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-l). 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