

Appendix A. Annotated Summary of Key Legislation Related to Design and Implementation of the INRMP

Federal Public Laws and Executive Orders	
National Defense Authorization Act of 1989, Public Law (P.L.) 101-189; Volunteer Partnership Cost-Share Program	Amends two Acts and establishes volunteer and partnership programs for natural and cultural resources management on DoD lands.
Defense Appropriations Act of 1991, P.L. 101-511; Legacy Resource Management Program	Establishes the “Legacy Resource Management Program” for natural and cultural resources. Program emphasis is on inventory and stewardship responsibilities of biological, geophysical, cultural, and historic resources on DoD lands, including restoration of degraded or altered habitats.
EO 11514, Protection and Enhancement of Environmental Quality	Federal agencies shall initiate measures needed to direct their policies, plans, and programs to meet national environmental goals. They shall monitor, evaluate, and control agency activities to protect and enhance the quality of the environment.
EO 11593, Protection and Enhancement of the Cultural Environment	All Federal agencies are required to locate, identify, and record all cultural resources. Cultural resources include sites of archaeological, historical, or architectural significance.
EO 11988, Floodplain Management	Provides direction regarding actions of Federal agencies in floodplains, and requires permits from state, territory and Federal review agencies for any construction within a 100-year floodplain and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for acquiring, managing and disposing of Federal lands and facilities.
EO 11989, Off-Road vehicles on Public Lands	Installations permitting off-road vehicles to designate and mark specific areas/trails to minimize damage and conflicts, publish information including maps, and monitor the effects of their use. Installations may close areas if adverse effects on natural, cultural, or historic resources are observed.
EO 11990, Protection of Wetlands	Requires Federal agencies to avoid undertaking or providing assistance for new construction in wetlands unless there is no practicable alternative, and all practicable measures to minimize harm to wetlands have been implemented and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.
EO 12088, Federal Compliance With Pollution Control Standards	This EO delegates responsibility to the head of each executive agency for ensuring all necessary actions are taken for the prevention, control, and abatement of environmental pollution. This order gives the U.S. Environmental Protection Agency (US EPA) authority to conduct reviews and inspections to monitor Federal facility compliance with pollution control standards.

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EO 12898, Environmental Justice	This EO requires certain federal agencies, including the DoD, to the greatest extent practicable permitted by law, to make environmental justice part of their missions by identifying and addressing disproportionately high and adverse health or environmental effects on minority and low-income populations.
EO 13112, Exotic and Invasive Species	To prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.
EO 13186, Responsibilities of Federal Agencies to Protect Migratory Birds	The U.S. Fish and Wildlife Service (USFWS) has the responsibility to administer, oversee, and enforce the conservation provisions of the Migratory Bird Treaty Act, which includes responsibility for population management (e.g., monitoring), habitat protection (e.g., acquisition, enhancement, and modification), international coordination, and regulations development and enforcement.
United States Code	
Animal Damage Control Act (7 U.S.C. § 426-426b, 47 Stat. 1468)	Provides authority to the Secretary of Agriculture for investigation and control of mammalian predators, rodents, and birds. DoD installations may enter into cooperative agreements to conduct animal control projects.
Bald and Golden Eagle Protection Act of 1940, as amended; 16 U.S.C. 668-668c	This law provides for the protection of the bald eagle (the national emblem) and the golden eagle by prohibiting, except under certain specified conditions, the taking, possession and commerce of such birds. The 1972 amendments increased penalties for violating provisions of the Act or regulations issued pursuant thereto and strengthened other enforcement measures. Rewards are provided for information leading to arrest and conviction for violation of the Act.
Clean Air Act, (42 U.S.C. § 7401– 7671q, July 14, 1955, as amended)	This Act, as amended, is known as the Clean Air Act of 1970. The amendments made in 1970 established the core of the clean air program. The primary objective is to establish Federal standards for air pollutants. It is designed to improve air quality in areas of the country which do not meet Federal standards and to prevent significant deterioration in areas where air quality exceeds those standards.
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (Superfund) (26 U.S.C. § 4611–4682, P.L. 96-510, 94 Stat. 2797), as amended	Authorizes and administers a program to assess damage, respond to releases of hazardous substances, fund cleanup, establish clean-up standards, assign liability, and other efforts to address environmental contaminants. Installation Restoration Program guides cleanups at DoD installations.
Endangered Species Act (ESA) of 1973, as amended; P.L. 93-205, 16 U.S.C. § 1531 et seq.	Protects threatened, endangered, and candidate species of fish, wildlife, and plants and their designated critical habitats. Under this law, no Federal action is allowed to jeopardize the continued existence of an endangered or threatened species. The ESA requires consultation with the USFWS and the NOAA Fisheries (National Marine Fisheries Service) and the preparation of a biological evaluation or a biological assessment may be required when such species are present in an area affected by government activities.

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Federal Aid in Wildlife Restoration Act of 1937 (16 U.S.C. § 669–669i; 50 Stat. 917) (Pittman-Robertson Act)	Provides Federal aid to states and territories for management and restoration of wildlife. Fund derives from sports tax on arms and ammunition. Projects include acquisition of wildlife habitat, wildlife research surveys, development of access facilities, and hunter education.
Federal Environmental Pesticide Act of 1972	Requires installations to ensure pesticides are used only in accordance with their label registrations and restricted-use pesticides are applied only by certified applicators.
Federal Land Use Policy and Management Act, 43 U.S.C. § 1701–1782	Requires management of public lands to protect the quality of scientific, scenic, historical, ecological, environmental, and archaeological resources and values; as well as to preserve and protect certain lands in their natural condition for fish and wildlife habitat. This Act also requires consideration of commodity production such as timbering.
Federal Noxious Weed Act of 1974, 7 U.S.C. § 2801–2814	The Act provides for the control and management of non-indigenous weeds that injure or have the potential to injure the interests of agriculture and commerce, wildlife resources, or the public health.
Federal Water Pollution Control Act (Clean Water Act [CWA]), 33 U.S.C. §1251–1387	The CWA is a comprehensive statute aimed at restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. Primary authority for the implementation and enforcement rests with the US EPA.
Fish and Wildlife Conservation Act (16 U.S.C. § 2901–2911; 94 Stat. 1322, PL 96-366)	Installations encouraged to use their authority to conserve and promote conservation of nongame fish and wildlife in their habitats.
Fish and Wildlife Coordination Act (16 U.S.C. § 661 et seq.)	Directs installations to consult with the USFWS, or state or territorial agencies to ascertain means to protect fish and wildlife resources related to actions resulting in the control or structural modification of any natural stream or body of water. Includes provisions for mitigation and reporting.
Lacey Act of 1900 (16 U.S.C. § 701, 702, 32 Stat. 187, 32 Stat. 285)	Prohibits the importation of wild animals or birds or parts thereof, taken, possessed, or exported in violation of the laws of the country or territory of origin. Provides enforcement and penalties for violation of wildlife related Acts or regulations.
Leases: Non-excess Property of Military Departments, 10 U.S.C. § 2667, as amended	Authorizes DoD to lease to commercial enterprises Federal land not currently needed for public use. Covers agricultural outleasing program.
Migratory Bird Treaty Act 16 U.S.C. § 703–712	The Act implements various treaties for the protection of migratory birds. Under the Act, taking, killing, or possessing migratory birds is unlawful without a valid permit.
National Environmental Policy Act of 1969 (NEPA), as amended; P.L. 91-190, 42 U.S.C. § 4321 et seq.	Requires Federal agencies to utilize a systematic approach when assessing environmental impacts of government activities. Establishes the use of environmental impact statements. NEPA proposes an interdisciplinary approach in a decision-making process designed to identify unacceptable or unnecessary impacts on the environment. The Council of Environmental Quality (CEQ) created Regulations for Implementing the National Environmental Policy Act [40 Code of Federal Regulations (CFR) Parts 1500– 1508], which provide

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	regulations applicable to and binding on all Federal agencies for implementing the procedural provisions of NEPA, as amended.
National Historic Preservation Act, 16 U.S.C. § 470 et seq.	Requires Federal agencies to take account of the effect of any federally assisted undertaking or licensing on any district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places (NRHP). Provides for the nomination, identification (through listing on the NRHP), and protection of historical and cultural properties of significance.
National Trails Systems Act (16 U.S.C. § 1241–1249)	Provides for the establishment of recreation and scenic trails.
National Wildlife Refuge Acts	Provides for establishment of National Wildlife Refuges through purchase, land transfer, donation, cooperative agreements, and other means.
National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. § 668dd–668ee)	Provides guidelines and instructions for the administration of Wildlife Refuges and other conservation areas.
Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. § 3001–13; 104 Stat. 3042), as amended	Established requirements for the treatment of Native American human remains and sacred or cultural objects found on Federal lands. Includes requirements on inventory, and notification.
Rivers and Harbors Act of 1899 (33 U.S.C. § 401 et seq.)	Makes it unlawful for the USAF to conduct any work or activity in navigable waters of the United States without a Federal Permit. Installations should coordinate with the U.S. Army Corps of Engineers (USACE) to obtain permits for the discharge of refuse affecting navigable waters under National Pollutant Discharge Elimination System (NPDES) and should coordinate with the USFWS to review effects on fish and wildlife of work and activities to be undertaken as permitted by the USACE.
Sale of certain interests in land, 10 U.S.C. § 2665	Authorizes sale of forest products and reimbursement of the costs of management of forest resources.
Soil and Water Conservation Act (16 U.S.C. § 2001, P.L. 95-193)	Installations shall coordinate with the Secretary of Agriculture to appraise, on a continual basis, soil/water-related resources. Installations will develop and update a program for furthering the conservation, protection, and enhancement of these resources consistent with other Federal and local programs.
Sikes Act (16 U.S.C. § 670a–670l, 74 Stat. 1052), as amended	Provides for the cooperation of DoD, the Departments of the Interior (USFWS), and the State Fish and Game Department in planning, developing, and maintaining fish and wildlife resources on a military installation. Requires development of an Integrated Natural Resources Management Plan and public access to natural resources, and allows collection of nominal hunting and fishing fees. NOTE: AFI 32-7064 sec 3.9. Staffing. As defined in DoDI 4715.03, use professionally trained natural resources management personnel with a degree in the natural sciences to develop and implement the installation INRMP. (T-0). 3.9.1. Outsourcing Natural Resources Management. As stipulated in the Sikes Act, 16 U.S.C. § 670 et. seq.,

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	the Office of Management and Budget Circular No. A-76, Performance of Commercial Activities, August 4, 1983 (Revised May 29, 2003) does not apply to the development, implementation and enforcement of INRMPs. Activities that require the exercise of discretion in making decisions regarding the management and disposition of government owned natural resources are inherently governmental. When it is not practicable to utilize DoD personnel to perform inherently governmental natural resources management duties, obtain these services from federal agencies having responsibilities for the conservation and management of natural resources.
DoD Policy, Directives, and Instructions	
DoD Instruction 4150.07 DoD Pest Management Program dated 29 May 2008	Implements policy, assigns responsibilities, and prescribes procedures for the DoD Integrated Pest Management Program.
DoD Instruction 4715.1, Environmental Security	Establishes policy for protecting, preserving, and (when required) restoring and enhancing the quality of the environment. This instruction also ensures environmental factors are integrated into DoD decision-making processes that could impact the environment, and are given appropriate consideration along with other relevant factors.
DoD Instruction (DODI) 4715.03, Natural Resources Conservation Program	Implements policy, assigns responsibility, and prescribes procedures under DoDI 4715.1 for the integrated management of natural and cultural resources on property under DoD control.
OSD Policy Memorandum – 17 May 2005 – Implementation of Sikes Act Improvement Amendments: Supplemental Guidance Concerning Leased Lands	Provides supplemental guidance for implementing the requirements of the Sikes Act in a consistent manner throughout DoD. The guidance covers lands occupied by tenants or lessees or being used by others pursuant to a permit, license, right of way, or any other form of permission. INRMPs must address the resource management on all lands for which the subject installation has real property accountability, including leased lands. Installation commanders may require tenants to accept responsibility for performing appropriate natural resource management actions as a condition of their occupancy or use, but this does not preclude the requirement to address the natural resource management needs of these lands in the installation INRMP.
OSD Policy Memorandum – 1 November 2004 – Implementation of Sikes Act Improvement Act Amendments: Supplemental Guidance Concerning INRMP Reviews	Emphasizes implementing and improving the overall INRMP coordination process. Provides policy on scope of INRMP review, and public comment on INRMP review.
OSD Policy Memorandum – 10 October 2002 – Implementation of Sikes Act Improvement Act: Updated Guidance	Provides guidance for implementing the requirements of the Sikes Act in a consistent manner throughout DoD and replaces the 21 September 1998 guidance Implementation of the Sikes Act Improvement Amendments. Emphasizes implementing and improving the overall INRMP coordination process and focuses on coordinating with stakeholders, reporting requirements and metrics, budgeting for INRMP projects, using the INRMP as a substitute for critical habitat

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	designation, supporting military training and testing needs, and facilitating the INRMP review process.
USAF Instructions and Directives	
32 CFR Part 989, as amended, and AFI 32-7061, Environmental Impact Analysis Process	Provides guidance and responsibilities in the EIAP for implementing INRMPs. Implementation of an INRMP constitutes a major federal action and therefore is subject to evaluation through an Environmental Assessment or an Environmental Impact Statement.
AFI 32-7062, Air Force Comprehensive Planning	Provides guidance and responsibilities related to the USAF comprehensive planning process on all USAF-controlled lands.
AFMAN 32-7003	This publication implements Air Force Policy Directive (AFPD) 32-70, Environmental Considerations in Air Force Programs and Activities; DODI 4715.03, Natural Resources Conservation Program; DODI 7310.5, Accounting for Sale of Forest Products; and DoDI 4710.1, Archaeological and Historic Resources Management. It supports AFI 32-7001, Environmental Management. The publication explains how to manage natural and cultural resources on USAF property in compliance with Federal, state, territorial, and local standards.
AFPD 32-70, Environmental Considerations in Air Force Programs and Activities.	Outlines the USAF mission to achieve and maintain environmental quality on all USAF lands by cleaning up environmental damage resulting from past activities, meeting all environmental standards applicable to present operations, planning its future activities to minimize environmental impacts, managing responsibly the irreplaceable natural and cultural resources it holds in public trust and eliminating pollution from its activities wherever possible. AFPD 32-70 also establishes policies to carry out these objectives.
Policy Memo for Implementation of Sikes Act Improvement Amendments, HQ USAF Environmental Office (USAF/ILEV) on January 29, 1999	Outlines the USAF interpretation and explanation of the Sikes Act and Improvement Act of 1997.