MEMORANDUM OF UNDERSTANDING
AMONG
THE U.S. DEPARTMENT OF DEFENSE
AND
THE 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 INSTALLATIONS

A. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to establish a cooperative relationship between the U.S. Department of Defense (DoD), the U.S. Department of the Interior, Fish and Wildlife Service (FWS), and the State fish and wildlife agencies as represented by the International Association of Fish and Wildlife Agencies (IAFWA) in preparing, reviewing, and implementing integrated natural resource management plans (INRMPs) on 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. The INRMP must be prepared in cooperation with the FWS and the State fish and wildlife agency (States) and reflect the mutual agreement of the parties concerning conservation, protection, and management of fish and wildlife resources on military lands.

INRMPs provide for the management of natural resources, including fish, wildlife, and plants. They incorporate, to the maximum extent practicable, ecosystem management principles and provide the landscape necessary for the sustainment of military land uses. INRMPs allow for multipurpose uses of resources, including public access necessary and appropriate for those uses, provided such access does not conflict with military land use requirements. Effective partnering among the DoD, the FWS, and the States, initiated early in the planning process at national, regional, and the military installation levels, is essential to the development and implementation of comprehensive INRMPs. When such partnering involves the participation of all parties and synchronization of INRMPs with existing FWS and State natural resource management plans, the mutual agreement of all parties is achieved more easily. Consistent with the use of military installations to ensure the readiness of the Armed Forces, the purpose of INRMPs is to provide for the conservation and rehabilitation of natural resources on military lands. Thus, a clear understanding of land use objectives for military lands should enable DoD, the FWS, and the States to share a common understanding of land management requirements while preparing and reviewing INRMPs.

This MOU addresses the responsibilities of the Parties to facilitate optimum management of natural resources on military installations. It replaces a DoD-FWS MOU on "Ecosystem-based Management of Fish, Wildlife and Plant Resources on Military Lands" which expired May 17, 2004.

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 the State fish and wildlife agencies. The DoD's primary mission is national defense. DoD manages approximately 30 million acres of land and waters under the Sikes Act to conserve and protect biological resources while supporting sustained military land use.

The FWS manages approximately 96 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, the Migratory Bird Treaty Act of 1918, the Endangered Species Act, the Marine Mammal Protection Act, the Bald and Golden Eagle Protection Act, the Anadromous Fish Conservation Act, the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, the Federal Noxious Weed Act, the Alien Species Prevention Enforcement Act of 1992, the North American Wetland Conservation Act, and the 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 Congress' 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 jurisdiction.

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, and individuals to provide for the maintenance and improvement of natural resources, or to benefit natural and cultural resources research, on DoD installations.

The Sikes Act (16 U.S.C. 670f(b)) 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 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 and cost effective manner by another Federal agency.

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.

D. RESPONSIBILITIES

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

1. **The DoD, the FWS and IAFWA (the Parties) mutually agree, in accordance with all applicable Federal, State and local laws and regulations:**

   a. To meet at least annually to discuss implementation of this MOU. The DoD will coordinate the 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 accomplishments, research and technology needs, and other emerging issues.

   b. To establish a Sikes Act Tripartite Working Group consisting of representatives from the Parties. This Working Group will meet at least quarterly to discuss and develop projects and documents to assist in the preparation and implementation of INRMPs and to discuss Sikes Act issues of national importance.

   c. The Sikes Act Tripartite Working Group will encourage the establishment of INRMP Development and Implementation Teams to facilitate early communication during preparation, review, revision or implementation of an INRMP and to ensure that such INRMPs are comprehensive and implemented as mutually agreed.

   d. Supplemental Sikes Act MOUs or other agreements may be developed at the regional and/or State level.

   e. To recognize the current DoD and FWS Sikes Act Guidelines on http://www.fws.gov and http://www.denix.osd.mil as the guidance for communication and cooperation of the Parties represented by this MOU.

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

g. To engage in sound management practices for natural resource protection and management pursuant to this MOU with due regard for military readiness, the welfare of the public, native fish and wildlife, threatened and endangered species, and the environment.

h. Consistent with DoD's primary military mission and to the extent reasonably practicable, to promote the sustainable multipurpose use of natural resources on military installations, to include hunting, fishing, trapping, and nonconsumptive uses such as wildlife viewing, boating, and camping.

i. To designate the individuals listed below as the national representative from each signatory to participate in the activities pursuant to this MOU. Representatives may also be designated at the regional and local levels to participate in similar Sikes Act planning or coordination activities.

    i. DoD: Conservation Team Leader, ODUSD (I&E) EM, 1225 Clark Street Suite 1500, Arlington, VA 22202-4336

    ii. FWS: National Sikes Act Coordinator, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 400, Arlington, VA 22203.

    iii. IAFWA: Executive Vice-President, IAFWA, 444 North Capitol Street, NW, Suite 544, Washington, DC 20001.

2. DoD agrees to:

a. Communicate the establishment of this MOU to all DoD Components.

b. Take the lead in the development of policies related to INRMP development and implementation and seek the cooperation of the FWS and the State fish and wildlife agencies during development, review, and implementation.

c. Ensure distribution of the DoD and revised FWS Sikes Act Guidelines to all appropriate DoD offices at every level of command.

d. Encourage military installations to invite appropriate FWS and State fish and wildlife agency offices to participate in developing and updating the INRMPs. All such invitations should be extended well in advance of the needed date for the product or work in order to facilitate meaningful participation by all three Parties.

e. Encourage military installations to take advantage of FWS and State fish and wildlife agency natural resources expertise through the use of Economy Act transfers and cooperative agreements. Priority should be given to projects that:

i. Sustain the military mission;

ii. Consider the strategic planning priorities of the FWS and the State fish and wildlife agency; and

iii. Effectively apply the principles of ecosystem management.

f. Encourage military installation to identify INRMP project requirements and give priority to those that:

i. Ensure conservation of natural resources while sustaining military mission activities;

ii. Achieve compliance with Federal, State, and local laws; and

iii. Provide adequate staffing for the development and implementation of the INRMP.

g. Discuss with the FWS and the 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, and obtain the mutual agreement of the FWS and the States regarding all INRMP provisions related to activities within their legal jurisdiction.

h. Subject to mission, safety and security requirements, provide public access to military installations to facilitate the sustainable multipurpose use of its natural resources.

i. Identify DoD natural resource research needs, and develop research proposals with input from FWS and/or the IAFWA.

j. Encourage the Military Services to establish natural resources management liaisons to facilitate:

i. Coordination and mutual agreement of INRMPs;

ii. Development and implementation of cooperative regional and local natural resource conservation partnerships and conservation initiatives with FWS and State fish and wildlife agency offices; and

iii. Natural resources conservation technology transfer and training initiatives between the Military Services, Federal land management agencies, and State fish and wildlife agencies.

3. FWS agrees to:

a. Communicate the establishment of this MOU to each FWS Regional Office and appropriate field stations in close proximity to military installations.

b. Distribute the DoD and revised FWS Sikes Act Guidelines to each FWS Regional Office and appropriate field station in close proximity to military installations.

c. Designate regional and field station FWS liaisons to develop partnerships and assist the DoD in implementing joint management of ecosystem-based natural resource management programs.

d. Identify FWS personnel needs for the development, review, updating, and implementation of INRMPs and expedite the fulfillment of those needs, as appropriate, based on funding and FWS priorities.

e. Provide technical assistance to the DoD in managing Federal trust resources such as endangered species, migratory birds, interjurisdictional fisheries, invasive species, contaminants, wetlands, coastal resources, law enforcement, or other natural resource issues within the scope of FWS responsibilities, funding constraints and expertise.

f. Work with the DoD to coordinate military natural resource research efforts and the creation of a consolidated source of information, with a particular emphasis on research on listed species and species at-risk.

g. Disseminate upcoming proposed listing and critical habitat designations to DoD Headquarters offices and potentially affected installations as part of outreach efforts before the Federal Register publication of such proposed designations.

h. Provide law enforcement support to protect fish, wildlife and plant resources on military installations within the jurisdiction of the FWS.

4. IAFWA agrees to:

a. Communicate the establishment of this MOU to each State fish and wildlife agency director and appropriate field offices.

b. Distribute the DoD and revised FWS Sikes Act Guidelines to each State fish and wildlife agency director and appropriate field offices.

c. Facilitate and coordinate with the States to encourage them to:

i. Participate in the development, review, updating and implementation of INRMPs upon request of military installations.

ii. Designate State liaisons to assist in developing partnerships and to assist the DoD in implementing 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 resource management projects.

iv. Provide technical assistance to the DoD in managing natural resource issues such as endangered species, migratory birds, interjurisdictional fisheries, invasive species, contaminants, wetlands, coastal resources, law enforcement, outdoor recreation, or other natural resource issues within the scope of State responsibility and expertise.

v. Identify State personnel needs for the development, review and implementation of INRMPs and expedite the fulfillment of these needs as appropriate based on available funding and State priorities.

vi. Coordinate current and proposed State natural resource research efforts with those that may relate to DoD installations.

vii. Coordinate with DoD installations in development of comprehensive state wildlife conservation plans.

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 agreements to coordinate and implement natural resource management on military installations. If fiscal resources are to be transferred in support of this MOU, the Parties must develop a separately funded cooperative agreement. Such cooperative agreements may be entered into under the authorities of the Sikes Act (16 U.S.C. 670a-670f, as amended) and the Economy Act (31 U.S.C. 1535 and 1536). Each funded cooperative agreement shall include a work plan and a financial plan that identify goals, objectives, and a budget and payment schedule. A cooperative 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 monies allocated via these cooperative 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 agreement of the parties in writing.

H. TERMINATION

Any party to this agreement may remove itself from this MOU 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 five years from date of final signature. The parties will meet 6 months prior to the expiration of this MOU to discuss potential modifications and renewal terms.

1/31/06 — Alex A. Beehler

Date

Assistant Deputy Under Secretary of Defense
(Environment, Safety and Occupational Health)
U.S. Department of Defense

1/31/06 — H Dale Hall

Date

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

1/31/06 — [signature]

Date

Executive Vice-President
International Association of Fish and Wildlife Agencies