OFFICE OF THE UNDER SECRETARY OF DEFENSE

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ACQUISITION,
TECHNOLOGY
AND LOGISTICS

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MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE ARMY (ENVIRONMENT, SAFETY AND OCCUPATIONAL HEALTH)
DEPUTY ASSISTANT SECRETARY OF THE NAVY (ENVIRONMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE (ENVIRONMENT, SAFETY AND OCCUPATIONAL HEALTH)
DIRECTOR, DEFENSE LOGISTICS AGENCY

SUBJECT: Guidance to Implement the Memorandum of Understanding to Promote the Conservation of Migratory Birds

On July 31, 2006, the Department of Defense (DoD) and the U.S. Fish and Wildlife Service (FWS) entered into a Memorandum of Understanding (MOU) to Promote the Conservation of Migratory Birds, in accordance with Executive Order 13186, "Responsibilities of Federal Agencies to Protect Migratory Birds." This MOU describes specific actions that should be taken by DoD to advance migratory bird conservation; avoid or minimize the take of migratory birds; and ensure DoD operations—other than military readiness activities—are consistent with the Migratory Bird Treaty Act. The MOU also describes how the FWS and DoD will work together cooperatively to achieve these ends. The MOU does not authorize the take of migratory birds; the FWS, however, may develop incidental take authorization for federal agencies that complete an Executive Order MOU.

I strongly encourage all DoD personnel to work cooperatively with the FWS to implement the actions described in the MOU and to take steps to further migratory bird conservation. This MOU specifically pertains to the following categories of DoD activities:

(1) Natural resource management activities, including, but not limited to, habitat management, erosion control, forestry activities, agricultural outleasing, conservation law enforcement, invasive weed management, and prescribed burning;

(2) Installation support functions, including but not limited to, the maintenance, construction or operation of administrative offices, military exchanges, road

construction, commissaries, water treatment facilities, storage facilities, schools, housing, motor pools, non-tactical equipment, laundries, morale, welfare, and recreation activities, shops, landscaping, and mess halls;

(3) Operation of industrial activities;

(4) Construction or demolition of facilities relating to these routine operations; and

(5) Hazardous waste cleanup.

This MOU does not address incidental take during military readiness activities, which was addressed in a rulemaking in accordance with section 315 of the National Defense Authorization Act for Fiscal Year 2003. The final rule, Migratory Bird Permits: Take of Migratory Birds by the Armed Force, was published as 50 CFR Part 21 in the February 28, 2007 Federal Register, pages 8931-8950.

Successful implementation of the MOU will require early planning and coordination between individual military bases and local FWS offices for particular projects that may affect migratory birds. A variety of useful tools are available to assist DoD natural resource managers in integrating bird conservation measures with DoD activities, as described in the attachment. If you have any questions, please contact Mr. Peter Boice at (703) 604-0524.

Alex A. Beehler
Assistant Deputy Under Secretary of Defense
(Environment, Safety and Occupational Health)

Attachments:
As stated

## USEFUL TOOLS IN IMPLEMENTING MIGRATORY BIRD CONSERVATION BY THE DOD

The following is not an exhaustive list of tools available to help address migratory bird conservation but are excellent sources to start.

**Partners in Flight** (http://www.partnersinflight.org)
Partners in Flight is an umbrella network of which the DoD bird conservation program is a vital part. Partners in Flight was launched in 1990 in response to growing concerns about declines in the populations of many landbirds, and to address the conservation of birds not covered by existing conservation initiatives.

The PIF web site provides helpful information including links to regional plans that discuss bird conservation goals and objectives for individual species in a specific physiographic region.

**DoD Partners in Flight** (http://www.dodpif.org/)
The Management Strategy for DoD PIF is to promote and support a partnership role in the protection and conservation of birds and their habitats by protecting vital DoD lands and ecosystems, enhancing biodiversity, and maintaining healthy and productive natural systems consistent with the military mission. The DoD PIF web site provides a number of useful resources for addressing or learning more about migratory bird conservation, including fact sheets and a database of installation-specific information.

**Installation Bird Checklist** (http://www.dodpif.org/)
This is an ongoing effort to providing a list of birds known to occur on or in the vicinity of individual military bases in addition to seasonal occurrence records.

**Species of Concern** (http://www.dodpif.org/)
Although migratory bird conservation should address all migratory birds, the MOU places a priority on addressing the conservation of species of concern as resources are limited to effectively address all birds. Species of concern refers to those species listed in the periodic report FWS *Birds of Conservation Concern;* priority migratory bird species documented in the comprehensive bird conservation plans (North American Waterbird Conservation Plan, U.S. Shorebird Conservation Plan, Partners in Flight Bird Conservation Plans); species or populations of waterfowl identified as high, or moderately high, continental priority in the North American Waterfowl Management Plan; listed threatened and endangered bird species in 50 CFR. 17.11; and Migratory Bird Treat Act listed game birds below desired population sizes. To assist DoD staff in determining what species may be impacted by activities on military bases, DoD PIF is in the process of developing a list of species of concern for each military base in the continental U.S. Until these individual base lists are finalized, list of species of concern are available at the larger Bird Conservation Region (BCR) scale. BCRs are ecologically distinct regions in North America with similar bird communities, habitats, and resource management issues.

The **DoD Bird Conservation Database** (Database) (http://www.dodpif.org/projects/)
This database was created to document, consolidate, and disseminate bird conservation efforts on or involving military lands and civil works projects and make that information available as a resource for planners, land managers and other professionals involved in bird conservation.

This database can provide a valuable resource for biologists to share natural resource management information on their base including species accounts, research and monitoring, bird surveys, etc. Base biologists are encouraged to insert abstracts on their natural resource projects into the database.

**Conservation Measures** (http://www.partnersinflight.org/pubs/BMPs.htm)
There is currently a lack of a single resource database that provides easy reference to migratory bird conservation measures that may be implemented for a diversity of species or habitat types. However, several efforts are underway and will be available in the future. One resource that is currently underdevelopment but readily available are Best Management Practices on the Partners in Flight web site.

**DoD PIF-L List Serve** (http://www.dodpif.org/).
This Listserve supports the natural resource managers at DoD sites to more effectively address migratory and resident bird issues, and incorporate bird habitat conservation plans into the INRMP process. The list should be used for items that will benefit natural resource managers with bird conservation issues, including as requests for information or assistance. See the web site for how to subscribe to the list.

**US Shorebird Conservation Plan** (http://www.fws.gov/shorebirdplan/ ) is an effort undertaken by a partnership of Federal and State government agencies, as well as non-governmental and private organizations to ensure that stable and self-sustaining populations of all shorebird species are restored and protected. Both the U.S. Plan and regional step down plans provide useful information regarding population goals and objectives for individual priority shorebird species.

**North American Waterbird Conservation Plan**
(http://www.waterbirdconservation.org/)
This partnership of Federal and State government agencies, non-governmental organizations, and private interests focuses on the conservation of waterbirds, primarily including marshbirds and inland, coastal, and pelagic colonial waterbirds). As with the Partners in Flight and Shorebird initiatives, waterbird conservation plans are available at both the continental and regional scale. These include population and habitat objectives for individual waterbird species and management recommendations.

**FWS Course for DoD Natural Resource Managers: Migratory Bird Conservation – A Trust Responsibility**
The FWS periodically offers a MBTA course specifically modified for DoD participants. FWS hopes to offer the course approximately once a year.

**DoD Conservation Page** (http://www.denix.osd.mil/Conservation/)
The Conservation Web page on DENIX offers a wide variety of bird conservation reports and other products. Of particular note are the sections on "Wildlife" and "Endangered Species."

**DoD Legacy Resource Management Program** (http://www.dodlegacy.org)
The Legacy program funds efforts that preserve our nation's natural and cultural heritage on DoD lands. Three principles guide the Legacy Program: *stewardship*, *leadership*, and *partnership*. Stewardship initiatives assist DoD in safeguarding its irreplaceable resources for future generations. By embracing a leadership role as part of the program, DoD serves as a model for respectful use of natural and cultural resources. Through partnerships, Legacy strives to access the knowledge and talents of individuals outside of DoD. The Legacy Web site describes proposal submittal guidelines, lists previously funded projects, and provides links to many products. Bird conservation is one of Legacy's eleven areas of interest.

**Strategic Environmental Research and Development Program** (http://www.serdp.org)
SERDP is DoD's environmental science and technology program, planned and executed in full partnership with the Department of Energy and the Environmental Protection Agency, with participation by numerous other federal and non-federal organizations. To address the highest priority issues confronting the Army, Navy, Air Force, and Marines, SERDP focuses on cross-service requirements and pursues high-risk/high-payoff solutions to the Department's most intractable environmental problems. The development and application of innovative environmental technologies support the long-term sustainability of DoD's training and testing ranges as well as significantly reduce current and future environmental liabilities. SERDP offers funding in the following four focus areas: Environmental Restoration, Munitions Management, Sustainable Infrastructure, and Weapons Systems and Platforms. Sustainable Infrastructure (SI) encompasses the technologies required to sustain training and testing ranges, as well as the installation infrastructure that supports those ranges and the deployed forces. SI is subdivided into natural resources, facilities, and cultural resources.

**Environmental Security Technology Certification Program** (http://www.estcp.org)
ESTCP is DoD's environmental technology demonstration and validation program. The goal of ESTCP is to identify, demonstrate, and transfer technologies that address DoD's highest priority environmental requirements. The Program promotes innovative, cost-effective environmental technologies through demonstrations at DoD facilities and sites. These technologies provide a return on investment through improved efficiency, reduced liability, and direct cost savings. ESTCP's strategy is to select lab-proven technologies with broad DoD application and aggressively move them to the field for rigorous trials documenting their cost, performance, and market potential. ESTCP offers funding in the following four focus areas: Environmental Restoration, Munitions Management, Sustainable Infrastructure, and Weapons Systems and Platforms. Sustainable Infrastructure (SI) encompasses the technologies required to sustain training and testing

ranges, as well as the installation infrastructure that supports those ranges and the deployed forces. SI is subdivided into natural resources, facilities, and cultural resources.

**North American Bird Conservation Initiative (NABCI)**
The U.S. NABCI Committee is a forum of government agencies, non-profit organizations, and initiatives dedicated to advancing integrated bird conservation in North America. Its strategy is to foster coordination and collaboration among the bird conservation community on key issues of concern. Through annual work plans, NABCI focuses its efforts on advancing bird monitoring, conservation design, international conservation, and institutional support in state and federal agencies for bird habitat conservation.

**DoD Coordinated Bird Monitoring Plan**
A Coordinated Bird Monitoring (CBM) approach now is being followed in the United State and Canada by many public and private agencies. The CBM approach stresses clear specification of management issues that bird monitoring can help address, careful attention to quantitative issues, and coordination among the different bird initiatives and between these groups and managers who will use the information. DoD is undertaking a three-year project that will develop four products to help improve bird monitoring programs on DoD land -- a review of existing monitoring programs, guidelines for selected surveys, a plan for monitoring species of special concern on DoD land, and recommendations for DoD's role in continental bird monitoring programs.