INRMP Reviews & Revisions

Sikes Act Implementation:
INRMP Reviews and Revisions

Reviews vs. Revisions

• Definitions
  – Sikes Act Section 101(b)(2): “Must be reviewed as to operation and effect by the parties thereto on a regular basis, but not less often than every 5 years.”
  – DoDI 4715.3, para 6.1.6: “INRMPs and ICNRMPS…shall be reviewed annually, updated as mission or environmental changes warrant, and revised and approved by appropriate command levels at least every 5 years.”

When to Apply

• Draft DoDI 4715.03 language: “INRMPs must be reviewed as to operation and effect on a regular basis, but no less often than every 5 years, by the Department of Defense, USFWS, and State fish and wildlife agencies, and the review must be documented and signed by these parties.

• Draft INRMP Manual language (paraphrased):
  – Each INRMP “must be reviewed as to operation and effect by the parties thereto on a regular basis, but not less often than every 5 years.”
  – Not necessarily revised every 5 years
  – Reviewed “as to operation and effect”
  – Intended to determine whether existing INRMPs are being implemented to meet Sikes Act requirements and contribute to the conservation and rehabilitation of natural resources on military installations.”
Module 3: INRMP Reviews & Revisions

INRMP Reviews & Revisions

INRMP Annual Review & 5-Year Review

- Timelines
- Annual review
  - Improving coordination/communication with Operators, Trainers, Planners, etc.
- Formal 5-year review
- Metrics meeting with FWS and State Fish and Wildlife Agencies
  - Improving coordination/communication
  - Coordination with NOAA Fisheries (when appropriate)
- Signatures

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Consultation Requirements

ESA Compliance
- Section 7 requirements
- Informal consultation
- Formal consultation
- Steps and tips for successful accomplishment

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Consultation Requirements Cont...

Critical Habitat Designation
- INRMP may be in lieu of CH designation (ESA Section 4(a)(3)(B) exemption)
  - Special management actions
- Building a solid case for ESA Section 4(b)(2) exclusion
  - Economic benefits/national security considerations
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Consultation Requirements Cont...

Critical Habitat Designation
• Steps taken to respond to FWS
  – Service-specifics
• Addressing CH in your INRMP
• Successful rulemaking examples

Migratory Bird Management
• Migratory Bird Treaty Act – international treaties
• Avoiding/minimizing impacts – rely on INRMP
• Readiness activities
  – DoD/MBTA rule
  – Unintentional take authorized
• Non-Readiness activities
  – EO 13186
  – MOU
  – No authorization for unintentional take
  – FWS prosecutorial discretion

Wetlands Management
• EO 11990: minimize destruction caused by construction
  – FONPA, EIAP, requirements; CZMA consistency determination
• DoD 4715.3, para 4.2.10: “DoD lands shall be managed for the goal of no net loss of wetlands ... The development of mitigation ‘banks’ is encouraged as sound conservation planning.”

Wetland Mitigation Banking
• Clean Water Act Section 404 permit to fill jurisdictional wetland will likely require offset
• Purchase of credit from off-installation wetland bank is preferred
Module 3: INRMP Reviews & Revisions

INRMP Reviews & Revisions

NEPA and Consultation Requirements

- What triggers a new NEPA analysis? What doesn’t?
- NEPA compliance
- Service-specific NEPA requirements
  - e.g., USAF doesn’t require NEPA for INRMPs
- Pros/cons from OSD perspective

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Consultation Requirements Cont...

- Public Comment:
  - OSD requirement
  - Purpose
  - Tips for successful accomplishment
  - How to evaluate and process comments