In accordance with Paragraph 1.1.c.(1), the ASD(EI&E) will provide oversight and coordination of DoD mission compatibility planning assessments for energy projects on military installations when those projects are referred to the Clearinghouse by a Military Department. The ASD(EI&E) will request appropriate DoD Component representation on energy planning and mission compatibility working groups established for the review of energy projects on military installations.

(1) When considering energy projects that will be sited on military installations, the Clearinghouse will either complete its review within 45 days of receiving the request from the referring Military Department or request an additional 45 days to complete the evaluation.

(2) If the Clearinghouse review determines that the energy project may have an adverse impact on military operations and readiness of a DoD Component other than the referring Military Department, the Clearinghouse will notify the referring Military Department of the potential adverse impact.

(a) After receipt of such notification from the Clearinghouse, the referring Military Department and the other affected DoD Component will have 45 days to evaluate the adverse impact and determine whether it can be mitigated through cost-effective measures.

(b) Not later than 45 days after receipt of notification from the Clearinghouse, the referring Military Department will respond to the Clearinghouse, providing the results of its

communications with the other affected DoD Component and indicating whether they were able to reach agreement.

(3) If the referring Military Department and the other affected DoD Component are unable to reach an agreement that mitigates or eliminates the adverse impact, the Military Department will notify the Clearinghouse to that effect.

(a) The Clearinghouse will, within 30 days of receipt of notification, prepare a recommendation for the USD(AT&L) to transmit to the concerned DoD Components.

(b) If either of the concerned DoD Components finds the recommendation of the USD(AT&L) unacceptable, that Component may request that the Secretary of Defense review the USD(AT&L) decision.

c. Review of Proposed Energy Projects on Public Lands That Are Not Withdrawn for Military Use. In accordance with Paragraph 1.1.c.(2), the ASD(EI&E) will direct the DoD mission compatibility planning assessments for energy projects on BLM-administered public lands that are not withdrawn lands when requested by the BLM, or on an as-needed basis. The ASD(EI&E) will request appropriate DoD Component representation on energy planning and mission compatibility working groups established for the review of such proposed projects.

(1) For energy projects to be sited on such public lands which DoD has previously identified as sensitive from a military standpoint, the DoD will either complete a review within 45 days of receiving the request for review from the cognizant BLM field office or request an additional 45 days to complete the evaluation.

(2) If the DoD evaluation indicates that the energy project would have an adverse impact on military operations and readiness that are not capable of being mitigated, the DoD will notify the BLM field office.

(3) Once a BLM field office has notified the Office of the Deputy Director, BLM, of the DoD evaluation, and the BLM Washington Office has asked the Clearinghouse for a review of the evaluation, DoD will respond to that request within 30 calendar days, either concurring with the DoD recommendation or proposing an alternative to the proponent's proposed action. The response will address any DoD stipulations that the BLM should include in the instrument (e.g., lease, license, easement, or permit) that the BLM plans to execute with, or for the benefit of, the project proponent.

d. Review of Proposed LNG Terminals Within the Authority of the FERC. In accordance with Paragraph 1.1.c.(3), the ASD(EI&E) will lead the DoD mission compatibility planning assessments for proposed LNG terminals that would affect an active military installation when requests for the review of such proposed projects are submitted to the DoD by the FERC. The ASD(EI&E) will request appropriate representation from the affected OSD functional offices and DoD Components in the review of such proposed projects.

(1) For LNG terminals proposed in accordance with Section 717 et. seq. of Title 15, U.S.C., the DoD will complete its preliminary assessment within 20 days of receiving the request for review of a notice of intent to prepare an environmental assessment from the FERC.

(2) On completion of the preliminary assessment, the Clearinghouse will prepare a preliminary assessment coordination package and transmit that package to the appropriate functional offices within the OSD as well as to the appropriate DoD Components. OSD functional offices and DoD Components will have 10 days to provide their respective responses to the preliminary assessment coordination package to the Clearinghouse.

(3) The Clearinghouse will review the responses from the OSD functional offices and DoD Components, de-conflict those responses as required, and prepare a proposed DoD response to the FERC.

(4) If the proposed project would have no adverse impact on military operations and readiness and efforts to mitigate are not required, the Clearinghouse will transmit a DoD response to that effect to the FERC within 30 days of receipt of the notice of intent to prepare an environmental assessment from the FERC.

(5) If the proposed project would have an adverse impact on military operations and readiness and efforts to mitigate are necessary, the Clearinghouse will provide a response to that effect to the FERC within 30 days of receipt of the notice of intent to prepare an environmental assessment from the FERC. Pursuant to the August 29, 2014 Memorandum of Understanding between the FERC and the DoD, the FERC is expected to consult with the affected OSD functional offices and DoD Components to determine whether the proposed project would affect the test, training, or operational activities of a military installation.

(6) When the FERC sends a letter to the DoD containing its conclusion about whether the proposed project would affect the test, training, or operational activities of a military installation, the Clearinghouse will prepare a proposed DoD response and coordinate that response with the affected OSD functional offices and DoD Components. Within 45 days of receipt of the FERC's letter, the Office of the ASD(EI&E) will notify the FERC in writing indicating whether the DoD agrees with FERC's determination and identifying any outstanding concerns that may require continuing efforts to mitigate or avoid those effects.

e. Review of Proposed Bulk Electric System Transmission Lines Within the Backstop Siting Authority of the FERC. In accordance with Paragraph 1.1.c.(3), the ASD(EI&E) will lead the DoD mission compatibility planning assessments for proposed bulk electric system transmission lines that are within the backstop siting authority of the FERC when requests for the review of such proposed projects are submitted to the DoD by the FERC pursuant to Section 824p of Title 16, U.S.C. (also known as Section 216 of the Federal Power Act). The ASD(EI&E) will request appropriate representation from the affected OSD functional offices and DoD Components in the review of such proposed projects.

(1) For proposed bulk electric system transmission lines that are within the backstop siting authority of the FERC, information on proposed projects may be submitted to the DoD by project proponents, or referred to the Clearinghouse by the FERC after they have been received pursuant to parts 50 or 380 of Title 18, CFR. Information on proposed projects for such transmission lines that are sent from the project proponent to a DoD Component will be forwarded by that Component to the Clearinghouse.

(2) On receipt of a project proposal from either the project proponent or the FERC, the Executive Director, in consultation with the FERC, will establish procedures and deadlines for DoD Component review of the proposed project.

f. Review of Proposed Energy and Energy-Related Projects on the Outer Continental Shelf. In accordance with Paragraph 1.1.c.(4), the USD(P&R) will lead the DoD mission compatibility planning assessments for renewable and conventional energy development projects on the Outer Continental Shelf when requested by the BOEM or on an as-needed basis. The USD(P&R) will request appropriate DoD Component representation on offshore energy planning and mission compatibility working groups.

(1) For proposed offshore renewable and conventional energy projects submitted by the BOEM, and also subject to FAA authority, the DoD will complete its review within 50 days of receiving the request. The review will address any DoD stipulations that the BOEM should include in its lease sale agreement with the project proponent. For proposed offshore energy projects within the jurisdiction of the FAA, the review processes will be the same as for onshore energy projects.

(2) For proposed offshore energy projects outside of State waters but still within the jurisdiction of the FAA, the formal review process will be the same as for onshore energy projects. The review will address any DoD stipulations that the BOEM should include in its lease sale agreement with the project proponent.

g. Review of Proposed Energy Projects for Which an Application Has Been Submitted to the U.S. Army Corps of Engineers. Pursuant to Section 1344 of Title 33, U.S.C., and in accordance with Paragraph 1.1.c.(5), the ASD(EI&E) will lead the DoD mission compatibility planning assessments for proposed energy projects that have been submitted to the Corps of Engineers in conjunction with applications for a nationwide permit, an individual permit, or a regional general permit pre-construction notification (PCN) when the Corps of Engineers submits the associated documentation to the Clearinghouse for evaluation of the potential effects on military activities. The ASD(EI&E) will request appropriate representation from the affected OSD functional offices and DoD Components in the review of such proposed projects.

(1) For all nationwide permit and regional general permit PCNs for overhead transmission lines or renewable energy projects, on receipt of a complete PCN, the Corps district will provide the Clearinghouse with a copy of the PCN for a 10-business-day review period. If the Clearinghouse does not provide comments to the Corps district within that period, the Corps district may assume that there is no adverse impact on military operations and readiness associated with the issuance of the requested permit. If the Clearinghouse provides comments within the coordination period, the Corps district will determine what effect, if any, such information may have on the district's evaluation of the PCN.

(2) The Corps of Engineers reviews applications for individual Department of the Army permits associated with overhead transmission lines, as well as renewable energy projects. When the Corps of Engineers district office chooses to submit the associated documentation to the Clearinghouse for evaluation of the potential effects on military operations and readiness, the

district office will include a copy of the public notice or letter of permission coordination document in its submission to the Clearinghouse.

(a) The Clearinghouse will provide any comments concerning adverse impact on operations and readiness to the Corps district within the comment period for the public notice or letter of permission coordination document.

(b) If the Clearinghouse does not provide comment to the Corps district within that period, the Corps district may assume that there are no adverse impacts on military operations and readiness associated with the issuance of the requested permit.

(c) If public interest will be adversely affected by the proposed activity, the Clearinghouse, after due consultation with the affected DoD Components and OSD functional offices, will provide documentation to the Corps district that clearly explains those concerns.

(d) The district will evaluate this information as part of its public interest review in order to determine whether the project, before achievement of a resolution with DoD, is contrary to the public interest. If a resolution is reached regarding the proposed project's impacts to the DoD mission, the Clearinghouse will provide a written statement to the Corps district, explaining that the public interest concerns have been resolved.

h. Review of Proposed Bulk Electric System Transmission Lines Submitted by a Federal Department or Agency Outside the DoD That Crosses a Military Installation. In accordance with Paragraph 1.1.c.(7), the ASD(EI&E) will provide oversight and coordination of DoD mission compatibility planning assessments for the review of proposed bulk electric system transmission lines that cross military installations and do not meet the criteria for review under the FAA's OE/AAA process. The ASD(EI&E) will request appropriate DoD Component representation on energy planning and mission compatibility working groups established for the review of such proposed projects. For National Environmental Policy Act actions, the Clearinghouse may seek to be designated a cooperating agency by the Lead Federal Agency.

(1) For proposed bulk electric system transmission lines that cross military installations, the Clearinghouse will either complete its review within 45 days of receiving the request for review from the referring Military Department or request an additional 45 days to complete the evaluation.

(2) If the Clearinghouse review indicates that the proposed bulk electric system transmission line may have an adverse impact on military operations and readiness of any DoD Component, the Clearinghouse will notify the referring Military Department of the potential adverse impact.

(a) After receipt of such notification from the Clearinghouse, the referring Military Department and the affected DoD Component will have a period of 45 days to provide a preliminary evaluation of the adverse impact and determine whether it can be mitigated through cost-effective measures or request an extension with justifications.

(b) If the Clearinghouse and the affected DoD Component agree that the proposed bulk electric system transmission line would either not have an adverse impact on military

operations and readiness or that any such adverse impact could be mitigated in a cost-effective manner, the Clearinghouse will notify the originating federal department or agency of that conclusion.

(3) If the referring Military Department and the Clearinghouse agree that the proposed bulk electric system transmission line would have an adverse impact on military operations and readiness that cannot be mitigated or eliminated through cost-effective measures, the Clearinghouse will prepare a response to the non-DoD federal department or agency that originated the request for review. The Clearinghouse will transmit its response to the originating non-DoD federal department or agency within 30 days after receipt of the evaluation from the referring Military Department.

GLOSSARY

G.1. ACRONYMS.

ASD(EI&E)	Assistant Secretary of Defense for Energy, Installations, and Environment
ASD(HD&GS)	Assistant Secretary of Defense for Homeland Defense and Global Security
ASD(R)	Assistant Secretary of Defense for Readiness
BLM	Bureau of Land Management
BoD	Board of Directors
BOEM	Bureau of Ocean Energy Management
CFR	Code of Federal Regulations
DOT&E	Director, Operational Test and Evaluation
DTRMC	Director, Test Resource Management Center
FAA	Federal Aviation Administration
FERC	Federal Energy Regulatory Commission
IT	information technology
J-5	Joint Staff Directorate for Strategic Plans and Policies
LNG	Liquefied Natural Gas
MOC	Mitigation Oversight Committee
MRT	mitigation response team
NORAD	North American Aerospace Defense Command
OE/AAA	Obstruction Evaluation/Airport Airspace Analysis
PCN	pre-construction notification
REC	Regional Environmental Coordinator
U.S.C.	United States Code
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology, and Logistics
USD(C)/CFO	Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
USNORTHCOM	United States Northern Command
USPACOM	United States Pacific Command
USSOUTHCOM	United States Southern Command
USSTRATCOM	United States Strategic Command

WG working groups

G.2. DEFINITIONS. These terms and their definitions are for the purpose of this issuance.

adverse impact on military operations and readiness. Defined in Section 211.3 of Title 32, CFR.

armed forces. Defined in Section 101(a)(4) of Title 10, U.S.C., but does not include the Coast Guard.

applicant. Defined in Section 211.3 of Title 32, CFR.

bulk electric system. The electrical generation resources, transmission lines, interconnections with neighboring systems, and the associated equipment, generally operated at voltages of 100 kilovolts or greater.

Clearinghouse. Defined in Section 211.3 of Title 32, CFR.

Congressional Defense Committees. Defined in Section 101(a)(16) of Title 10, U.S.C.

days. All calendar days, excluding federal holidays.

energy project. A project that provides for the generation or transmission of electrical energy.

informal review. As described in section 211.7 of Title 32, CFR.

military installation. Defined in section 2687(g)(1) of Title 10, U.S.C., and includes lands withdrawn and reserved for military use.

military readiness. Defined in Section 211.3 of Title 32, CFR.

mitigation. Defined in Section 211.3 of Title 32, CFR.

MRT. One or more DoD Components designated by the MOC to conduct or oversee a detailed analysis to determine if the proposed project may result in an unacceptable risk to the national security of the United States and, if authorized by the MOC, to engage in mitigation discussions.

OE/AAA project. A project as described in the application submitted to the Secretary of Transportation pursuant to Section 44718 of Title 49, U.S.C. and transmitted by the Secretary of Transportation to the Clearinghouse. The term may also refer to a project proposal for which an application has not been submitted to the Secretary of Transportation pursuant to Section 44718 of Title 49, U.S.C., but which meets the criteria for notification of proposed construction or alteration in accordance with part 77 of Title 14, CFR and review under the Federal Aviation Administration's OE/AAA process.

proponent. An individual, partnership, corporation, other legal entity, or government agency that is proposing to construct an energy project.

proposed project. An OE/AAA project or an energy project.

requester. Defined in Section 211.3 of Title 32, CFR.

Section 358. Section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383), as amended.

senior officer. The Deputy Secretary of Defense.

senior official. The USD(AT&L).

State. When used in reference to State governments or officials, includes local governments and officials.

unacceptable risk to the national security of the United States. Defined in Section 211.3 of Title 32, CFR.

United States. Defined in Section 211.3 of Title 32, CFR.

withdrawn lands. Public lands that have been withdrawn and reserved for military use.

REFERENCES

- Code of Federal Regulations, Title 14
- Code of Federal Regulations, Title 18
- Code of Federal Regulations, Title 32, Part 211
- DoD Directive 5105.71, “Department of Defense Test Resource Management Center (TRMC),” March 8, 2004
- DoD Directive 1322.18, “Military Training,” January 13, 2009DoD Directive 5111.13, “Assistant Secretary of Defense for Homeland Defense and Americas’ Security Affairs (ASD(HD&ASA)),” January 16, 2009
- DoD Directive 5134.01, “Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)),” December 9, 2005, as amended
- DoD Directive 5141.02, “Director of Operational Test and Evaluation (DOT&E),” February 2, 2009
- DoD Instruction 4165.57, “Air Installation Compatible Use Zones (AICUZ),” May 2, 2011, as amended
- DoD Instruction 4715.02, “Regional Environmental Coordination,” August 28, 2009
- DoD Instruction 5134.17, “Deputy Assistant Secretary of Defense for Developmental Test and Evaluation (DASD(DT&E)),” October 25, 2011
- DoD Instruction 4165.57, “Air Installations Compatible Use Zones (AICUZ),” May 2, 2011, as amended
- DoD Manual 8910.01, Volume 2, “DoD Information Collections Manual: Procedures for DoD Public Information Collections,” June 30, 2014
- Memorandum of Understanding between the Federal Energy Regulatory Commission and the United States Department of Defense to Ensure Consultation and Coordination on the Effect of Liquefied Natural Gas Terminals on Active Military Installations, August 29, 2014¹
- Secretary of Defense Memorandum, “Designation of a Senior Officer, Senior Official, and Lead Organization for a DoD Mission Compatibility Evaluation Process,” July 15, 2011²
- Section 358 of Public Law 111-383, “The Ike Skelton National Defense Authorization Act for Fiscal Year 2011,” January 7, 2011, as amended
- United States Code, Title 10
- United States Code, Title 15, Section 717 et. seq.
- United States Code, Title 16, Section 824p (also known as Section 216 of the Federal Power Act)
- United States Code, Title 33
- United States Code, Title 49, Section 44718

¹ Available at <https://www.ferc.gov/legal/mou/mou-dod.pdf>

² Available at <http://www.acq.osd.mil/dodsc/library/secdef-appt-ltr-15-07111.pdf>