



**U.S. Fish and Wildlife Service
Guidelines for Coordination on Integrated Natural Resource
Management Plans**

June 2015

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Figure 1: Fish and Wildlife Service Process for INRMP Review and Approval

Attachment 1: Memorandum of Understanding Between the U.S. Department of Defense and U.S. Fish and Wildlife Service and the Association of Fish and Wildlife Agencies

Attachment 2: Interagency Assistance Agreement between the United States Fish and Wildlife Service and the United States Air Force for the Conservation of Natural Resources on Air Force Controlled Lands

List of Abbreviations

| | |
|--------|-----------------------------------------------------------------------|
| APP | Avian Protection Plan |
| ARD | Assistant Regional Director |
| BASH | Bird/Wildlife or Animal Aircraft Strike Hazard |
| BGEPA | Bald and Golden Eagle Protection Act |
| CCP | Comprehensive Conservation Plan |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| DoD | Department of Defense |
| DOI | Department of the Interior |
| ECOS | Environmental Conservation Online System |
| ESA | Endangered Species Act |
| FIS | Fisheries Information System |
| FLPMA | Federal Land Policy and Management Act |
| INRMP | Integrated Natural Resources Management Plan |
| LCC | Landscape Conservation Cooperative |
| MBTA | Migratory Bird Treaty Act |
| MIPR | Military Interagency Purchase Request |
| NCTC | National Conservation Training Center |
| NEPA | National Environmental Policy Act |
| NOAA | National Oceanic and Atmospheric Administration |
| NWR | National Wildlife Refuge |
| OLE | Office of Law Enforcement |
| RCRA | Resource Conservation and Recovery Act |

| | |
|---------|-----------------------------------------|
| Service | U.S. Fish and Wildlife Service |
| States | State fish and wildlife agencies |
| TAILS | Tracking and Integrated Logging System |
| USDA | United States Department of Agriculture |

Introduction

This document provides updated guidance to U.S. Fish and Wildlife Service (Service) personnel for implementing the requirements of the Sikes Act. It replaces the following memorandum: *Guidance for Coordination of Department of Defense Sikes Act Integrated Natural Resource Management Plans* (June 8, 2001). Additionally, guidance may be developed in the future to streamline the review process for Integrated Natural Resources Management Plans (INRMPs).

The Sikes Act directs the Secretary of Defense, in cooperation with the Service and the appropriate State fish and wildlife agencies (States), to prepare and implement INRMPs for Department of Defense (DoD) lands with significant natural resources. The DoD, the States and the Service are referred to as “the parties” throughout this document. The requirement to prepare and implement INRMPs was created by the 1997 Amendments to the Sikes Act, often referred to as the Sikes Act Improvement Act, and is intended to broaden the scope of DoD natural resource programs. INRMPs accomplish this in a number of ways including: (1) integrating natural resource programs with operations and training; (2) embracing the tenets of adaptive, ecosystem-based management while ensuring no net loss in the capacity of the installation to support the military mission; (3) providing a venue for public comment on installation natural resource programs; (4) strengthening funding justification for conservation activities on military lands; and (5) implementing conservation measures for the benefit of species management.

The Sikes Act provides requirements to monitor and improve the effectiveness of INRMPs. These include: (1) annual reporting for the Service and the DoD; and (2) INRMP reviews as to operation and effect by the parties, no less than every 5 years. This review provides a determination as to whether the plan needs a minor change or revision in order to continue to address adequately the purposes and requirements of the Sikes Act.

According to the Sikes Act, the preparation and implementation of INRMPs should be consistent “with the use of military installations to ensure the preparedness of the Armed Forces.” The Act states that an INRMP shall, to the extent appropriate and applicable, provide for no net loss in the capability of military installation lands to support the mission of the installation. INRMPs serve as cooperative plans for the conservation and rehabilitation of natural resources on approximately 25 million acres of military lands while maintaining military readiness. Further, these installations provided habitat for approximately 425 species listed under the Endangered Species Act (ESA).

Key Definitions

Sikes Act activities and coordination with the military services are managed by several functional field units of the Service, but primarily Ecological Services field units. Reference to “field offices” throughout this guidance refers to any field unit that engages in Sikes Act activities.

The DoD and the Service jointly developed several definitions to improve communications within and among agencies. The following definitions from the 2013 MOU between the Service,

DoD and AFWA (see Attachment 1) should be used by Service staff engaged in INRMP-related activities.

Compliant INRMP: An INRMP that has been both approved in writing, and reviewed, within the past five years, as to operation and effect, by authorized officials of DoD, DOI, and each appropriate State fish and wildlife agency.

INRMP revision: Any change to an INRMP that, if implemented, may result in a significant environmental impact, including those not anticipated by the parties to the INRMP when the INRMP was last approved and/or reviewed as to operation and effect. All such revisions require approval by all parties to the INRMP, and will require a new or supplemental NEPA analysis.

INRMP update: Any change to an INRMP that, if implemented, is not expected to result in consequences materially different from those in the existing INRMP and analyzed in an existing NEPA document. Such changes will not result in a significant environmental impact, and installations are not required to invite the public to review or to comment on the decision to continue implementing the updated INRMP.

Review for operation and effect: A comprehensive, joint review by the parties to the INRMP, conducted no less often than every five years, to determine whether the plan needs an update or revision to continue to address adequately Sikes Act purposes and requirements.

Although we provide a definition for a compliant INRMP, this does not invalidate the use of existing INRMPs that do not meet the compliant INRMP signature date criterion. The Service will consider that INRMP currently being used to guide natural resource management on a given installation, irrespective of signature date or most-recent review for operation and effect, to be the operational equivalent of a compliant INRMP, so long as the Service has no objections to the natural resource management contained in this INRMP. The Service and DoD will generally treat such an operational INRMP as a suitable instrument for providing the installation with applicable exemptions or exclusions from designation of critical habitat as put forth under Section 4(a)(3)(B)(i) and Section 4(b)(2) and of the Act, (16 U.S.C. 1533(a)(3)(B)(i) and 1533(b)(2), respectively) if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation.

If an operational INRMP lacks current information relative to the status of Candidate species and those species proposed for listing or listed as Threatened or Endangered under the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.), and/or requires the inclusion of updated or new management actions for the benefit of such species, such information can be provided to the Service in the form of an addendum to the operational INRMP. An addendum to the operational INRMP would be signed by the appropriate DoD and Service representatives and appended to its INRMP.

INRMP Coordination

The Service is committed to continuing and expanding partnerships with the DoD and the States. Further, the Service has explicit responsibilities under the Sikes Act for cooperating with military installations that are required to prepare INRMPs. In accordance with the Sikes Act mandate for Service cooperation, when the Service is requested to participate in the planning, development, or concurrence of an INRMP, the appropriate office as designated by the Regional Director should collaborate with the requesting military service installation. Notifications should be sent to the Assistant Director–Fish and Aquatic Conservation and the Assistant Director–Endangered Species in the event that this cannot be achieved.

The Sikes Act states that INRMPs shall reflect mutual agreement of the military service, the Service, and the States and is reflected by signature of the plan or letter of concurrence. The overall goal of the parties is to reach agreement on the entire INRMP; however, it is a requirement that INRMPs reflect mutual agreement on the conservation, protection, and management of fish and wildlife resources. Mutual agreement is reflected by signature of the plan or letter of concurrence. The Sikes Act neither diminishes nor increases the legal authorities of an agency. The Sikes Act states that INRMPs shall cause no net loss in the capability of military installation lands to support the military mission of the installation; however, there may be instances in which additional alternatives or changes to the proposed action may need to be considered in order to fulfill legislative and regulatory requirements other than the Sikes Act. Examples of such instances can include complying with a biological opinion under the provisions of the Endangered Species Act (ESA), the protection of wetlands under provisions of the Clean Water Act, or protecting birds under the Migratory Bird Treaty Act (MBTA).

Early and regular participation with military installations in the preparation or revision of INRMPs will allow the Service to provide technical expertise and recommendations on the conservation, and management of natural resources on military lands. Perhaps more importantly, it will facilitate quicker review and processing of INRMP concurrence. There are several authorities available to facilitate partnering with military installations. These include:

Title 10, United States Code 2684a, “Agreements to Limit Encroachments and Other Constraints on Military Training, Testing, and Operations”: This was enacted by Congress as Section 2811 of the National Defense Authorization Act for fiscal year 2003. This authority represents a powerful tool and unique opportunity for the DoD to work in partnership with States, other governments, and public or private environmental and conservation groups to achieve a common goal of sustainability. By addressing incompatible land use and unconstrained development, it contributes to managing suburban sprawl and thereby, provides for wise-growth management. The compatible use authority allows the military to work with partners to encumber land to protect habitat and training without using the lengthy and complicated land acquisition processes.

DOI Secretarial Order 3289, issued September 14, 2009: This establishes Landscape Conservation Cooperatives, which focus on on-the-ground strategic conservation efforts at the landscape level. Landscape Conservation Cooperatives (LCCs) are management-science partnerships that inform integrated resource management actions addressing climate change

and other stressors within and across landscapes. They link science and conservation delivery. LCCs are true cooperatives, formed and directed by land, water, wildlife and cultural resource managers and interested public and private organizations. Federal, State, tribal, local government and non-governmental management organizations are all invited as partners in their development.

Field offices are encouraged to initiate and maintain contact with military installation natural resource managers through INRMP development and implementation teams. These teams should consist of at least the three parties designated in the Sikes Act. Members of INRMP teams could also include other regulatory agencies with an interest in the affected resources, adjacent government agency landowners, non-governmental groups, and stakeholders. National Oceanic and Atmospheric Administration (NOAA) Fisheries should be included in cases where commercial marine fisheries or other NOAA-regulated resources are involved.

FWS field offices are strongly encouraged to maintain contact with the State(s) that oversee(s) natural resource management on military installations throughout the INRMP preparation, review and revision process. FWS field offices are encouraged to participate in these partnerships to implement the Sikes Act by initiating and maintaining contact with military installation natural resource managers, through INRMP preparation, review, and implementation. The Service is required to report Sikes Act expenditures by the States, therefore maintaining contact is imperative.

FWS Program Responsibilities

Ecological Services and, in some cases, Fish and Aquatic Conservation program field offices are the lead offices for implementing Sikes Act activities and are responsible for coordinating INRMP development and reviews with other Service field offices and Regional Offices. If an installation is within the jurisdiction of more than one field office, the Regional Office will designate a lead field office.

Regional Sikes Act coordination and implementation responsibilities lie with either the Assistant Regional Director (ARD) for Ecological Services or, in the case of Region 6 for example, Fisheries. As of the date of this guidance, the most up to date list of Regional Sikes Act Coordinators is on the website at http://www.fws.gov/fisheries/sikes_act/index.html, however the site address is subject to change. The Regional Sikes Act Coordinators will ensure any INRMP issues elevated from the field office to the Regional Office receive coordination with all appropriate Service programs. The Regional Sikes Act Coordinators are also responsible for providing the National Sikes Act Coordinator with updates on INRMP review status, implementation, annual reporting, and other Sikes Act related information. The Regional Sikes Act Coordinators are also responsible for ensuring that field offices enter Sikes Act reporting data into the Service's Environmental Conservation Online System (ECOS) database in a timely manner.

A compliant INRMP requires the signature of an authorized DOI official (see Key Definitions). As of June 2009, the Acting Director authorized Regional Directors to delegate INRMP signature authority to the field office level. Please refer to regional guidance for specific

direction and exceptions, as some Regional Directors have retained signature authority in many cases, such as:

1. The INRMP is the first one completed for an installation;
2. Several field offices are responsible for an installation;
3. Environmental contaminant issues coordination is required at the regional level;
4. Coordination of migratory bird issues is required at the regional level;
5. Refuge lands abut the installation, requiring Regional Office review;
6. Field offices have funding or workload issues that may have precluded full Service coordination; and,
7. Litigation issues.

In the headquarters office, the lead for coordinating the Service's Sikes Act responsibilities is under the purview of the Assistant Director–Fish and Aquatic Conservation. This includes coordinating with the DoD on Sikes Act activities and responding to inquiries from within the Service, other agencies, the States, the public, and Congress. Additionally, the Assistant Director–Endangered Species maintains the lead for coordinating with DoD on ESA and critical habitat matters. The Assistant Director–Endangered Species administers the Conservation Planning Assistance program which is frequently the lead for INRMP coordination and reviews.

Determining Whether an INRMP is Required

The Sikes Act requires the Secretary of Defense to carry out a program for the conservation and rehabilitation of natural resources on lands used by the military. INRMPs are used to implement this program. However, it is also important to note that INRMPs are not required on DoD lands that do not have significant natural resources.

Under the Sikes Act, “the Secretary of each military department shall prepare and implement an INRMP for each military installation in the United States under the jurisdiction of the Secretary, unless the Secretary determines that the absence of significant natural resources on a particular installation makes preparation of such a plan inappropriate.” The decision as to whether an installation is to prepare an INRMP rests with the Secretary of the military department that has jurisdiction over the installation in question. Installations subject to a recommendation for closure under the Defense Base Closure and Realignment Act of 1990, as amended, are excluded from the requirement to prepare an INRMP. If the military determines that an installation requires an INRMP, the Service is required to work in cooperation with the military to prepare each INRMP.

Military Withdrawals

Public lands may be withdrawn from the public domain and reserved for military training and testing in support of our national defense requirements. Lands so designated are usually

withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral and geothermal leasing laws and the Materials Act of 1947. Withdrawals are accomplished by the Bureau of Land Management in response to laws or legislative actions ordered by Congress or an administrative action by the Secretary of the Interior. Withdrawn military lands usually continue to require INRMPs and agreements to carry out environmental compliance and response responsibilities.

INRMP Contents and Requirements

Information on the contents and requirements of INRMPs is found in the Sikes Act and in DoD policies and guidance documents. This information is summarized below and website links are provided to access the DoD documents.

The Sikes Act defines the purposes of natural resources management on military lands as “the conservation and rehabilitation of natural resources on military installations; the sustainable multipurpose use of the resources, which shall include hunting, fishing, trapping, and non-consumptive uses; and, subject to safety requirements and military security, public access to military installations to facilitate the use [of these resources].” The Sikes Act requires not simply writing, reviewing and revising INRMPs, but also implementing them. Further, the Sikes Act requires that each INRMP shall, where appropriate, and applicable, provide for:

- No net loss in the capability of military installation lands to support the military mission of the installation;
- Fish and wildlife management, land management, forest management, and fish and wildlife-oriented recreation;
- Fish and wildlife habitat enhancement or modifications;
- Wetland protection, enhancement, and restoration, where necessary for support of fish, wildlife, or plants;
- Integration of, and consistency among, the various activities conducted under the plan;
- Establishment of specific natural resource management goals and objectives and time frames for proposed action;
- Sustained use by the public of natural resources to the extent that the use is not inconsistent with the needs of fish and wildlife resources;
- Public access to the military installation that is necessary or appropriate subject to requirements necessary to ensure safety and military security;
- Enforcement of applicable natural resource laws (including regulations); and,
- Such other activities as the Secretary of the military department determines appropriate.

INRMPs typically include a description of the installation, its mission, how training requirements are supported while protecting the environment, and the role of natural resources on the installation in the context of the surrounding ecosystem. DoD requires INRMPs to be prepared

in coordination with installation master plans, range plans, training plans, integrated cultural resources management plans, integrated pest management plans, installation restoration plans that address contaminants covered by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and related provisions and the Resource Conservation and Recovery Act (RCRA), and any other appropriate military plans. In addition, an INRMP should also consider the effects of implementation on the installation's natural resource management activities in a regional context.

INRMPs should not be a comprehensive compilation of detailed information on all these topics, but instead should briefly summarize the key interrelationships with relevant plans, reference where the plans may be obtained, and describe where detailed information can be found. Ideally, an INRMP should be an easily referenced and frequently referred to working document.

Field offices working with installations to prepare or review INRMPs should coordinate with other field offices to include Ecological Services, Fish and Wildlife Conservation Offices, Refuges, Hatcheries, Law Enforcement Offices and the Regional Office to ensure INRMPs are thoroughly reviewed by the programs. Field offices should also work in coordination with State fish and wildlife agencies.

INRMP Review and Section 7 Consultations Pursuant to the ESA

If an action proposed in an INRMP "may affect" a species listed as threatened or endangered under the ESA, or a listed species' designated critical habitat, section 7 consultation shall be completed prior to the Service's concurrence of the INRMP. Additionally, if an action proposed in an INRMP is likely to adversely affect proposed species or adversely modify proposed critical habitat, a conference should be initiated by the installation. Formal ESA compliance should be addressed early in the INRMP preparation and review process. Evaluation of the potential effects of an INRMP on listed species and critical habitat should address all activities that may affect listed species or critical habitat and the evaluation should reflect how the INRMP may be addressing or managing those effects. For INRMPs which may affect listed species, the Service should assist the installation in incorporating conservation measures (including recovery plan tasks) into the development of the INRMP.

The Service will not concur with any INRMP for which a jeopardy or adverse modification Biological Opinion has been issued unless the military installation commander commits to implementing the Reasonable and Prudent Alternative(s).

When reporting section 7 consultation expenditures as required annually in ECOS under the Sikes Act, only those expenditures related to goals, conservation actions or other objectives in the INRMP and the consequences of implementing the INRMP should be reported.

Critical Habitat: ESA Section 4(a)(3) Amendment

Section 318 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law No: 108-136) amended the ESA by adding a new section 4(a)(3)(B)(i), that the Service “shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation.”

The conference report, H.R. 108-354, provides some additional insight into the intent of the provision:

The conferees would expect the Secretary of the Interior to assess an INRMP’s potential contribution to species conservation, giving due regard to those habitat protection, maintenance, and improvement projects and other related activities specified in the plan that address the particular conservation and protection needs of the species for which critical habitat would otherwise be proposed. Consistent with current practice, the Secretary would establish criteria that would be used to determine if an INRMP benefits the listed species for which critical habitat would be proposed.

Consistent with current practice, the committee would expect the Secretary of Interior to use established criteria to determine if an INRMP provides special management considerations or protection, such as: (1) a current, complete plan that provides sufficient conservation benefit to the species; (2) a plan that provides assurances that the conservation management strategies will be implemented; and (3) a plan that provides assurances that the conservation management strategies will be effective.

When the Service is developing a proposed critical habitat designation for a species whose range includes a DoD installation or whose conservation may be affected by management of a DoD installation, a field office will contact the known affected DoD installations/facilities.

To be exempted from critical habitat designation, an installation must have a compliant INRMP or an operational INRMP subject to the determinations indicated on page 6. The INRMP should provide a benefit to the species by addressing maintenance of the physical or biological features essential to the conservation of the species (also known as primary constituent elements) for the species in question. An INRMP can still be found to provide a benefit to a species even if the species is not directly addressed in the INRMP. In this case, benefit is defined as providing adaptive conservation management for the features essential to the species (i.e., its habitat) or the species itself either directly or indirectly (by providing these measures for another species and thus resulting in a benefit for the subject species). Adaptive conservation management measures should have a feedback loop to ensure that the conservation measures are effective and assurance that these measures will be implemented.

Critical habitat designations are made at headquarters and reviewed by the Regional Offices based on information from the field offices and the military. In most instances, the rulemaking

document (i.e., proposed or final rules) for the critical habitat designation constitutes the written determination that the INRMP provides a benefit to the species.

The Service previously has considered three criteria when determining whether INRMPs provide a benefit to the species. These new guidelines formalize the new criteria, and procedures for exempting critical habitat with an INRMP. To determine whether a plan provides a benefit to the species, the Service will do the following:

(1) Assess an INRMP's potential contribution to species conservation, giving due regard to those habitat protection, maintenance, or improvement projects and other related activities specified in the plan that address the particular conservation and protection needs of the species for which critical habitat would otherwise be proposed. Although evaluation will be easier if the species is specifically addressed in the INRMP, that is not a requirement; the requirement is that the species receives a benefit from the INRMP.

Thus, exemption under Section 4(a)(3) requires a written determination by the Service that an INRMP provides a benefit to the species for which critical habitat is being proposed. We assess an INRMP's potential contribution to species conservation by considering the cumulative net benefits of the management activities identified in the INRMP for the length of the plan. These benefits must be at least equal to those that we could reasonably require under or realize through a section 7 consultation addressing possible adverse modification of critical habitat within the area covered by the plan. Examples of a benefit include: reducing fragmentation of habitat; maintaining or increasing populations; planning for catastrophic events; protecting, enhancing, or restoring habitats; buffering protected areas; and testing and implementing new conservation strategies.

(2) Presume that the species related measures outlined in the INRMP will be funded and implemented unless the Service has specific reasons to believe there may be a problem. In such a case, consult with the Regional Office on what types of assurances may be needed from the military installation to address these specific problems.

(3) Consider whether the INRMP provides assurances that the conservation measures in the plan will be effective. When determining the effectiveness of a conservation effort, the Service considers whether the plan includes: (a) biological goals (broad guiding principles for the program) and objectives (measurable targets for achieving the goals); (b) quantifiable, scientifically valid parameters that will demonstrate achievement of objectives, and standards for these parameters by which progress will be measured; (c) provisions for monitoring and, where appropriate, for adaptive management; (d) provisions for reporting progress on implementation (based on compliance with the implementation schedule) and effectiveness of the conservation effort (based on evaluation of quantifiable parameters); and (e) a description of a temporal duration sufficient to implement the INRMP and achieve the benefits of the goals and objectives of the plan.

Written Determination Procedures

The process for making the determination that a plan provides a benefit to the species can be made in one of several ways:

- For a draft INRMP under review by the Service, the determination may be made simultaneously with the INRMP review process and be included in the concurrence letter.
- For an existing INRMP, the Service can make a stand alone determination that the INRMP provides the required conservation benefit to qualify as a Sec. 4(a)(3)(B) exemption under the ESA. This can be done through (1) a letter to the installation; (2) memo to the administrative record; or, (3) the preamble of the Critical Habitat rule as published in the Federal Register.

See section 4(B)(2) of the ESA for information regarding exclusions. If you have questions regarding this process, please contact the Regional or Headquarters listing offices or Sikes Act Coordinators.

Critical Habitat: ESA Section 4(b)(2) Amendment

Public Law No. 108-136 also amended section 4(b)(2) of the ESA of 1973 (16 U.S.C. 1533(b)(2)) by inserting “the impact on national security” after “the economic impact.” Thus, the section now reads:

*The Secretary shall designate critical habitat, and make revisions thereto, under subsection (a)(3) on the basis of the best scientific data available and after taking into consideration the economic impact, **the impact on national security**, and any other relevant impact, of specifying any particular area as critical habitat. The Secretary may exclude any area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species concerned.*

If the INRMP does not meet the section 4(a)(3) standards for exemption, then we will evaluate exclusion of these DoD lands from the final designation pursuant to section 4(b)(2) of the ESA. The Service will consider exclusions pursuant to section 4(b)(2) if we have reasonably specific comments from the DoD in the record that indicate that there may be possible impacts to national security or military readiness due to a critical habitat designation that could not be reasonably addressed through a consultation under section 7 of the ESA. The Service will defer to the military regarding issues that fall under its expertise, including the determination of what constitutes an impact on national security and military readiness. However, the Service must be provided sufficient specific justification of these impacts, for the administrative record, in order to conduct an adequate section 4(b)(2) balancing. The Service cannot justify section 4(b)(2) exclusions only based on generalized statements.

Recovery Permits: ESA Section 10(a)(1)(A) Permits

If an action proposed in or funded through an INRMP is for scientific purposes or to enhance the propagation or survival of a listed species, and would result in the purposeful take of a listed species, the installation must request a Recovery Permit from the Service.

Addressing Environmental Contaminant Issues in INRMPs

The Service recommends the role of environmental contaminants in natural resource or ecosystem management on DoD lands be addressed in INRMPs if the INRMP development team deems appropriate. The INRMP provides an appropriate mechanism to summarize the key interrelationships with various plans pertaining to contaminants, reference where the plans may be obtained, and describe where detailed information can be found. As a part of the INRMP development and implementation team responsibilities, the Service and the installation should consider environmental contaminant remediation and management to ensure that the management of fish, wildlife and their habitats on installations will not be adversely affected by the management of environmental contaminants.

INRMPs should not duplicate other documents, but where appropriate and relevant to natural resource management, the INRMP may include information on specific projects. Various regulatory authorities, such as CERCLA and RCRA, require military installations to monitor, manage and clean up environmental contaminants on DoD properties. Military installations must develop documents and programs to comply with these authorities. The Service is also responsible for monitoring, reviewing, consulting, commenting, permitting, and implementing many of these same regulatory authorities; therefore, it is not appropriate for the Service to replicate this effort in Sikes Act processes. The Service encourages field offices to work with military installations to develop these programs and to summarize appropriate contaminant-related issues in INRMPs. Examples of contaminant-related issues that may be summarized in INRMPs include hazardous substance disposal, pesticide use, oil and chemical spills, contamination of surface waters and associated groundwater, wildlife and fish die-offs or reduced reproduction, ordnance disposal, etc. The INRMP should include a section summarizing known or suspected contaminant-related issues and management actions taken, or identify if additional information is needed. Other installation environmental documents may be referenced in the INRMP. The goal is for FWS Environmental Contaminants technical staff to ensure that actions (including habitat restoration or site remediation) that are intended to provide benefits to resources do not result in adverse impacts.

Addressing Invasive Species Prevention and Management in INRMPs

INRMPs provide an excellent planning tool for consideration of invasive species prevention and management. INRMPs may include new or existing plans to prevent the introduction of invasive species and provide for their control, as well as to minimize the economic, ecological, and human health impacts that invasive species cause. Under Executive Order 13112, Federal agencies whose actions may affect the status of invasive species shall: (1) identify such actions,

(2) use relevant programs and authorities to prevent, control, monitor, and research such species, and (3) not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere. Executive Order 13112 also establishes an Invasive Species Council, which provides national leadership regarding aquatic and terrestrial invasive species. The Council has prepared a National Invasive Species Management Plan, which details performance-oriented goals and objectives as well as specific measures of success for Federal agency efforts concerning invasive species. This plan and other resources which may be useful for addressing the prevention and management of invasive species in INRMPs can be accessed at the Council website: www.invasivespecies.gov

In addition, note that DoD provides guidance to installations on including pest management considerations in INRMPs which support Executive Order 13112. For example, the DoDI 4715.03, Enclosure 3, Procedures, 1.i., states:

The installation INRMP shall include management measures for biosecurity, in Reference (s), to prevent introduction or spread of noxious species and stray or feral animals that affect natural resources or, alternatively, reference control measures included in the Integrated Pest Management Plan and include that plan as an appendix item consistent with Reference (r). [DoD Instruction 4150.07, "DoD Pest Management Program," May 29, 2008] In addition, the installation should control pests to minimize impacts to the natural environment, in-water species, and species vulnerable to pesticides such as amphibians.

Addressing Migratory Bird Management in INRMPs

Field offices should coordinate with their Regional Office on migratory bird issues to ensure that migratory bird conservation is addressed in INRMPs during the development and review process in accordance with Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds (66 FR 3853 [January 17, 2001]) and Director's Order 172, 06/09/04, Responsibilities of Federal Agencies to Protect Migratory Birds. A *Memorandum of Understanding between the U.S. Department of Defense and U.S. Fish and Wildlife Service to Promote the Conservation of Migratory Birds* was signed September 5, 2014. INRMPs should include discussions of the responsibilities under the Military Readiness Rule (50 CFR 21.15; Authorization of take incidental to military readiness activities) and the MOU under EO 13186. These responsibilities include (but are not limited to):

- How the NEPA process is used to analyze impacts to migratory birds resulting from readiness and non-readiness activities;
- Specific obligations contained with the 2014 DoD MOU to promote the conservation of migratory bird populations while sustaining the use of military managed lands and airspace for testing, training, and operations;
- How bird conservation principles, measures, and practices are integrated into agency planning and actions;
- Actions that avoid or minimize, to the extent practicable, the exposure of birds and their resources to avian stressors that result in take; and,

- Installation programs to monitor bird populations as described in the Military Readiness Rule and 2014 MOU, focusing on birds listed as Birds of Conservation Concern (USFWS 2008).

INRMPs should be developed in coordination with the various national and/or regional migratory birds plans (e.g., North American Waterfowl Management Plan, North American Waterbird Conservation Plan, Partners in Flight, and U.S.A. Shorebird Conservation Plan) for the management of bird populations. INRMPs should include details on resources available to address migratory bird conservation and development of conservation measures.

If bald eagles (*Haliaeetus leucocephalus*) and/or golden eagles (*Aquila chrysaetos*) occur on military installations or within ten miles of the proposed military activities, it is recommended that such actions be analyzed for negative impacts to the eagles, their habitats, and regional populations. While the bald eagle has been removed from the Federal list of threatened and endangered species (August 8, 2007; 72 FR 37346), the bald eagle along with the golden eagle continues to be protected under the Bald and Golden Eagle Protection Act (BGEPA) of 1940, as amended (16 U.S.C. 668-668d) and the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). Both the BGEPA and the MBTA prohibit take as defined as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, disturb, or otherwise harm eagles, their nests, or their eggs.” Under the BGEPA, “disturb” means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available: (1) injury to an eagle; (2) decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior; or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

On September 11, 2009 (74 FR 43686), the Service promulgated a rule establishing two new permit types: (1) take of bald and golden eagles that is associated with, but not the purpose of, the activity; and (2) purposeful take of eagle nests that pose a threat to human or eagle safety. Field offices should work to ensure that the proper Service and State personnel are coordinating with the military installations early in the INRMP planning process to ensure compliance with regulations and to develop a survey protocol to evaluate the potential risk and the likelihood of take of eagles. If take is reasonably anticipated to occur, it is recommended that an Eagle Conservation Plan (ECP) be developed in coordination with State wildlife agencies and the Service. An ECP is intended to outline information that can avoid, minimize, or mitigate impacts to these species and establish the need for an Eagle Take Permit.

Bird/Wildlife Aircraft Strike Hazard (BASH) issues need to be considered if the installation has a flying mission. If the installation has a separate BASH Plan, it should be referenced in the INRMP. Field offices should ensure the DoD coordinate with the Service and USDA Animal and Plant Health Inspection Service–Wildlife Services to develop measures that will minimize air strikes with minimal impact to local bird populations (e.g., habitat modifications in combination with take of birds). Helpful websites include <http://wildlife.faa.gov/> and <http://www.afsec.af.mil/organizations/bash/index.asp>

Addressing National Wildlife Refuge Planning in INRMPs

If a National Wildlife Refuge (NWR) is adjacent to an installation or in an ecosystem that could be strategically managed in cooperation with a refuge, field offices should help to coordinate refuge comprehensive conservation plan (CCP) goals with INRMPs. Field offices should encourage installations to consider including nearby refuges as partners on INRMP Implementation Teams.

Addressing Wildlife and Sport Fish Restoration Programs in INRMPs

Under the State and Tribal Wildlife Grant Program, State(s) are required by Federal law to have a State Comprehensive Wildlife Conservation Plan in place and review them every ten years, in order to be considered for Federal grants. These strategies provide an essential foundation for the future of wildlife management and a stimulus to engage the States, Federal agencies and other conservation partners to strategically think about their individual and coordinated roles in prioritizing conservation efforts in each State and territory. Field offices are encouraged to participate in the development and implementation of INRMPs and State Comprehensive Wildlife Conservation Plans to ensure State objectives are incorporated in INRMPs.

Role of Law Enforcement

The Office of Law Enforcement (OLE) investigates wildlife crimes, regulates wildlife trade, helps Americans understand and obey wildlife protection laws, and works in partnership with international, Federal, State, and tribal counterparts to conserve wildlife resources. The OLE also supports the efforts of States and tribes to protect resident species from poachers who traffic in illegally taken fish, wildlife, and plants.

Addressing the National Environmental Policy Act in INRMPs

DoD policy requires that each of the military services provide an opportunity for public comment on INRMPs. DoD policy states that the National Environmental Policy Act (NEPA) process may be used to meet DoD's public review requirements and to document the decision to adopt an INRMP; however, if NEPA is not used, the public must be provided a meaningful opportunity to comment on the plan and should be afforded a minimum of 30 days to do so. DoD requires military installations to afford the Service and States the opportunity to review all public comments received on their INRMPs. This will inform the Service and States of potential concerns sufficiently early in the review process to permit appropriate consideration. Guidance on Service employee responsibilities regarding NEPA are outlined in Director's Order 127: National Environmental Policy Act. A NEPA compliance checklist is available to determine if an Environmental Assessment is required:
http://www.fws.gov/midwest/endangered/permits/documents/nepa_compliance_checklist.pdf

Department of Defense Sikes Act Policies and Guidance

Reviewing the most recent guidance available from DoD and its military components can be useful in both coordinating with an installation and in reviewing INRMPs. However, note that these are intended specifically for DoD and entities under their purview. The following websites contain DoD Sikes Act policies and guidance:

Department of Defense - <http://www.denix.osd.mil/nr/LegislationandPolicy/PolicyandGuidance/dodinstructions.cfm>

U.S. Air Force - *Integrated Natural Resources Management, Air Force Instruction 32-7064, USAF, November 18, 2014*, available at the following website: http://static.e-publishing.af.mil/production/1/af_a4/publication/afi32-7064/afi32-7064.pdf

U.S. Army - *Army Regulation 200-1: Environmental Quality; Environmental Protection and Enhancement, December 2007*, is available at the following website: http://www.apd.army.mil/pdf/files/r200_1.pdf

U.S. Marine Corps - *Handbook for Preparing, Revising and Implementing Natural Resources Management Plans on Marine Corps Installations, USMC, May 2004*, available at the following website: <http://www.marines.mil/News/Publications/ELECTRONICLIBRARY/ElectronicLibraryDisplay/tabid/13082/Article/125782/headquarters-us-marine-corps-handbook-for-preparing-revising-and-implementing-i.aspx>

U.S. Navy – *Integrated Natural Resources Management Plan Guidance for Navy Installations, April 2006*, available at the following website: http://www.dodworkshops.org/files/Training/References/2006_Navy_INRMP_Guidance.pdf

INRMP Review and Mutual Agreement

Annual INRMP Reviews

The Sikes Act directs the parties to review INRMPs for operation and effect on a regular basis, but not less than every five years. The DoD has interpreted this to mean recommended annual reviews, and a required review for each INRMP at least every five years. The formal review requires concurrence by each of the parties; however, the annual review can be informal and is intended to keep INRMPs current and the parties informed. While the Sikes Act does not explicitly call for annual reviews and they do represent additional work load in the short term, they may be useful for expediting reviews for operation and effect every five years, thus potentially reducing workloads over the long term. Where feasible, field office participation in annual reviews is encouraged. Where funding, staffing levels or other limitations preclude engagement in annual reviews, the field office should notify the requesting installation in writing that the field office will be unable to participate.

An annual review is conducted at the field office level and is initiated by the installation in most cases. The DoD requires all installations to conduct annual reviews by assessing seven focus areas. The seven focus areas were designed to measure INRMP effectiveness and partnership success. Annual reviews usually consist of a regularly scheduled meeting of representatives from the Service, the installation, the State, and other partners as appropriate. The installation may provide the option to participate via webinar, teleconference or other means. Each installation is expected to invite feedback from the Service and States concerning how effectively the INRMP is being implemented. Installations are expected to inform the Service and States on an annual basis which INRMP projects are of the highest priority for funding.

The outcome of the annual review meeting – highlighting the changes needed to the INRMP or new information for consideration during a future review for operation and effect – should be ideally be documented in a memo from the parties preparing the INRMP and addressed to the appropriate officials of each party. For the Service, this would be the Field Supervisor. Depending upon regional policy, it may also be necessary to send a courtesy copy to the Regional Sikes Act Coordinator. These annual memos could be used to update the INRMP for the five-year review for operation and effect and have the potential to make the formal INRMP review process more efficient.

Formal Review and INRMP Concurrence Process

According to the Sikes Act, INRMPs must be reviewed for operation and effect not less than every five years. The formal INRMP review and concurrence process begins when DoD installations contact the Service field office requesting participation in the planning, preparation, and review of INRMPs. One field office will be designated by the Regional Office as the lead for INRMP review and will coordinate with other Service programs and field offices that may be actively participating in, or have an interest in the management of fish and wildlife resources on the installation or adjoining lands.

The Sikes Act requires the DoD, the Service, and the States to “mutually agree” to a plan for the “conservation, protection, and management of fish and wildlife resources” on specific military installations. Mutual agreement for each INRMP should be reaffirmed by the parties every five years through a formal review. For the Service, mutual agreement requires field office review and concurrence. The INRMP review for operation and effect, whether a revision is needed or not, should ideally be documented with a memo of a meeting or decision by the parties. If the parties mutually agree that no INRMP revision is necessary, the date of the memo should be recorded as the INRMP concurrence date. A copy of the INRMP signature page or concurrence letter should be provided to the Regional Sikes Act Coordinator who will provide a copy to the National Sikes Act Coordinator. Service review and concurrence is required for new INRMPs and at least every five years for existing INRMPs whether they have been revised or not.

Similarly, as described in the annual review section above, annual reviews and any changes needed to the INRMP should be documented in a memo from the parties. These memos may be referenced when the INRMP undergoes a review for operation and effect every five years.

The following outline is a summary of the review, coordination, and concurrence process for formal INRMP reviews. Note that the installation actions in steps 1 through 5 are per DoD policies, not necessarily Service policy. A simplified flow chart of this process is presented in Figure 1.

1. An installation may conduct an annual review and encourage the Service and States to provide feedback. Wherever feasible, meetings and site visits with installation environmental and natural resources personnel are strongly encouraged.
2. Each installation will advise the lead field office of its intent to prepare or revise an INRMP within 30 days of starting such action, and will concurrently request that the field office participate in the development or review for operation and effect of the INRMP. In response, the field office will inform the installation of the INRMP concurrence process, and advise the installation of the need for compliance with any wildlife laws (e.g., MBTA, ESA and BGEPA) that may apply to the INRMP review/revisions. Field offices will participate in planning and development, or revisions of INRMPs, to the maximum extent possible within time and staff constraints. If field office personnel are not available to participate in INRMP reviews, the installation may be referred to the Regional Sikes Act Coordinator for direction.
3. Installations will notify the appropriate field office at least 60 days in advance of its intent to provide a draft INRMP for review and coordination.
4. Each installation will provide the initial draft INRMP for review and comment to the Service and State. The field office will provide a copy of the cover letter and the draft INRMP sent from the installation to the Regional Sikes Act Coordinator as notification that the INRMP review process has begun.
5. Each DoD installation will request acknowledgment of receipt of the draft INRMP within 15 days of receipt by the field office. The field offices will provide acknowledgement of receipt of the draft INRMP within 15 days.
6. The lead field office will coordinate review of the draft INRMP with other Service programs or field offices, as appropriate, to ensure complete programmatic participation in INRMP development and review. The lead field office may also request that the installation provide copies of the INRMP to other offices.
 - a. The lead field office will consolidate comments from all field offices and program areas into one response letter from the Service to the installation.
 - b. The lead field office will resolve conflicting comments and recommendations within the Service, prior to sending a response letter to an installation.
 - c. The lead field office will ensure review of the INRMP by appropriate Service staff (e.g., Ecological Services, Endangered Species Interagency Consultations) regarding compliance with Section 7 of the ESA.

- d. Appropriate field office personnel will review the INRMP concerning the conservation, protection, and management of species which are or may be proposed for listing under the ESA.
 - e. Appropriate field office staff will review the INRMP to evaluate the provisions in the plan for providing special management or protection of areas that are, or will be, proposed for critical habitat designation.
 - f. The lead field office will seek appropriate Service staff (i.e., Office of Migratory Birds) review of the INRMP concerning Executive Order 13186, "Responsibilities of Federal Agencies to Protect Migratory Birds," and in accordance with Director's Order 172, to ensure migratory bird conservation is addressed by the INRMP.
 - g. Additionally, when consistent with military requirements, the appropriate Service staff should ensure that INRMPs promote the sustainable use of natural resources by the public through hunting and fishing programs, and also provide environmental education opportunities.
 - h. The lead field office will contact the State to discuss the INRMP and any concerns.
7. The Service should encourage the conservation, protection, and management of all fish and wildlife resources and incorporate the principles of strategic habitat conservation when reviewing plans. Therefore, INRMPs should be reviewed with regard to resource management opportunities and support captured in existing plans (e.g., Endangered Species Recovery Plans; Bird Conservation Plans; Fisheries Management Plans; State Comprehensive Wildlife Management Plans; Landscape Conservation Cooperative plans; and other relevant regional, State and local plans).
8. The field office will provide comments, or preliminary concurrence, on the draft INRMP within 60 days of receipt, unless the Service and the DoD both agree to a longer review period, and with the following exceptions:
- a. If formal section 7 consultation is required pursuant to the ESA, the time frames for that process will apply; or
 - b. If the installation requests that the INRMP substitute for designation of critical habitat or if the Service determines that the installation has lands which are, or may be, proposed for critical habitat.
9. The initial comment letter that is submitted by the field office to an installation will indicate one of the following:
- a. The field office finds the INRMP acceptable and the installation should forward the INRMP to the Service INRMP signatory for final review and Service concurrence; or
 - b. The field office finds the INRMP acceptable with some recommendations for modifications, and after consideration of these recommendations, the installation should forward the INRMP to the Service INRMP signatory for final review and Service concurrence; or

- c. One, or a combination, of the following:
 - i. The field office does not agree with the conservation, protection, and management of fish and wildlife resources proposed in the INRMP and requests major modifications and/or further information, that should be submitted back to the field office for further consideration; and/or
 - ii. Threatened and endangered species issues related to the INRMP have not been resolved and/or formal section 7 consultations may be required. The field office will inform the installation of the requirements of section 7 of the ESA and the time-frames for the process; and/or
 - iii. The installation has lands that are, or may be, proposed for critical habitat designation and the Service is reviewing the INRMP to determine whether it affords the necessary species benefits to preclude critical habitat designation. The field office will inform the installation of this review and the associated time frames.
- 10. The field office will furnish copies of their comment letter(s) to the Regional Sikes Act Coordinator and the State. Similarly, the installation will request that the State provide a copy of its comment letter(s) to the Service.
- 11. Some Regional Offices have delegated INRMP signature authority to field offices. Refer to the Regional Office delegation memos for more specific guidance.
- 12. If a Regional Office review is required, the Regional Sikes Act Coordinator will coordinate the INRMP review with all appropriate ARDs to ensure complete programmatic review and regional consistency in INRMP concurrence. The Regional Sikes Act Coordinator will collate comments from ARDs into a single regional response to an installation within 60 days, unless more time is allowed per mutual agreement by the installation and the Service.
- 13. The Service INRMP signatory will provide copies of the final concurrence letters or a signature page to the Regional Sikes Act Coordinator and the National Sikes Act Coordinator.
- 14. If conflicts remain after efforts to resolve issues concerning the conservation, protection, and management of fish and wildlife resources in the INRMP, the Service must determine whether the Service will withhold concurrence on the plan. The Regional Director will make a determination to either withhold Service agreement or provide agreement on the plan with recommendations or caveats. Signatories must bear in mind that the clear intent of the Sikes Act is to provide for the preparation and implementation of cooperative plans that reflect the mutual agreement of the parties. However, it is not intended to be a regulatory instrument. The Sikes Act emphasizes that conservation activities must be "... consistent with the use of military installations to ensure the preparedness of the Armed Forces ..."

Interagency Agreements

The Sikes Act provides several authorities that facilitate the military establishing interagency agreements with the Service. The DoD may fund the Service to conduct INRMP implementation work. Field offices should ensure that the installation natural resource managers are aware of the following funding authorities that allow them to contract with the Service and/or other appropriate agencies or organizations to implement INRMP projects:

1. The Sikes Act (16 U.S.C. 670c-1) allows the Secretary of a military department to enter into cooperative agreements with States, local governments, nongovernmental organizations, individuals and into interagency agreements with the heads of other Federal departments and agencies, to provide for the maintenance and improvement of natural resources, or to benefit natural and historic resources research, on DoD installations.
2. The Sikes Act (16 U.S.C. 670a) states that priority shall be given to the entering into of contracts for the procurement of such implementation and enforcement services with Federal and State agencies having responsibility for the conservation or management of fish or wildlife.
3. The Economy Act (31 U.S.C. 1535 and 1536) allows a Federal agency to enter into an agreement with another Federal agency for services, when those services can be rendered in a more convenient and cost effective manner by another Federal agency.
4. The Intergovernmental Cooperation Act of 1968 (P.L. 90-577 (82 Stat. 1098) allows the “improvement of the administration of grants-in-aid to the States, to permit provision of reimbursable technical services to State and local government.”
5. The “Memorandum of Understanding Between the U.S. Department of Defense and U.S. Fish and Wildlife Service and the Association of Fish and Wildlife Agencies for a Cooperative Natural Resource Management Program on Military Installations,” was signed by the parties in 2013 and provides a foundation for the military services to enter into funded interagency agreements with the Fish and Wildlife Service (Attachment 1). Where the Service has entered into these agreements, our ability to provide conservation benefits has been greatly expanded. Interagency agreements with the military are usually executed with a Military Interagency Purchase Request (MIPR).

The most prominent example of this is the Interagency Assistance Agreement between the United States Fish and Wildlife Service and the United States Air Force for the Conservation of Natural Resources on Air Force Controlled Lands (Attachment 2). The Service has entered into numerous partnerships under this agreement. They have greatly expanded our ability to provide conservation benefits at landscape scales and to better align DoD land management priorities with Service landscape conservation goals.

Sikes Act Reporting Requirements

INRMP Status Reporting

Regional Sikes Act Coordinators should notify the National Sikes Act Coordinator when an INRMP has received Service concurrence or non-concurrence. Regional Sikes Act Coordinators may notify headquarters by sending the signature page of the approved INRMP, copy of a concurrence or non-concurrence letter, or memo indicating outcomes of a review of operation and effect to the National Sikes Act Coordinator. Regional Sikes Act Coordinators should consider tracking INRMP review status to anticipate INRMP review requests from installations in their regions.

Sikes Act Expenditures and Activities Reporting

The Sikes Act requires the Service to submit a report of the previous fiscal year's annual Sikes Act-related expenditures to Congress by March 1. The report is intended to include expenditures by the DOI and the States in support of the preparation, review, and implementation of INRMPs for DoD installations. Reportable Sikes Act-related expenditures are for projects done on and off military installations that are required by the DoD to have an INRMP. Reportable activities do not include U.S. Army Corps of Engineers, Coast Guard or projects that are not related to a specific INRMP.

The Service's Sikes Act-related expenditures must be entered into ECOS throughout the year as work is conducted with the installation. Sikes Act information may be entered in the Tracking and Integrated Logging System (TAILS) module of ECOS. ECOS is located at the website: <https://ecos.fws.gov/>. Instructions on website access and database completion are described in the section at the end of this document. All Fish and Wildlife Conservation Offices and other Fish and Aquatic Conservation program field stations must also report accomplishments in the Accomplishments Module of the Fisheries Information System (FIS) in addition to the data that must be reported in TAILS.

The Sikes Act requires that the Service's annual report include State expenditures that support Sikes Act implementation. Therefore, it is imperative that the Regions consult with the State fish and wildlife agencies to obtain the necessary expenditure information and enter it in ECOS. Memoranda issued annually by the Regional Sikes Act Coordinators can be used to help identify the types of information needed.

The Service and State fish and wildlife activities conducted for all military installations reported by the field offices should reflect Service-appropriated, State-appropriated, and DoD-provided expenditures pursuant to Sikes Act implementation. Typical activities reported by the Service include, but are not limited to the following:

- Technical assistance in planning and preparation of INRMPs or revisions;
- INRMP review and processing;

- Installation site reviews;
- Interagency meetings and public meetings;
- INRMP implementation activities, such as stocking fish and assisting with hunting days;
- Field technical assistance, such as conducting habitat assessments and fish or wildlife population surveys;
- Migratory bird, contaminants, and invasive species management;
- Wetland, grassland or other habitat restoration;
- Section 7 consultations pursuant to the ESA, and other ESA activities; and
- Cooperative conservation projects related to installations with INRMPs.

Cooperative conservation projects off installations may be reported if they are associated with an installation with an INRMP. For example, many installations participate in compatible use and landscape-level cooperative conservation projects. If a project involves several INRMPs, funds should be assigned to the lead installation or reported in part to each participating installation.

Field offices are responsible for entering data into TAILS that represent the best estimate of actual costs of Sikes Act-related activities for the fiscal year and includes:

FWS Program Funds: For work conducted in compliance with Sikes Act responsibilities, the field office should enter amount from FWS appropriations funds that may include salaries, administrative overhead, travel, equipment, and supplies.

DoD Funds provided to FWS: The field office should enter amount provided to the Service by DoD to cover salaries, administrative overhead, travel, equipment, and supplies in executing Sikes Act responsibilities.

State Funds: The field office should request that States provide the amount spent for salaries, administrative overhead, travel, equipment, and supplies.

DoD Funds provided to States: The field office should request that States provide the amount of DoD funds provided to the State(s) for salaries, administrative overhead, travel, equipment, and supplies.

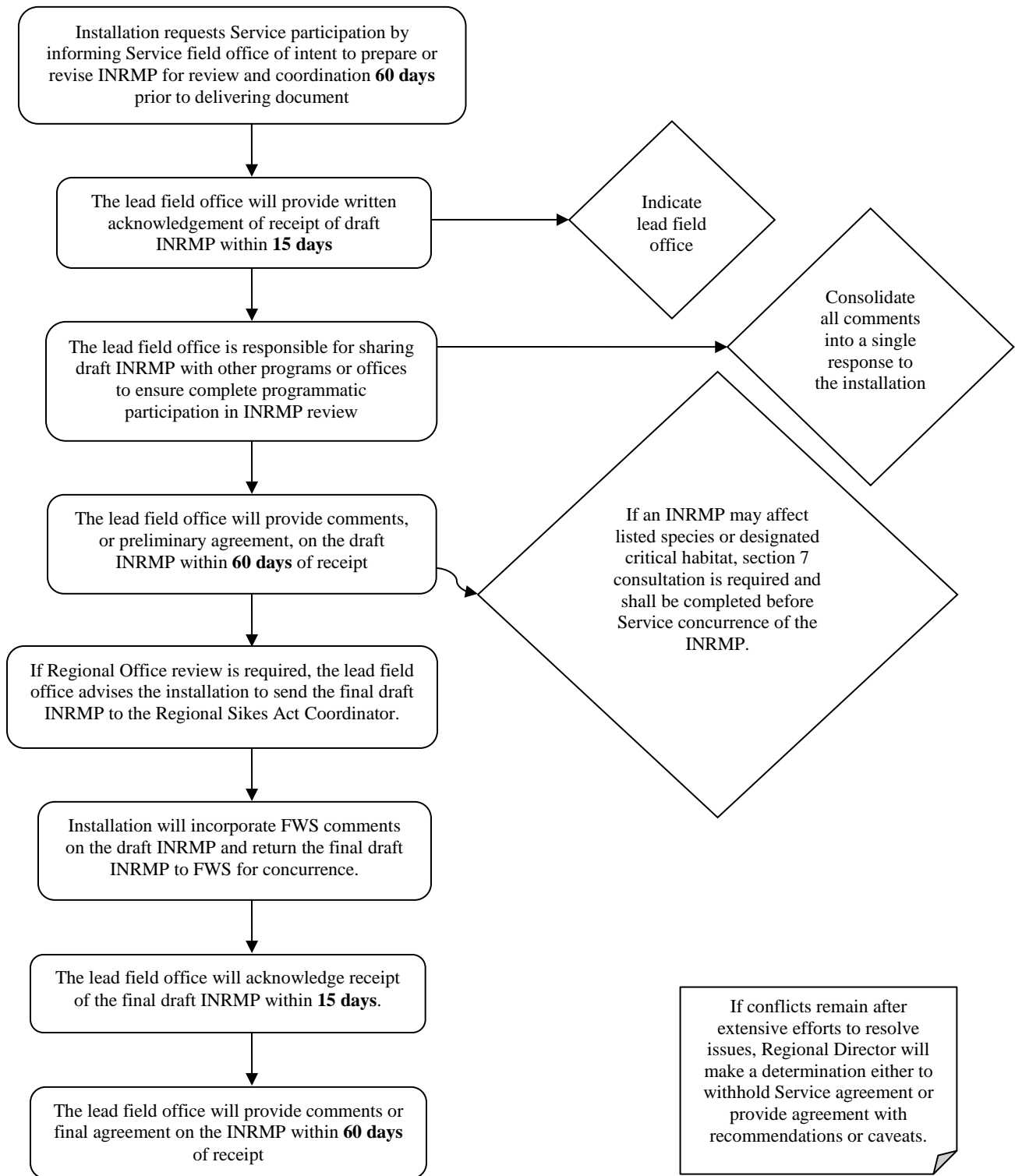
Field offices should ensure that all fiscal year Sikes Act annual report data have been entered into ECOS either through TAILS by September 30 for Service data and November 30 for State data. If the TAILS system is not accessible by the field office, data should be submitted to the Regional Sikes Act Coordinator for entry in TAILS by the due date.

Regional Sikes Act Coordinators are responsible for ensuring that field offices have submitted Sikes Act data into TAILS by the above deadlines. Data entry deadlines for FIS apply to offices associated with Fish and Aquatic Conservation program (most commonly known as Fish and Wildlife Conservation Offices). Throughout the year, each Regional Sikes Act Coordinator should regularly monitor Sikes Act-related data in TAILS for accuracy using the TAILS Sikes

Act Ad Hoc report. If a listed installation no longer requires an INRMP, the Regional Sikes Act Coordinator should ask that the installation name be removed from the TAILS database. Similarly, if an installation requires an INRMP and is not listed, the Regional Coordinator should request that the installation name be added to the TAILS database.

The Service, through the National Sikes Act Coordinator, is required to submit a final annual report of fiscal year expenditures to Congress by March 1 of the following year. Regional Coordinators and field offices are encouraged to contribute relevant information to the National Sikes Act Coordinator to consider for inclusion into the annual report.

Figure 1. Fish and Wildlife Service Process for INRMP Review and Approval



Attachment 1

Memorandum of Understanding Between the U.S. Department of Defense and
U.S. Fish and Wildlife Service and the Association of Fish and Wildlife Agencies
for a Cooperative Natural Resource Management Program on Military Installations

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U.S. DEPARTMENT OF DEFENSE
AND
THE U.S. FISH AND WILDLIFE SERVICE
AND
THE ASSOCIATION OF FISH AND WILDLIFE AGENCIES
FOR A
COOPERATIVE INTEGRATED NATURAL RESOURCE MANAGEMENT PROGRAM
ON MILITARY INSTALLATIONS**

A. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to further a cooperative relationship between the U.S. Department of Defense (DoD), U.S. Department of the Interior – Fish and Wildlife Service (FWS), and state fish and wildlife agencies (states) acting through the Association of Fish and Wildlife Agencies (AFWA) (hereafter referred to as the Parties) in preparing, reviewing, revising, updating and implementing Integrated Natural Resource Management Plans (INRMPs) for military installations.

B. BACKGROUND

In recognition that military lands have significant natural resources, Congress enacted the Sikes Act in 1960 to address wildlife conservation and public access on military installations. The 1997 amendments to the Sikes Act require the DoD to develop and implement an INRMP for each military installation with significant natural resources. A 2012 amendment to the Sikes Act now authorizes the preparation of INRMPs for state-owned National Guard installations used for training pursuant to chapter 5 of title 32 of the United States Code. DoD must prepare all INRMPs in cooperation with the FWS and states. Each INRMP must reflect the mutual agreement of the Parties concerning conservation, protection, and management of fish, wildlife, plants and their habitats on military lands.

INRMPs provide for the management of natural resources, including fish and wildlife and their habitats. To the maximum extent practicable, they incorporate ecosystem management principles, and describe procedures and projects that manage and maintain the landscapes necessary to sustain military-controlled lands for mission purposes. INRMPs also allow for multipurpose uses of resources, including public access appropriate for those uses, provided such access does not conflict with military land use, security requirements, safety, or ecosystem needs, including the needs of fish and wildlife resources. Effective communications and coordination among the Parties, initiated early in the planning process at national, regional, and the military installation levels, is essential to developing, reviewing, and implementing comprehensive INRMPs. When such partnering involves the participation and coordination of all Parties regarding existing FWS and state natural resources management plans or initiatives, such as threatened and endangered species recovery plans or State Wildlife Action Plans, the mutual agreement of all Parties is achieved more easily. INRMPs provide for the conservation

and rehabilitation of natural resources on military lands in ways that help ensure the readiness of the Armed Forces. Thus, a clear understanding of land use objectives for military lands should enable the Parties to have a common understanding of DoD's land management requirements.

This MOU addresses the responsibilities of the Parties to facilitate optimum management of natural resources on military installations. It replaces a DoD-FWS-AFWA MOU for *Cooperative Integrated Natural Resources Management Program on Military Installations* dated January 31, 2006, which expired January 31, 2011.

C. AUTHORITIES

This MOU is established under the authority of the Sikes Act, as amended, 16 U.S.C. 670a-670f, which requires the Secretary of Defense to carry out a program to provide for the conservation and rehabilitation of natural resources on military installations in cooperation with the FWS and states. The DoD's primary mission is national defense. DoD manages approximately 28 million acres of land and waters under the Sikes Act to support sustained military activities while conserving and protecting biological resources.

The FWS manages approximately 150 million acres of the National Wildlife Refuge System, and administers numerous fish and wildlife conservation and management statutes and authorities, including the: Fish and Wildlife Coordination Act, Migratory Bird Treaty Act of 1918, Endangered Species Act, Marine Mammal Protection Act, Bald and Golden Eagle Protection Act, Anadromous Fish Conservation Act, Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, Federal Noxious Weed Act, Alien Species Prevention Enforcement Act of 1992, North American Wetland Conservation Act, and Coastal Barrier Resources Act.

The states in general possess broad trustee and police powers over fish and wildlife within their borders, including – absent a clear expression of Congressional intent to the contrary – fish and wildlife on federal lands within their borders. Where Congress has given federal agencies certain conservation responsibilities, such as for migratory birds or species listed as threatened or endangered under the Endangered Species Act, the states, in most cases, have cooperative management responsibilities.

The Sikes Act (16 U.S.C. 670c-1) allows the Secretary of a military department to enter into cooperative agreements with the states, local governments, Indian tribes, nongovernmental organizations, and individuals to provide for the maintenance and improvement of natural resources, or to benefit natural and historic research, both on and off DoD installations.

The Sikes Act (16 U.S.C. 670a(d)(2)) also encourages the Secretary of Defense, to the greatest extent practicable, to enter into agreements to use the services, personnel, equipment, and facilities, with or without reimbursement, of the Secretary of the Interior or states in carrying out the provisions of this section.

The Economy Act (31 U.S.C. 1535 and 1536) allows a federal agency to enter into an agreement with another federal agency for services, when those services can be rendered in a more

convenient or cost effective manner by another federal agency.

D. RESPONSIBILITIES

The Parties to this agreement hereby enter into a cooperative program of INRMP development, review, and implementation with mutually agreed-upon fish and wildlife conservation objectives to satisfy Sikes Act goals.

1. The DoD, the FWS and AFWA (Parties) mutually agree:

- a. To meet at least annually at the headquarters' level to discuss implementation of this MOU. The DoD and FWS will alternate responsibilities for coordinating this annual meeting and any other meetings related to this MOU. Proposed amendments to the MOU should be presented in writing to the parties at least 15 days prior to the annual meeting. The terms of this MOU and any proposed amendments may be reviewed at the annual meeting. The meeting may also review mutual Sikes Act research and technology needs, accomplishments, and other emerging issues.
- b. To participate in a Sikes Act Tripartite Core Group consisting of representatives from the Parties. This Core Group will meet at least quarterly, coordinated by the DoD, to discuss and develop projects and guidance to help prepare and implement INRMPs and to discuss Sikes Act issues of national importance.
- c. To engage in sound management practices for natural resource protection and management pursuant to this MOU with full consideration for military readiness; native fish and wildlife; threatened, endangered and at-risk species; and the environment.
- d. To promote the sustainable multipurpose use of natural resources on military installations – including hunting, fishing, trapping, and non-consumptive uses such as wildlife viewing, boating, and camping – in ways that are consistent with DoD's primary military mission and to the extent reasonably practicable.
- e. To develop and implement supplemental Sikes Act MOUs or other agreements, as needed, at the regional and/or state level.
- f. To recognize the most current DoD and FWS Sikes Act Guidance as the guidance for communication and cooperation of the Parties represented by this MOU.
- g. To post current DoD, FWS, and state Sikes Act guidance documents within 14 days of completion on the following sites:
 - i. For DoD: <https://www.denix.osd.mil/nr>
 - ii. For FWS: http://www.fws.gov/habitatconservation/sikes_act.html
 - iii. For the states: <http://www.fishwildlife.org>

- h. To cooperatively prepare and conduct full reviews of all new INRMPs in a timely manner.
- i. To require the DoD Components and appropriate FWS and state offices to conduct a review for operation and effect of each INRMP no less often than every five years, as required by the Sikes Act, and to document these reviews. As a means of facilitating and streamlining this statutory requirement, use the annual progress review of each INRMP as conducted by each DoD Component per DoD policy.
- j. To encourage collaboration in annual progress reviews between representatives from each military installation with an INRMP and appropriate representatives from the other Parties.
 - i. The Parties shall discuss the performance of each military installation in meeting relevant DoD Natural Resources Focus Area metrics, and potential improvements to INRMP implementation, such as new projects or management practices.
 - ii. Meetings may be in person or by another mutually acceptable means.
 - iii. The Parties shall discuss methods and projects that the FWS and states can implement that support INRMP goals and objectives.
- k. To streamline and expedite the review of INRMP updates or revisions, and to effectively address review for critical habitat exclusions based on the INRMP conservation benefit, when feasible:
 - i. DoD and the FWS will develop and implement a streamlined review process within six months of signature of this MOU that will allow for expedited review and approval (new signatures) of updated sections of each INRMP.
 - ii. DoD will provide a means of easily identifying all changes to each updated or revised INRMP when forwarding it for review.
 - iii. FWS will focus review on those parts of updated INRMPs that reflect changes from the previously reviewed version.
 - iv. FWS and the appropriate states will review all INRMPs with major revisions (e.g., changes required by mission realignments, the listing of new species or other significant action that has the potential to affect military operations or readiness).
 - v. DoD, FWS, and the states (acting through AFWA) will continue to seek opportunities to make INRMP review processes more efficient while sustaining and enhancing INRMP conservation effectiveness.
 - vi. The DoD Components may submit to the USFWS, a priority INRMP list

to address those installations seeking critical habitat exclusions to facilitate coordination with USFWS Endangered Species office.

vii. To ensure consistency, the Parties accept the following definitions:

- a) **Compliant INRMP:** An INRMP that has been both approved in writing, and reviewed, within the past five years, as to operation and effect, by authorized officials of DoD, DOI, and each appropriate state fish and wildlife agency.
- b) **Review for operation and effect:** A comprehensive, joint review by the parties to the INRMP, conducted no less often than every five years, to determine whether the plan needs an update or revision to continue to address adequately Sikes Act purposes and requirements.
- c) **INRMP update:** Any change to an INRMP that, if implemented, is not expected to result in consequences materially different from those in the existing INRMP and analyzed in an existing NEPA document. Such changes will not result in a significant environmental impact, and installations are not required to invite the public to review or to comment on the decision to continue implementing the updated INRMP.
- d) **INRMP revision:** Any change to an INRMP that, if implemented, may result in a significant environmental impact, including those not anticipated by the parties to the INRMP when the plan was last approved and/or reviewed as to operation and effect. All such revisions require approval by all parties to the INRMP, and will require a new or supplemental NEPA analysis.

l. That none of the Parties to the MOU is relinquishing any authority, responsibility, or duty established by law, regulation, policy, or directive.

m. To designate the officials listed below, or their delegates to participate in the activities pursuant to this MOU.

- i. DoD: Deputy Director, Natural Resources Conservation Compliance, ODUSD (I&E) ESOH
- ii. FWS: National Sikes Act Coordinator, Fish and Aquatic Conservation
- iii. AFWA: Director, Government Affairs

2. DoD agrees to:

- a. Communicate the establishment of this MOU to all DoD Components.
- b. Take the lead in developing policies and guidance related to INRMP development, updates, revisions, and implementation, and to ensure the involvement, as appropriate, in these processes of the FWS and state fish and wildlife agencies.

- c. Ensure distribution of the DoD and FWS Sikes Act Guidance to all appropriate DoD Components.
- d. Encourage DoD Components to invite appropriate FWS and state fish and wildlife agency offices to participate in annual INRMP reviews. All such invitations should be extended at least 15 business days in advance of the scheduled review to facilitate meaningful participation by all three Parties. Meetings may be in person or by other mutually agreed upon means.
- e. Encourage DoD Components to take full advantage of FWS and state fish and wildlife agency natural resources expertise through the use of Economy Act transfers and cooperative agreements. Encourage DoD Components and FWS to explore the use of the Fish and Wildlife Coordination Act for technical assistance, fish stocking, and other conservation projects. Priority should be given to projects that:
 - i. Sustain the military mission.
 - ii. Effectively apply ecosystem management principles.
 - iii. Consider the strategic planning priorities of the FWS and the state fish and wildlife agency.
- f. Encourage DoD Components to give priority to INRMP requirements that:
 - i. Sustain military mission activities while ensuring conservation of natural resources.
 - ii. Provide adequate staffing with the appropriate expertise for updating, revising, and implementing each INRMP within the scope of DoD Component responsibilities, mission, and funding constraints.
- g. Encourage DoD Components to discuss with the FWS and state fish and wildlife agencies all issues of mutual interest related to the protection, conservation, and management of fish and wildlife resources on DoD installations.
- h. Subject to mission, safety, security, and ecosystem requirements, provide public access to military installations to facilitate the sustainable multipurpose use of its natural resources.
- i. Identify natural resource research needs, and develop research proposals with input from the Parties.
- j. Identify opportunities to work with the DoD Components to facilitate:
 - i. Cooperative regional and local natural resource conservation partnerships and initiatives with FWS and state fish and wildlife agency offices.
 - ii. Natural resources conservation technology transfer and training initiatives

between the DoD Components, federal land management agencies, and state fish and wildlife agencies.

- k. Provide law enforcement support to protect fish, wildlife, and plant resources on military installations consistent with jurisdiction and authority.

3. FWS agrees to:

- a. Communicate the establishment of this MOU to each FWS Regional Office and appropriate field offices in close proximity to military installations.
- b. Distribute the DoD and FWS Sikes Act Guidelines to each FWS Regional Office and appropriate field office in close proximity to military installations.
- c. Designate regional and field office FWS liaisons to develop partnerships and help DoD implement joint management of ecosystem-based natural resource management programs, and provide a list of those liaisons to the DoD as needed.
- d. Provide technical assistance with the appropriate expertise to the DoD in managing its resources within the scope of FWS responsibilities and funding constraints.
- e. Encourage field offices to coordinate current and proposed FWS natural resource initiatives and research efforts with those that may relate to DoD installations, and to provide applicable installations with new and relevant information pertaining to distribution and/or research regarding listed and candidate species and species at-risk.
- f. Inform DoD Components and affected installations regarding upcoming and reasonably foreseeable proposed listing and critical habitat designations that may potentially affect military installations in a timely manner before publication of such proposals in the Federal Register.
- g. Encourage regional and field offices to expedite pending INRMP reviews that may affect foreseeable proposed listing of threatened and endangered species and critical habitat designations.
- h. Provide law enforcement support as appropriate to protect fish, wildlife, and plant resources on military installations within the jurisdiction of the FWS.
- i. Identify FWS refuges and other potential federal management areas in close proximity to military installations, and, where appropriate, participate in the joint management of ecosystem-based natural resource management projects that support INRMP and other planning goals, objectives, and implementation.

4. AFWA agrees to:

- a. Communicate the establishment of this MOU to each state fish and wildlife agency director and appropriate personnel.

- b. Distribute the DoD and FWS Sikes Act Guidelines to each state fish and wildlife agency director and appropriate staff.
- c. Facilitate and coordinate with the states to encourage them to:
 - i. Participate in developing, reviewing, updating, revising, approving and, as appropriate implementing INRMPs in a timely way upon request by military installation personnel.
 - ii. Designate state liaisons to help develop partnerships and to help DoD installation staff implement natural resource conservation and management programs.
 - iii. Identify state wildlife management areas in close proximity to military installations and, where appropriate, participate in the joint management of ecosystem-based natural resources projects that support INRMP goals, objectives, and implementation.
 - iv. Provide technical assistance to DoD installation staff in adaptively managing natural resources within the scope of state responsibilities, funding constraints, and expertise.
 - v. Identify state personnel needs to develop, review, update/revise, approve, and implement INRMPs, and facilitate the identification of funding opportunities to address the fulfillment of state priorities.
 - vi. Coordinate current and proposed state natural resources research efforts with those that may relate to DoD installations.
 - vii. Coordinate with DoD installations to develop new, and implement existing, conservation plans and strategies, including, but not limited to State Wildlife Action Plans; the National Fish, Wildlife and Plants Climate Adaptation Strategy; goals or initiatives of the North American Bird Conservation Initiative (NABCI) and/or Partners in Amphibian and Reptile Conservation (PARC); and the National Fish Habitat Action Plan.

E. STATEMENT OF NO FINANCIAL OBLIGATION

This MOU does not impose any financial obligation on the part of any signatory.

F. ESTABLISHMENT OF COOPERATIVE AGREEMENTS

The Parties are encouraged to enter into cooperative or interagency agreements to coordinate and implement natural resource management on military installations. If fiscal resources are required, the Parties must develop a separately funded cooperative or interagency agreement.

Such cooperative or interagency agreements may also be entered into under the authority of the Sikes Act (16 U.S.C. 670c-1). Interagency agreements may be entered into under the authority of the Economy Act (31 U.S.C. 1535 and 1536). The Parties should also explore opportunities to utilize the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-666c) to facilitate agreements for FWS technical assistance, fish stocking, and other conservation activities. Each funded cooperative or interagency agreement shall include a work plan and a financial plan that identify goals, objectives, and a budget and payment schedule. A cooperative or interagency agreement to accomplish a study or research also will include a study design and methodology in the work plan. It is understood and agreed that any funds allocated via these cooperative or interagency agreements shall be expended in accordance with its terms and in the manner prescribed by the fiscal regulations and/or administrative policies of the party making the funds available.

G. AMENDMENTS

This MOU may be amended at any time by mutual written agreement of the Parties.

H. TERMINATION

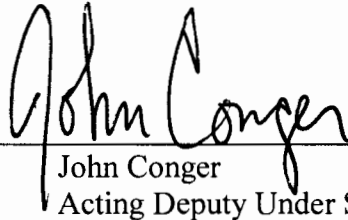
Any party to this MOU may remove itself upon sixty (60) days written notice to the other parties.

I. EFFECTIVE DATE AND DURATION

This MOU will be in effect upon date of final signature, and will continue for ten years from date of final signature. The parties will meet six (6) months prior to the expiration of this MOU to discuss potential modifications and renewal terms.

7-29-13

Date



John Conger
Acting Deputy Under Secretary of Defense
(Installations and Environment)
U.S. Department of Defense

6.24.13

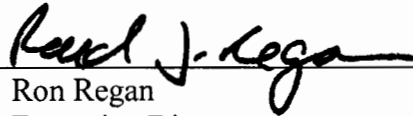
Date



Dan Ashe
Director
Fish and Wildlife Service
U.S. Department of Interior

7-15/2013

Date



Ron Regan
Executive Director
Association of Fish and Wildlife Agencies

Attachment 2

Interagency Assistance Agreement between the United States Fish and Wildlife Service and the United States Air Force for the Conservation of Natural Resources on Air Force Controlled Lands

INTERAGENCY ASSISTANCE AGREEMENT
between the
UNITED STATES FISH AND WILDLIFE Service,
and the
THE UNITED STATES AIR FORCE
for the
CONSERVATION OF NATURAL RESOURCES
ON AIR FORCE CONTROLLED LANDS

I. PURPOSE

This interagency assistance agreement (IAA) establishes a cooperative conservation program between the United States Fish and Wildlife Service (Service) and the United States Air Force (USAF) to support the management of natural resources on USAF controlled lands. This IAA will help the USAF meet Federal stewardship requirements and ensure the continued availability of installation lands to support military readiness. Implementation of this IAA will be a cooperative effort utilizing the combined expertise of USAF natural resources managers and Service staff located at the Washington Office, Ecological Services Field Offices, Fisheries Field Offices, and National Wildlife Refuges. Separate agreements and statements of work under the auspices of this IAA may be established to define the means by which the Service may be reimbursed for assistance provided to the USAF. The Assistant Director for Fisheries and Habitat Conservation, in coordination with the Assistant Director for Endangered Species Program, shall oversee the implementation of this IAA for the Service. The Air Force Center for Engineering and the Environment (AFCEE), as Field Operating Agency for Headquarters Air Force, shall be the office of primary responsibility for implementation of this IAA in USAF. Each of the parties to the agreement agrees to cooperate and work to protect Service trust species and to work collaboratively to manage, protect, stabilize and/or improve natural resources on military lands.

II. BACKGROUND

The Service is charged with the mission to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the American people. The USAF is steward to millions of acres of lands used for national defense purposes that include a variety of intact ecosystems and habitats that support Service trust species. The USAF also hosts recreational hunting and fishing programs, and actively supports efforts to conserve species at risk. The mutual interests and responsibilities of both agencies provide opportunities for the USAF and Service to cooperate in ways that will not only enhance the management of natural resources

on Federal lands, but will facilitate landscape linkages contributing to regional biodiversity. This cooperation benefits Service in its mission to protect lands and waters that are essential for Service trust resource conservation, and helps the USAF implement an environmental program that will enhance the ecosystems under its stewardship while sustaining the use of the land for military purposes. Ultimately, this agreement will benefit the public purpose by identifying, restoring and maintaining natural resources through compliance with Federal laws, regulations and statutes.

III. AUTHORITY

This IAA is enacted under the following authorities:

A. The Fish and Wildlife Coordination Act.

The Fish and Wildlife Coordination Act, as amended, authorizes the Service to provide assistance to, and cooperate with, other Federal agencies to prepare and implement plans to protect wildlife resources. The Act, as codified in Title 16, United States Code, Subchapter I, Section 661 – *Declaration of purpose; cooperation of agencies; surveys and investigations; donations*, subparagraphs (1)-(3), authorizes the Secretary of Interior...

(1) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting and fishing areas, including easements across public lands for access thereto, and in carrying out other measures necessary to effectuate the purposes of said sections;

(2) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States; and

(3) to accept donations of land and contributions of funds in furtherance of the purposes of said sections.

B. The Sikes Act.

This IAA supports and is supported by the Sikes Act, as codified in Title 16, United States Code, Section 670 *et seq.*, Subchapter I – *Conservation Programs on Military Installations*. The Sikes Act authorizes programs for conservation and rehabilitation of natural resources on military installations, to include the cooperative development by the USAF, Service, and State fish and wildlife agency of an Integrated Natural Resources Management Plan (INRMP). Sections of the Sikes Act (16 U.S.C. § 670 *et seq.*) that provide specific authorities to support this interagency cooperative assistance agreement are provided below.

- 16 U.S.C. § 670a(a)(2) *Cooperative preparation*, states:

"The Secretary of a military department shall prepare each integrated natural resources management plan for which the Secretary is responsible in cooperation with the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, and the head of each appropriate State fish and wildlife agency for the State in which the military installation is located.

- 16 U.S.C. § 670a(d)(2) states:

"priority shall be given to the entering into of contracts for the procurement of such implementation and enforcement Services with Federal and State agencies having responsibility for conservation and management of fish and wildlife."

- 16 U.S.C. § 670c-1 – *Cooperative agreements for land management on Department of Defense installations*, subparagraph (b) *Multiyear agreements* provides the following in regards to the obligation of funds for cooperative assistance provided under the terms of this IAA:

"Funds appropriated to the Department of Defense for a fiscal year may be obligated to cover the cost of goods and Services provided under a cooperative agreement entered into under subsection (a) or through an agency agreement under section 1535 of title 31, United States Code, during any 18 month period beginning in that fiscal year, without regard to whether the agreement crosses fiscal years.

C. The Economy Act.

This Economy Act, as codified in Title 31 United States Code, Section 1535, provides authority for interagency transactions between agencies of the Federal government. The Federal Acquisition Regulation (FAR), Subpart 17.5 – *Interagency Acquisitions Under the Economy Act*, prescribes the policies and procedures applicable to interagency acquisitions under the Economy Act (31 U.S.C. § 1535). Defense regulation DFARS 217.5 and Air Force regulation AFFARS 5317.5 supplement the FAR.

D. Executive Order 13352, Facilitation of Cooperative Conservation.

On August 26, 2004, the President enacted Executive Order 13352 to encourage collaboration among Federal, State, local, and tribal governments, private for-profit and nonprofit institutions, other nongovernmental entities and individuals to facilitate actions related to the enhancement and enjoyment of natural resources and protection of the environment. The President states the purpose of the Executive Order as follows:

"The purpose of this order is to ensure that the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation, with an emphasis on appropriate inclusion of local participation in Federal decision making, in accordance with their respective agency missions, policies, and regulations.

E. Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds

On January 10, 2001, the President signed Executive Order 13186, "*Responsibilities of Federal Agencies to Protect Migratory Birds*", (66 FR 3853, January 17, 2001). The Executive Order directs agencies to take certain actions to further comply with the migratory bird conventions, the Migratory Bird Treaty Act (MBTA), the Bald and Golden Eagle Protection Act (BGEPA), and other pertinent statutes through development of an Memorandum of Understanding (MOU) with the Service. On July 31, 2006, the Department of Defense (DoD) and the Service entered into a *Memorandum of Understanding (MOU) to Promote the Conservation of Migratory Birds*. The purpose of the MOU is to strengthen migratory bird conservation by identifying and implementing strategies that promote conservation and avoid or minimize adverse impacts on migratory birds through enhanced collaboration between the Service and DoD. The MOU describes how the Service and DoD will work together cooperatively to achieve these ends.

F. Air Force Instruction 32-7064.

Air Force Instruction (AFI) 32-7064, *Integrated Natural Resources Management* directs the USAF to manage vegetation, wildlife, water, and outdoor recreation resources in accordance with applicable laws. The regulation supports USAF operations by facilitating the stewardship of natural resources within and around airfields, ranges, and other training areas while simultaneously supporting the Sikes Act objective to sustain "*no net loss in the capability of military installation lands to support the military mission of the installation.*" In regards to the authority of AFCEE to enter into cooperative agreements on behalf of the Air Force, AFI 32-7064 states:

"AFCEE Director is delegated authority to sign cooperative agreements entered into pursuant to the Sikes Act, Title 16, United States Code, Section 670c-1."

G. Other Authority.

In addition to the authorities listed above, this IAA supports and is supported by the following statutes and guidances:

- Anadromous Fish Conservation Act, as amended (16 U.S.C 757a-757g).
- Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. 668-668d).
- Cave Resources Protection Act (16 U.S.C. 4301 et seq.)
- Comprehensive Environmental Response Compensation and Liability Act of 1980 (26 U.S.C. 4611-4682), as amended 1983 (42 U.S.C. 9601-9657) and 1986 (P.L. 99-499).
- Department of Defense Instruction (DODI) 4715.03, *Natural Resources Conservation Program*.
- Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543).
- Executive Order 11988, *Flood plain Management*, May 24, 1977.
- Executive Order 11990, *Protection of Wetlands*, May 24, 1977.

- Executive Order 12962, *Recreational Fisheries*, June 7, 1995.
- Executive Order 13112, *Invasive Species*, February 3, 1999.
- Estuaries and Clean Waters Act of 2000 (P.L. 106-457).
- Estuary Protection Act (16 U.S.C. 1221-1226).
- Federal Grant and Cooperative Agreement Act of 1977 (P.L. 95-114).
- Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701).
- Federal Noxious Weed Act of 1976 (7 U.S.C. 2801).
- Federal Water Pollution Control Act of 1977 (Clean Water Act), as amended (33 U.S.C. 1251-1376).
- Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901).
- Hunting, Fishing and Trapping on Military Lands [An update of the Military Construction Authorization Act] (10 U.S.C. 2671).
- Lacey Act of 1900 (16 U.S.C. 701, 702).
- *Memorandum of Understanding Between the U.S. Department of Defense and U.S. Fish and Wildlife Service and the International Association of Fish and Wildlife Agencies for a Cooperative Integrated Natural Resource Management Program on Military Lands*, January 31, 2006.
- Migratory Bird Treaty Act, as amended (16 U.S.C. 701 *et. seq.*).
- National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321-4347).
- Resource Conservation and Recovery Act (RCRA) , P.L. 94-580 (42 U.S.C. 6901-6992; 90 Stat. 2795), as amended by P.L. 95-609 (92 Stat. 3081), P.L. 96-463 (94 Stat. 2055), P.L. 96-482 (94 Stat. 2334), P.L. 98-616 (98 Stat. 3224), P.L. 99-339 (100 Stat. 654), P.L. 99-499 (100 Stat. 1696), P.L. 100-556 (102 Stat. 2779)
- Rivers and Harbors Act of 1899 (33 U.S.C. 401 *et. seq.*).
- Soil and Water Conservation Act (16 U.S.C. 2001).

IV. SCOPE

A. **Mutual Responsibilities.**

1. The parties will collaborate on matters relating to the conservation and management of natural resources on or affecting the lands administered by the USAF, such as fish and wildlife management projects, research activities, law enforcement, education and outreach programs, and other matters as may be relevant to natural resources conservation. An interdisciplinary, united approach shall be promoted by the parties to resolve problems relating to multiple use management of natural resources.

2. The parties shall cooperate in preparing and implementing Integrated Natural Resources Management Plans (INRMPs) in accordance with the Sikes Act, and in conducting natural resources conservation studies on lands under USAF control in support of the Endangered Species Act or to comply with the National Environmental Policy Act.

3. The USAF and Service agree that the involvement of each agency in this IAA shall not be used in any way by either agency to imply an endorsement of the other agency's actions. All advertising or other publicity regarding activities undertaken as part of this agreement, which mentions the participation of the other agency, shall first be approved for release by both agencies, and approval may be withheld for any reason sufficient to either agency. If either agency should appear to have violated this clause, the aggrieved agency may request the immediate cessation of those actions plus further action to effectively counteract any mistaken impressions in the public mind. If the violating agency fails to comply fully with the request, the aggrieved agency may unilaterally take any action it considers necessary to correct the mistaken impression and bill the other agency for the reasonable costs of that action. Failure to promptly pay those reasonable costs shall be treated as a dispute under the terms of this agreement.

4. Nothing in this IAA is intended to modify in any manner currently ongoing cooperative programs with other public agencies, conservation groups, or educational institutions, or modify any rights granted by treaty or otherwise to any Indian tribe or member thereof.

5. All data collected or generated as a result of this agreement will be shared between all parties involved and will remain the property of the United States of America.

6. The USAF and Service will conduct a joint annual review of this agreement.

B. United States Fish and Wildlife Service Responsibilities.

The Service shall, consistent with Service policy and within limitations of available funding provided by the USAF:

1. Establish a point of contact for this agreement in the Service Washington Office.

Chief, Division of Habitat and Resource Conservation
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive
Arlington, VA 22203

2. Assign one or more Service employees to the AFCEE as liaison to the USAF. Duties for a Service liaison position will be as specified in a position description approved by the Service. Goals and objectives for Service employees supported by USAF shall be established in a statement of work approved jointly by the Service and AFCEE, and amended periodically by mutual agreement of both parties. Service liaison support may include, but is not limited to:

- a. Support Air Force compliance with the Endangered Species Act, as specified in Title 16 U.S.C. § 1531-1544, by providing technical assistance for the conservation, protection and management of Service trust species. The Service liaison will work with the USAF to create a consolidated source of information on

Service trust species on USAF controlled properties. The incumbent will help disseminate information to USAF installations on upcoming proposed threatened and endangered species listings and critical habitat designations.

- b. Support Air Force and Service compliance with the Sikes Act, as specified in Title 16 U.S.C. § 670a(a)(2), and in accordance with DoD and Service Sikes Act guidelines. The Service liaison shall provide technical and advisory assistance for the development and implementation of Integrated Natural Resources Management Plans (INRMPs) as required by the Sikes Act, and will help insure the synchronization of INRMPs with existing Service and State Wildlife Action Plans. The incumbent will help facilitate and track the required coordination and review of INRMPs with the appropriate Service Field Office and Regional Office Sikes Act Coordinator.
- c. Advise Air Force installations of opportunities for cooperative conservation and natural resources management assistance available from Service offices. The Service liaison shall facilitate cooperative conservation partnerships between USAF installations and Service Regions, Ecological Services Field Offices, Fisheries Field Offices, and National Wildlife Refuges as appropriate. The incumbent may also assist with the implementation of INRMPs by coordinating the assistance of qualified Service experts in the fields of endangered species conservation, fish and wildlife management, and other natural resource management disciplines. Upon acceptance of USAF funds, the Service may facilitate reimbursable assistance to USAF from Service offices nationwide.

C. United States Air Force Responsibilities.

The USAF will, consistent with Department of Defense policy and within limitations of appropriations:

1. Provide a POC to administer and facilitate Service assistance for USAF natural resource program needs at the Air Force Center for Engineering and the Environment

Natural Resources Subject Matter Expert
AFCEE/TDN
2261 Hughes Avenue, Suite 155
Lackland AFB, TX 78236-9853

2. Reimburse the appropriate Service organization for costs incurred by the Service for support provided to USAF for the conservation and management of fish and wildlife resources. The USAF will reimburse the Service for the salary, employee benefits, travel, transfer of station, administrative overhead and other support costs for liaison positions with a duty station at the AFCEE. Funding for reimbursement of Service assistance will be provided by the USAF to the Service office providing the Services by means of a DD Form 448 *Military Interdepartmental Purchase Request* (MIPR). Each MIPR will reference the specific support provided and will reimburse the Service for the total cost of assistance.

Funds will be considered obligated upon the Service acceptance of the MIPR as Category I – Reimbursement.

3. Provide workspace, computer support, clerical support, security clearance and appropriate access privileges for Service employees permanently assigned or detailed to Air Force offices.

V. FINANCIAL ADMINISTRATION

A. Funding.

1. The USAF agrees to seek sufficient funds to support Service activities as identified in the agreed upon statement of work. The USAF will submit an annual request for funds through the Air Force budgetary process. Any requirement for payment or obligation of funds shall be subject to the availability of appropriated funds.

2. The USAF organization requesting assistance and the supporting Service office will review and approve a project budget prior to any Services being rendered. The Air Force will issue a MIPR to the supporting Service office for the estimated cost of assistance to be provided for a period not to exceed 18 months.

3. In accordance with 16 U.S.C. § 670c-1(b), funds obligated by the USAF and transmitted to the Service by MIPR, may be obligated to cover the cost of goods and Services specified in the associated program of work during an 18 month period, beginning in that fiscal year, without regard to whether the agreement crosses fiscal years. Funds for specific tasks that Service is unable to execute during the allowable period will be returned to the USAF.

B. Payments.

1. The Service office accepting a MIPR for reimbursable Services shall bill the USAF by means of an SF 1080 or, if available, via Intra-Governmental Payment and Collection system (IPAC), for any effort completed during the previous 90 days or less. Each billing statement will include the project title, project number and the applicable MIPR number. Payment requests will be submitted through the Defense Finance and Accounting Service (DFAS) office designated on the MIPR (Block 13).

2. Allowable costs under this IAA will include all direct and indirect costs incurred by the Service for work to be completed within the scope of this IAA. The Service will maintain a record of costs incurred.

a. The Service office performing reimbursable Services for USAF shall provide the USAF with cost documentation, as requested, which will reflect an annual reconciliation of costs and expenditures incurred by the Service for each task.

b. The Service indirect cost rate for this agreement will be the current and applicable Service overhead cost rate.

c. If there are any discrepancies regarding the reimbursable costs associated with this agreement, the Service and USAF will resolve any issues.

VI. MODIFICATIONS


Modifications to this IAA will be made in writing and signed by the parties prior to being incorporated. Correspondence between the parties may be considered part of this IAA when appropriate and countersigned by the receiver and returned to the sending party.

VII. TERMINATION

Each party may terminate its participation in this IAA at the end of any fiscal year, (1 October to 30 September), providing that written Notice of Termination is given by the terminating party to the non-terminating party. The Service will return any unused funds to USAF upon termination. The USAF will notify the Service at least 90 days in advance if funding to support salary and benefits of Service personnel will be terminated.

VIII. EFFECTIVE DATE

This inter-agency agreement becomes effective upon its execution by signature of authorized representatives from each cooperating agency. This IAA shall be valid until terminated in accordance with Section VII. This IAA may be modified, revised or renewed at any time, as agreed upon by the effected parties.



DANIEL M. ASHE (DATE)
Director 6-7-2012
U.S. Fish and Wildlife Service

TERRY G. EDWARDS, P.E., SES (DATE)
Director, Air Force Center for Engineering and the Environment



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240




In Reply Refer To:
FWS/AFAC DCN 059320

JUN 12 2015

Memorandum

To: Deputy Director

From: Assistant Director – Fish and Aquatic Conservation 

Subject: Request for Concurrence on the Guidelines for Coordination on Integrated Natural Resource Management Plans

We are requesting your concurrence on the attached Guidelines for Coordination on Integrated Natural Resource Management Plans (INRMPs). This document provides updated guidance for coordinating internally and externally on the review of INRMPs which guide the natural resource management of military lands within the United States. These guidelines were developed in coordination with numerous Service programs and the military services.

Questions or concerns on this request should be directed to Jarrad Kosa at 703-358-2542.

Attachment

CONCURRENCE: 

Deputy

DATE: 