

INRMP Reviews & Revisions



Sikes Act Implementation: INRMP Reviews and Revisions



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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 ICRMPs...shall be **reviewed annually, updated as mission or environmental changes warrant, and revised** and approved by appropriate command levels at least every **5 years.**"

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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.

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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

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Consultation Requirements Cont...

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



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Consultation Requirements Cont...

Wetlands Management

- EO 11990: minimize destruction caused by construction
 - FONPA, EIA, requirements; CZMA consistency determination
- DoDI 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

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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


