

VOLUME 11

“NATURAL RESOURCES MANAGEMENT”

SUMMARY OF VOLUME 11 CHANGES

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VOLUME VERSION	SUMMARY OF CHANGE	ORIGINATION DATE	DATE OF CHANGES
ORIGINAL VOLUME	N/A	<i>DD MMM YYYY</i>	N/A

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CMC (OFC CODE)
 3000 Marine Corps Pentagon
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REFERENCES

- (a) DoD, “Initial Guidance for BRAC 2005 Joint Basing Implementation,” January 22, 2008
- (b) SECNAV Instruction 5090.8A
- (c) 16 U.S.C. §670-670f
- (d) DoD Instruction 4715.03, “Natural Resources Conservation Program,” March 18, 2011
- (e) MCO 5090.4A
- (f) DoD Instruction 5525.14, “DoD Law Enforcement Officers (LEOs) Flying Armed,” March 22, 2011
- (g) Marine Corps and U.S. Fish and Wildlife Service Memorandum of Agreement, June 5, 2003
- (h) 10 U.S.C. §2667
- (i) NAVFAC, P-73, Chapter 19, “Real Estate Procedural Manual: Outleasing,” August 23, 2011
- (j) NAVFAC, P-73, Volume 2, "Natural Resources Management Procedural Manual"
- (k) 7 U.S.C. §136-136y
- (l) Department of Navy (DON), “NAVCOMPT Manual,” paragraph 032114, 1985
- (m) 10 U.S.C. §2665
- (n) MCO P7300.21A
- (o) MCO 11000.11
- (p) MCO 3440.9
- (q) DoD et al., “Review and Update of the 1995 Federal Wildland Fire Management Policy,” January 2001
- (r) Wildland Fire Leadership Council, “Interagency Strategy for the Implementation of the Federal Wildland Fire Management Policy,” June 20, 2003
- (s) The National Wildfire Coordinating Group (NWCG), “National Interagency Incident Management System Wildland Fire Qualification System Guide (PMS 310-1/NFES 1414),” October 2014
- (t) National Fire Protection Association (NFPA), “NFPA 1051: Standard for Wildland Fire Fighter Professional Qualifications,” 2012
- (u) NFPA, “NFPA 1143: Standard for Wildland Fire Management,” 2014
- (v) NFPA, “NFPA 299: Standard for Protection of Life and Property from Wildfire,” 1997
- (w) DoD Instruction 6055.06, "DoD Fire and Emergency Services (F&ES) Program," December 21, 2006
- (x) Department of Homeland Security, “Homeland Security Presidential Directive-5: Management of Domestic Incidents,” February 28, 2003
- (y) 16 U.S.C. §§1451-1465
- (z) 33 U.S.C. §§1251-1387
- (aa) Page 58605 of Volume 60, Federal Register, November 28, 1995 (60 FR 58605)
- (ab) 65 FR 66913, November 7, 2000
- (ac) 16 U.S.C. §§1801-1891
- (ad) Part 600 of Title 50, Code of Federal Regulations (50 CFR 600)
- (ae) 16 U.S.C. §§1531-1544 (also known as “Endangered Species Act”)
- (af) 50 CFR 402
- (ag) U.S. Fish & Wildlife Service and National Marine Fisheries Service, “Consultation Handbook: Procedures for Conducting Consultation and Conference Activities Under Section 7 of the Endangered Species Act,” March 1998

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- (ah) Public Law 109-163, "National Defense Authorization Act for Fiscal Year 2004," November 24, 2003
- (ai) 50 CFR 13
- (aj) 16 U.S.C. §§1361-1381
- (ak) 16 U.S.C. §§703-712
- (al) SECNAV Memorandum, "Implementation Guidance for Executive Order on Protection of Migratory Birds," January 19, 2001
- (am) E.O. 13186, "Responsibilities of Federal Agencies to Protect Migratory Birds," January 10, 2001
- (an) Memorandum of Understanding (MOU) between the U.S. Department Of Defense and the U.S. Fish and Wildlife Service, July 31, 2006
- (ao) 50 CFR 10.13
- (ap) USFWS Migratory Bird Program website (<http://www.fws.gov/birds/index.php>)
- (aq) DoD Partners in Flight website (<http://www.dodpif.org/>)
- (ar) 50 CFR 21
- (as) 16 U.S.C. §668
- (at) 50 CFR 22
- (au) 50 CFR 226
- (av) Executive Order (E.O.) 11644, "Use of Off-Road Vehicles on the Public Lands," February 8, 1972
- (aw) 42 U.S.C. §§4321-4347
- (ax) 43 U.S.C. 1301 et seq.
- (ay) 48 U.S.C. 731 et seq.
- (az) 48 U.S.C. 1801 et seq.
- (ba) 48 U.S.C. 1705 et seq.
- (bb) Office of the Undersecretary of Defense Memorandum, "Volunteer and Partnership Cost-Share Program," January 12, 1994
- (bc) 50 CFR 17
- (bd) 43 CFR 11
- (be) 42 U.S.C. §103
- (bf) E.O. 11987, "Exotic Organisms," May 24, 1977
- (bg) 32 CFR 190.3
- (bh) E.O. 13112, "Invasive Species," February 3, 1999
- (bi) 7 U.S.C. §§7701-7772
- (bj) 33 CFR 328.3
- (bk) 40 CFR 122.2

VOLUME 11: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for compliance with procedural and statutory requirements for managing natural resources at Marine Corps installations. This Volume summarizes the Natural Resources Management Program, which employs an ecosystem-based approach for the sustainment of terrestrial, marine, and aquatic resources, wildlife populations, and public access for outdoor recreation.

0102 APPLICABILITY

010201. This Volume applies to all Marine Corps active and reserve installations, commands, detachments, and units located within the United States, its territories, and possessions. For the purposes of this Order, “installation” includes any Marine Corps base, camp, range, air station, outlying field, depot, center, or other activity under the jurisdiction of the Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/Marine Corps Installations Command, Facilities Division (MCICOM) (GF)). The Marine Corps will comply with all applicable laws and regulations related to the conservation of natural resources in the United States.

010202. Due to the interdisciplinary nature of the environmental program, personnel should also refer to other Volumes in this Order, specifically Volume 3 (Funding) for funding policy guidance and requirements, Volume 8 (Cultural Resources Compliance and Management) for cultural resources, and Volume 12 (Environmental Planning and Review) for guidance on preparing National Environmental Policy Act of 1969 (NEPA) documentation for Integrated Natural Resources Management Plans (INRMPs).

010203. For Joint Bases, Natural Resources Management shall be conducted by the supporting or supported command in accordance with the joint base agreement (DoD, “Initial Guidance for BRAC 2005 Joint Basing Implementation,” January 22, 2008 (Reference (a))).

0103 BACKGROUND

Marines train as they fight, and that training requires access to land, water and air. Training can be destructive to land and natural resources. Unless properly managed, Marine Corps lands can become damaged to the point where realistic training can no longer occur. In addition, the American people have placed intrinsic value on certain natural resources. This value is manifested in laws, regulations, Executive Orders, Marine Corps Orders, policy and guidance requiring the Marine Corps to protect and conserve natural resources. Failure to comply with natural resources laws can lead to judicial, legislative, and executive decisions denying the Marine Corps access to land for training. Accordingly, installation and unit commanders require access to our land, air, and water resources for realistic military training and testing. This can be accomplished through effective management of the natural resources entrusted to the Marine Corps to ensure they remain healthy and available for future generations.

VOLUME 11: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 GENERAL

Marine Corps has responsibilities for the stewardship of natural resources (SECNAV Instruction 5090.8A (Reference (b))). In addition to compliance with all appropriate environmental laws and regulations, the MARINE CORPS has a mandate to implement a program for the conservation of natural resources (Section 670-670f of Title 16, United States Code (16 U.S.C. §670-670f) (also known and referred to in this Order as “Sikes Act”) (Reference (c))).

0202 FEDERAL STATUTES

020201. Bald and Golden Eagle Protection Act of 1940, as Amended (16 U.S.C. 688 et seq.).

020202. Clean Water Act (CWA) of 1977, as Amended (Public Law 95-217, 33 U.S.C. 1251 et seq.).

020203. Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

020204. Conservation Programs on Military Reservations (Sikes Act) of 1960, as Amended (16 U.S.C. 670(a) et seq.).

020205. Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 et seq.).

020206. Magnuson-Stevens Fishery Conservation and Management Act of 1976, as Amended (16 USC 1801 et seq.).

020207. Marine Mammal Protection Act (MMPA) of 1972, as Amended (16 U.S.C. 1361 et seq.).

020208. Migratory Bird Treaty Act (MBTA) of 1918, as Amended (16 U.S.C. 703 et seq.).

020209. Military Reservation and Facilities: Hunting, Fishing and Trapping Act of 1958 (Public Law 85-337, 10 U.S.C. §2671).

020210. Sale of Certain Interests in Lands; Logs (10 U.S.C. §2665).

020211. Leases: Non-Excess Property of Military Departments (10 U.S.C. §2667).

020212. National Environmental Protect Act (NEPA) (42 U.S.C. 4321 et seq.).

020213. Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.).

0203 FEDERAL REGULATIONS

- 020301. Title 50, Code of Federal Regulations 10.13 (50 CFR 10.13), “List of Migratory Birds”.
- 020302. 50 CFR 13, “General Permit Process”.
- 020303. 50 CFR 21, “Migratory Birds Permits”.
- 020304. 50 CFR 216, “Regulations Governing the Taking and Importing of Marine Mammals”.
- 020305. 50 CFR 402, “Interagency Cooperation—Endangered Species Act of 1973, as Amended”.
- 020306. 50 CFR 600, “Magnuson-Stevens Act Provisions”.

0204 EXECUTIVE ORDERS (E.O.)

Of the following list of E.O.s, only items a, b, c, and g apply to overseas installations.

- 020401. E.O. 11644, “Use of Off-Road Vehicles on the Public Lands,” February 9, 1972.
- 020402. E.O. 11990, “Protection of Wetlands,” May 24, 1977.
- 020403. E.O. 11987, “Exotic Organisms,” May 24, 1977.
- 020404. E.O. 12114, “Environmental Effects Abroad of Major Federal Actions,” January 4, 1979.
- 020405. E.O. 12962, “Recreational Fisheries,” as amended by E.O. 13474, Amendments to Executive Order 12962, June 9, 1995.
- 020406. E.O. 13089, “Coral Reef Protection,” June 11, 1998.
- 020407. E.O. 13112, “Invasive Species,” February 3, 1999.
- 020408. E.O. 13158, “Marine Protected Areas,” May 26, 2000.
- 020409. E.O. 13186, “Responsibilities of Federal Agencies to Protect Migratory Birds,” January 10, 2001.
- 020410. E.O. 13443, “Facilitation of Hunting Heritage and Wildlife Conservation,” August 17, 2007.

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VOLUME 11: CHAPTER 3

“REQUIREMENTS”

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

Each Marine Corps installation shall manage its natural resources for the primary purposes of sustaining and enhancing military use of land, water and air assets.

030101. Ecosystem-based Management Approach

Each installation shall employ an ecosystem-based approach to managing natural resources using scientifically sound conservation information, practices and procedures. An ecosystem-based approach will: avoid single-species management and implement a multiple species management approach insofar as that is consistent with the requirements of the ESA or other specific laws; use an adaptive management approach to manage and evaluate natural resources; and engage in the formation of local or regional partnerships that benefit the goals and objectives of the INRMP. Installations will develop flexible management practices to accommodate the evolving scientific understanding of ecosystems and adjust management as necessary. To support an ecosystem-based approach the following principles shall be applied:

- A. A shift from single species to multiple species conservation and management;
- B. Formation of partnerships necessary to consider and support ecosystems that cross installation boundaries; and
- C. Use of the best available scientific information and scientifically sound strategies for adaptive management.

030102. Integrated Natural Resources Management Plan (INRMP)

The Marine Corps is required under the Sikes Act to carry out natural resources programs and implement management strategies to conserve and protect biological resources on its lands. The Sikes Act was amended in 1997 to require the development and implementation of INRMPs that are mutually agreed upon by installations, USFWS, and the respective state fish and wildlife agencies. An INRMP is a planning document that allows installations to develop programmatic goals and objectives and implement landscape-level management of their natural resources while coordinating with stakeholders and supporting the installation mission. INRMPs provide for the management of natural resources, including fish, wildlife, and plants; allow multipurpose uses of resources; and provide public access, as necessary and appropriate for those uses, without any net loss in the capability of an installation to support its military mission. INRMPs are also important management tools that ensure military operations and natural resources conservation are integrated and consistent with stewardship and legal requirements; are the basis for program funding; and support an exclusion from a designation of critical habitat. Each installation with significant natural resources shall prepare and implement an INRMP that will serve as the over-arching guide for how natural resources will be managed to sustain military use, comply with federal laws and regulations, ensure sound

stewardship of public trust resources, and provide opportunities for public access and recreation where possible.

A. The INRMP will integrate all aspects of installation and facility management that may affect natural resources, or be affected by natural resource management decisions.

B. INRMPs shall be prepared by professionally-trained personnel with oversight from installation natural resources managers and biologists and include input from internal installation stakeholders, particularly range and training area managers. The Sikes Act also requires the cooperative preparation with external stakeholders including United States Fish and Wildlife Service (USFWS), and the respective state fish and wildlife agencies. Federal agencies stakeholders, such as the National Oceanic and Atmospheric Administration (NOAA) the United States Forest Service or the Bureau of Land Management, with administrative jurisdiction of land on which the Marine Corps operate under a land use agreement (i.e., Special Use Permit, land withdrawal) should also be involved as appropriate. The final INRMP shall reflect mutual agreement of the USFWS and state fish and wildlife agencies concerning the conservation of the natural resources under their respective legal authorities (DoD Instruction 4715.03 (Reference (d)) or most recent memorandum of understanding (MOU or SUP)). Mutual agreement on the INRMP by Marine Corps, USFWS, and state officials shall be documented by signatures of the appropriate official on the title pages of the INRMP.

C. Per Reference (d), installation natural resources managers will annually evaluate INRMP effectiveness and engage at a minimum, other installation stakeholders (e.g., operations and training, public works, planners) in the review and revision process. The Installation will involve the USFWS and the appropriate state fish and wildlife agency in reviewing the INRMP annually to ensure it is current, and to generate metrics to measure and track progress.

D. Sikes Act Formal Review requires the installations in coordination with the USFWS, other federal agency signatories, and state fish and wildlife agency review of the INRMP every 5 years for operation and effect to determine whether it is being implemented pursuant to the Sikes Act, and contributes to the conservation and rehabilitation of natural resources on military installations. Updates and revisions will be in compliance with the Guidelines for Streamlined INRMP Review process for reviewing and concurring on updates to existing INRMPs, as described in the recent Memorandum of Understanding between the USFWS and the Association of Fish and Wildlife Agencies for a Cooperative Integrated Natural Resource Management Program on Military Installations (Tripartite MOU, July 2013).

030103. Climate Change Adaptation

A changing climate may affect wildlife and other natural resources by introducing new stressors or exacerbating existing stressors (i.e., drought leading to increased fire danger risk, altered habitat conditions, and increase in wildlife disease). Installations shall incorporate available information related to climate change predictions and identified vulnerabilities (i.e., species populations that may be significantly affected by predicted future conditions) within the respective region into the INRMP. Installations should use this information to evaluate, and revise or reprioritize if necessary, the INRMP objectives and actions during routine reviews or revisions, as a forward looking, adaptive approach to ecosystem management.

030104. Compliance with Other Environmental Requirements

INRMP development may affect natural resources other than endangered and threatened species (e.g., wetlands, cultural resources, surface water, and air) and may require other federal, state, or local environmental compliance regulatory involvement. Each installation will, as necessary, consult with environmental compliance regulators early in the INRMP preparation or revision process (e.g., submit the INRMP to the State Historic Preservation Officer during Section 106 consultation in compliance with MCO 5090.4A (Reference (e))). Environmental compliance consultation requirements (e.g., permitting or other approval) shall, to the extent practicable, be complete before INRMP completion. For overseas installations, the INRMP will reference appropriate compliance actions for cultural resources, surface water, air quality, etc. noted in the Final Governing Standards (FGS).

030105. Pesticide Use in Land Management

Pesticide, as defined in Volume 14 (Integrated Pest Management Plans) of this Order, use, storage, application, and disposal, in support of installation vegetation management activities, shall comply with DoD Instruction 5525.14 (Reference (f)) and applicable occupational safety and health requirements. Each installation shall use the principles of Integrated Pest Management (IPM) to avoid and minimize the use of pesticides when nonchemical alternatives are available and cost effective. Pesticide usage in environmentally sensitive areas, such as wetlands or areas with legally protected and/or rare plant species, shall be pre-approved for DoD use. Any use of pesticides in these sensitive areas will be subject to compliance with appropriate laws and regulations. Installations shall acquire any necessary regulatory opinions or permits prior to applying pesticides.

030106. Public Availability

The public shall be afforded ample opportunity to comment on development or significant revisions to the INRMP. Such public comment should be accomplished in conjunction with the NEPA process. Final INRMPs shall be made available to the public via appropriate means, such as websites.

030107. Personnel

Each installation shall employ a natural resources program manager whose responsibilities include informing the installation commander regarding the condition of installation natural resources, the INRMP's objectives, all coordination or consultation with federal or state regulatory agencies relative to natural resources and the potential or actual conflicts between natural resources management and maintaining military readiness and the capability of installation lands to support the installation's mission. Natural resources management shall encourage installation natural resources staff to participate in natural resources training and seminars.

030108. Public Access Associated with the Natural Resources Management Program

Marine Corps lands will be available to the public for enjoyment and use of natural resources, except when a specific determination has been made by the installation Commanding General/Commanding Officer (CG/CO) that a military requirement prevents such use for safety or

security reasons, or when such use would cause substantial environmental degradation. A non-access or limited access determination will be explained in the installation's INRMP.

030109. Access by Federal and State Conservation Officials

Upon request, federal, state, and local officials will be permitted access to installation land and water for official purposes after proper safety and security measures are taken.

030110. Non-Installation Natural Resources

The Marine Corps shall apply stewardship to non-installation natural resources, including but not limited to marine mammals, coral reefs, land, and water potentially affected by Marine Corps military training and testing. Installation lands shall not be used for mitigating off-installation, nonmilitary action impacts to the environment off the installation.

030111. Natural Resources Personnel

Personnel with natural resources responsibilities shall, as a condition of employment, possess the appropriate knowledge, skills, and professional training/education to perform their duties as required by Reference (c). Installation Commanders will provide natural resources personnel timely and necessary supplemental training to ensure proper and efficient natural resources management. Installation Commanders will also maintain adequate natural resources staffing levels to provide and sustain installation natural resources.

030112. Outsourcing

Managing (including planning, implementation, and enforcement functions) and conserving Marine Corps natural resources are inherently governmental functions that shall not be outsourced by the Marine Corps under the DoD Commercial Activities Program or an installation operating services contracts.

030113. Conservation Law Enforcement

A well-trained, professional staff will conduct conservation law enforcement when required by an installation. Conservation law enforcement programs and personnel shall be assigned to the Environmental or Natural Resources Directorate on the installations. This best serves the installation commanders in implementing the INRMPs and ICRMPs and promoting the maximum availability of land, waters, and airspace to accomplish mission and training requirements. Conservation law enforcement officers will enforce will enforce nine applicable federal statutes protecting fish, wildlife, and natural and cultural resources of the United States located on DoD installations. Requirements, authorities, and procedures of the Marine Corps Conservation Law Enforcement Program are found in Reference (e) and Marine Corps and U.S. Fish and Wildlife Service Memorandum of Agreement, June 5, 2003 (Reference (g)).

030114. Partnerships and Volunteer Programs

Installations may use appropriate partnerships and volunteers to enhance conservation programs whenever practicable. This work will be performed under the direction of professionally-trained natural resources personnel in accordance with Reference (d).

030115. Natural Resources on Installations Identified for Closure

The disposition of natural resources on installations proposed for closure shall be considered in NEPA analyses addressing installation disposal and reuse NEPA analysis. Conservation easements may be granted on closing-installation real property with significant ecological, cultural, scenic, recreational, or educational value. The Marine Corps shall, in accordance with installation closure and reuse requirements, consider transferring real property on closing installations to conservation agencies or other organizations.

0302 VEGETATION AND TERRESTRIAL SYSTEMS MANAGEMENT

030201. General Vegetation Community Management

Installations shall employ scientifically valid procedures and techniques to sustain, and where appropriate and practicable, restore native vegetation communities. Native vegetation communities are adapted to local climate and soil conditions and wildlife habitat needs. Support of native vegetation communities helps ensure land use sustainability and resilience to stressors such as natural disasters or potential effects of climate change. For more information on special status plants, refer to 11303.

030202. Control of Exotic, Invasive, and Noxious Plants

Installations shall develop and implement scientifically sound strategies to prevent the introduction and/or spread of exotic, invasive, and noxious plant species, including but not limited to monitoring, early detection and rapid response procedures, and control. These species contribute significantly to degraded ecological integrity and wildlife habitat, can limit access to training areas and increase fire risk. Installation exterior architecture plans will include a list of prohibited noxious, exotic, or invasive weeds for landscaping. Installations shall also cooperate with state, county, and local governments and easement holder management plans for controlling noxious plants provided that similar programs are being implemented generally on state or private lands in the same area.

030203. Soil Conservation

Installations shall manage lands, including dunes and beaches, to control and prevent soil erosion, soil loss, and excessive sedimentation into aquatic and marine systems. Soil erosion can limit access to training areas, be detrimental to wildlife habitats, and can violate clean water or coastal zone management requirements related to non-point source pollution. Land disturbing activities (i.e., training activities, construction projects, forestry activities) shall comply with erosion control best management practices and implement all requirements of appropriate permits, such as CWA 401 permits. New construction will be designed to minimize conditions that contribute to post construction soil erosion.

030204. Land Rehabilitation

Lands that have been impacted or altered resulting in exposed soils susceptible to erosion shall be restored and rehabilitated whenever practicable. Such restoration and rehabilitation shall utilize native or naturalized vegetation to the maximum extent practicable. Funding for land rehabilitation will be provided by the appropriate source related to the action causing land degradation.

- A. Land restoration and rehabilitation required for impacts from construction, facility sustainment, restoration, or modernization shall be paid as a cost of the project.
- B. Such restoration or rehabilitation required due to impacts from training activities, or needed to improve access to training areas, will be funded through the Range and Training Area Management program.
- C. Restoration or rehabilitation required in responses to natural disasters, such as floods or fires, shall be funded through the environmental program.
- D. Restoration or rehabilitation resulting from forestry contracts or agriculture activities under an outgrant will be the responsibility of the contractor or lessee.

030205. Agricultural Outleasing

As part of the INRMP, installation commanders shall review the suitability of their lands for agricultural leasing in accordance with Reference (f) when such leasing is advantageous to the United States. Installation commanders should also review the suitability of existing leases to ensure they promote the national defense or are in the public interest and do not conflict with existing or planned military land use requirements. In addition, any agricultural leases shall be compatible with the goals and objectives of the installation's INRMP. Revenue generated through agricultural leases may be used to support implementation of the installation's INRMP. Procedures for gaining access to and accounting of these funds can be found in 10 U.S.C. §2667 (Reference (h)).

- A. The Commander, Naval Facilities Engineering Command is the Marine Corps agricultural outleasing agent and installations may obtain agricultural outleasing assistance from the cognizant Naval Facilities Engineering Command (NAVFAC) (e.g., NAVFAC Atlantic, NAVFAC Pacific). They negotiate, execute, and administer real estate instruments, appraise land, and provide cadastral support. NAVFAC will deposit agricultural outlease money rentals in a special account in the Treasury to be used in accordance with NAVFAC P-73, Chapter 19 (Reference (i)) and as directed in NAVFAC P-73, Volume 2 (Reference (j)) and 7 U.S.C. §136-136y (also known and referred to in this Order as "Federal Insecticide, Fungicide, and Rodenticide Act," as amended) (Reference (k)).
- B. Each agricultural outlease shall contain an outlease plan. The outlease plan shall contain:
 - 1. A soil and water conservation plan that establishes specific practices and/or projects and an implementation schedule to be performed by the lessee to protect and improve

the productivity and fertility of the land and requires restoration of the leased lands upon termination of the lease.

2. Agricultural and pest management practices for maintaining compliance with state and federal regulatory requirements and consistency with maintaining military readiness and the capability of installation lands to support the installation's mission.

C. Headquarters, Marine Corps, Facilities Division (HQMC (LF))/MCICOM (GF) provide installations with authorization to utilize agricultural outlease funds to support natural resources management operations. These funds shall only be used for natural resources management operations and shall not be transferred to other accounts or used for any other purpose. Details on the use and accounting of agricultural outlease funds are found in Department of Navy, "NAVCOMPT Manual," 1985 (Reference (I)). Installation natural resources management expenditures shall be consistent with the INRMP.

D. Natural resources management program expenses that may be funded with agricultural outlease money rental proceeds include:

1. Costs directly attributable to agricultural outlease management.
2. Costs of developing and implementing the INRMP and supporting natural resources management programs.
3. Costs of improving or rehabilitating agricultural outlease land and natural resources to enhance agricultural productivity.
4. Costs of improving or rehabilitating land and water resources for soil and water conservation.
5. Costs of improving land and water resources for enhancing fish and wildlife habitat.
6. Costs of improving land and water for outdoor natural resources recreational use.
7. Costs of travel and training supporting integrated natural resources management programs.
8. Procurement, maintenance, and repair costs for equipment and materials supporting integrated natural resources management programs and projects.

E. Natural resources management program expenses that may not be funded with agricultural outlease money rental proceeds include:

1. Mitigation or compensation for damages to natural resources caused by construction projects or military activities.

2. Costs of the production of forest products.
3. Costs of recurring grounds maintenance on improved and semi-improved grounds (e.g., mowing, fertilizing, irrigating, seeding, pruning, ornamental planting, and pest control).
4. Archaeological/cultural resources survey costs and other cultural resources management costs unrelated to natural resources management.
5. Costs of animal damage control unrelated to natural resources management. However, costs of controlling or reducing bird and animal aircraft strike hazards are not excluded.
6. General environmental and facilities organizational support costs unrelated to natural resources management.

030206. Forest Management

Sustainable management of forest environments on installations is essential for supporting military uses (i.e., reducing fire risk, improving access or visibility) as well as ecosystem integrity. As part of the integrated management of natural resources, installation Commanders shall review the suitability of their lands for merchantable forest products. Installations containing forests or lands with the potential to grow and produce merchantable forest products shall ensure the optimum sustainable yield of forest products and the improvement of forest resources consistent with the military mission and local ecosystem condition.

A. Incorporation in the Integrated Natural Resources Management Plan (INRMP)

When appropriate, installation INRMPs will include current forest inventories, conditions, trends, and potential uses; silvicultural goals; maintenance of forested areas and access roads; forest and stand improvement methods; harvesting and reforestation methods and schedules; and protection and enhancement of other natural resources.

B. Forest Pest Suppression

Installations with forest resources shall utilize best management practices in the planning, coordination, and execution of forestry operations to prevent and suppress forest damage and insect and disease outbreaks.

C. Forest Product Sales

Pursuant to Reference (h), Marine Corps contracts for the sale of timber and other forest products shall include requirements for orderly harvesting, operational and safety procedures, and payment. Forest products will not be donated; abandoned; carelessly destroyed; used to offset costs of contracts; or traded for products, supplies, or services. Proceeds collected from the sale of installation forest products shall be forwarded to the servicing Marine Corps accounting and finance

officer. Each installation selling forest products shall maintain records of sales proceeds by fiscal year for use in identifying the host state's share of forest product sale proceeds (subsection (e)(1) of 10 U.S.C. §2665 (Reference (m))).

D. Installations

The following installations may implement a Forest Management Program:

1. MCB Quantico, VA.
2. MCAS Cherry Point, NC.
3. MCB Camp Lejeune, NC.
4. MCAS Beaufort, SC.
5. MCRD Parris Island, SC.
6. MCLB Albany, GA.

E. Forest Product Funds

Each installation implementing a forest management program may sell timber and other forest products. Subject to the availability of funds collected within the current fiscal year, HQMC (LF)/MCICOM (GF) will authorize reimbursement of installations for their costs for the production of forest products. Details on the use and accounting of forest product funds are found in MCO P7300.21A (Reference (n)) and Reference (l). These funds shall only be used for reimbursable forest product costs and shall not be used for any other purpose. Installation forest product expenditures shall be consistent with the INRMP.

F. Reimbursement of Appropriations

Reference (m) provides general authority to reimburse the DoD appropriations for the costs of production of forest products from the proceeds of the sale of these products. This authority is not specific to which appropriations may be reimbursed. In general, forest management that would otherwise be allowable under Operations and Maintenance, Marine Corps (O&M, MC) appropriation are allowable for reimbursement. Likewise, obligations charged to the Procurement, Marine Corps appropriation incurred to purchase vehicles, minor equipment, and heavy equipment used exclusively in forest management under reimbursable program authority may be reimbursed by funds generated from sales of forest products. Reimbursable costs of expenditures shall be directly related to the sustainable production of forest products and generally include:

1. Timber stand improvement.
2. Reforestation.
3. Forest protection.

4. Timber access road maintenance.
5. Timber sale administration.
6. Timber management.
7. Equipment purchases and maintenance.

030207. Wildfire Suppression and Prescribed Burning

Fire is an important component of fire-adapted ecosystems. These ecosystems may require some level of prescribed burning to mimic the temporal frequency and intensity of the natural fire regime. As such, prescribed burning is an important tool to reduce fuel loading, control invasive species and maintain fire-dependent ecosystems. Accordingly, Marine Corps installations shall include fire management in their INRMP. Individuals carrying out prescribed burning shall adhere to the standards in MCO 11000.11 (Reference (o)). Wild land fire response shall be conducted in accordance with Reference (o) and MCO 3440.9 (Reference (p)). Burning outside the natural fire regime may impact or convert vegetation plant communities to a non-native type, and should be avoided.

A. Integrated Wildland Fire Management Policy

The policies and standards adopted by reference in paragraph 11301.f(1)(a)-(f) do not apply to overseas installations; however, guidance in the remaining paragraphs can be applied, as appropriate, as best management practices. The Marine Corps adopts the following policies and standards by reference:

1. The DoD et al., “Review and Update of 1995 Federal Wildland Fire Management Policy,” January 2001 (Reference (q)).
2. Wildland Fire Leadership Council, “Interagency Strategy for the Implementation of the Federal Wildland Fire Management Policy,” June 20, 2003 (Reference (r)).
3. The National Wildfire Coordinating Group (NWCG), “National Interagency Incident Management System Wildland Fire Qualification System Guide (PMS 310-1/NFES 1414),” October 2014 (Reference (s)).
4. The National Fire Protection Association (NFPA), “NFPA 1051: Standard for Wildland Fire Fighter Professional Qualifications,” 2012 (Reference (t)); NFPA, “NFPA 1143: Standard for Wildland Fire Management,” 2014 (Reference (u)); and NFPA, “NFPA 299: Standard for Protection of Life and Property from Wildfire,” 1997 (Reference (v)).
5. DoD Instruction 6055.06 (Reference (w)).
6. Department of Homeland Security, “Homeland Security Presidential Directive-5: Management of Domestic Incidents,” February 28, 2003 (Reference (x)).

B. Applicability

1. Installations with burnable acreage, or bordered by burnable acreage, will develop and implement a Wildland Fire Management Plan (WFMP). The WFMP will be consistent with the INRMP and the Integrated Cultural Resources Plan.

2. Installations and/or facilities with minor wildfire hazard and/or prescribed burning activities may be exempted from WFMP requirements by CMC (LF). WFMP exemption requests should explain the outcome of the risk analysis conducted by the installation or command (e.g., under normal or worst case conditions, wildfires would rarely threaten people or facilities).

C. Program Authority

1. The installation commander or appropriate designee, defines the roles and responsibilities for wildland fire management on the installation, plans and programs resources, and will designate an installation Wildland Fire Program Manager.

2. The installation commander, or appropriate designee, approves the installation WFMP.

3. The installation Wildland Fire Program Manager, in coordination with the installation Conservation/Natural Resources Manager and/or F&ES Fire Chief, is responsible for development of the WFMP. Additionally, the Wildland Fire Program Manager, in coordination with the installation Conservation/Natural Resources Manager and/or the F&ES Fire Chief, reviews and approves burn plans for prescribed fires consistent with the WFMP, the INRMP, and other applicable operating instructions.

4. The installation commander, or appropriate designee, approves the deployment of Marine Corps civilian firefighters to any off-installation incident. For F&ES firefighters, the installation commander may establish pre-deployment approval for responses covered by established mutual aid agreements.

D. Wildland Fire Organization Standards

Marine Corps organizations involved in wildland fire activities will incorporate NWCG and National Incident Management System standards into their organizational structure when necessary to accommodate cooperation and integration with other federal, state, and local wildland fire organizations across jurisdictional boundaries.

E. Prescribed Fires

1. Use of Prescribed Fire on Marine Corps Installations. Prescribed fire can be used as a management tool to attain the goals and objectives of the INRMP and to support other Marine Corps mission needs. Two types of prescribed fires are recognized: 1) those ignited by qualified personnel in accordance with an approved site-specific burn plan, and 2) wildfires managed under prescribed conditions as addressed in an approved WFMP.

2. Site-Specific Burn Plans. A site-specific burn plan will be developed for each prescribed burn conducted on Marine Corps property.

3. Use of Fire Breaks. When planning for prescribed fires, and when suppressing wildfire, utilize natural and existing man-made features whenever possible. Fire breaks, if required, shall be constructed, maintained, or rehabilitated to prevent erosion.

F. Reporting

1. Each installation will report to HQMC Natural Resources Manager, annually, by 31 December, the number of installation acres burned by wildfires and the number of acres prescribed burned for the just completed fiscal year. All F&ES responses to wildland fire incidents shall be reported to the National Fire Incident Reporting System per Reference (w).

2. Report all requests for civilian firefighter assistance or deployment. When a firefighter is deployed (and upon return), the installation wildland fire program manager, or acting, will report the deployment (or return) via e-mail to United States Northern Command and Joint Director of Military Support with copy to the chain of command up to CMC (LF). The e-mail should include the name(s) of the firefighter(s), installation name, date of departure, name or location of wildfire (if known), and length of deployment (if known).

G. Compliance

Compliance with this policy will be monitored and evaluated as part of the HQMC Benchmark Environmental Compliance Evaluation (ECE) program in accordance with this Order.

0303 AQUATIC AND MARINE SYSTEM MANAGEMENT

Waterways and water bodies, including streams, lakes, ponds, wetlands and marine environments under the control of the Marine Corps, fall under the authorities and requirements of the Sikes Act and shall be incorporated into the installation's INRMP.

030301. Consistency with Coastal Zone Management Plans (CZMA)

16 U.S.C. §§1451-1465, also known and referred to in this Order as CZMA, (Reference (y)) requires each installation to ensure that its operations, activities, projects, and programs affecting the coastal zone in or on coastal lands or waters are consistent to the maximum extent practicable with the federally-approved Coastal Zone Management Plan of the state. Installation natural resources management planning shall comply with this requirement. Procedures for coastal consistency determinations vary for each state, but are typically accomplished during the NEPA process. Installations should refer to their respective Coastal Commissions or other such body to determine the procedures to achieve coastal consistency determinations.

030302. Waters and Wetlands Protection

The 33 U.S.C. §§1251-1387 (also known and referred to in this Order as CWA, as amended) (Reference (z)) regulates discharging dredged or fill materials into waters of the United States,

including wetlands. For any project that may impact any waters of the US, including ephemeral streams or wetlands, a CWA Section 404 permit issued by the US Army Corps of Engineers may be required. Prior to undertaking any activity that may impact waters of the US or wetlands, the Marine Corps shall coordinate with the US Army Corps of Engineers to determine the jurisdiction under the authorities of the CWA as well as acquire any necessary permits. The Marine Corps will comply with the national goal of no net loss of wetlands established in Reference (z) and will avoid loss of size, function, and value of wetlands. In addition, the Marine Corps will preserve and enhance the natural and beneficial values of wetlands while conducting its activities. In Order to comply with the national policy to permit no overall net loss of wetlands, installations and units shall, as applicable:

- A. Avoid, to the maximum extent practicable, wetlands destruction or degradation. Any installation or training action that cannot be sited to avoid a wetland shall be designed to minimize wetland degradation and shall include regulatory agency-required compensatory mitigation per the terms the project permit.
- B. Evaluate impact of proposed actions significantly affecting wetlands (See Volume 12 of this Order).
- C. Map installation wetlands boundaries and distribute maps depicting them to facility planners, range control, installation tenants, and other potential users.
- D. Maintain installation technical expertise for wetlands protection, management, identification, surveying, and mapping.
- E. In all installation master plans, identify land suitable for preserving, creating, enhancing, and restoring wetlands. The Marine Corps encourages installation wetlands creation or enhancement projects and wetland banking, where compatible with maintaining military readiness and the capability of installation lands to support the installation's mission.

030303. Mitigation

Per the Clean Water Act, compensatory mitigation is required to offset environmental losses resulting from unavoidable impacts to waters of the United States authorized by Clean Water Act Section 404 permits issued by the U.S. Army Corps of Engineers. Compensatory mitigation enters the analysis only after a proposed project has incorporated all appropriate and practicable means to first avoid and minimize adverse impacts to aquatic resources. Compensatory mitigation refers to the restoration, establishment, enhancement, and/or, in certain cases, preservation of wetlands, streams, or other aquatic resources conducted specifically for the purpose of offsetting authorized impacts to these resources. Installations should give preference, with concurrence from the US Army Corps of Engineers, for the use of a wetland mitigation banking program or "In-Lieu-Fee" mitigation sponsor approved in accordance with Page 58605 of Volume 60, Federal Register (60 FR 58605) (Reference (aa)) or 65 FR 66913 (Reference (ab)), and any implementing administrative guidance or regulation. Mitigations costs are the responsibility of the proponent of the action resulting in impacts to waters or wetlands.

030304. Essential Fish Habitat (EFH)

EFH includes all waters and substrate (including coral reefs), where fish spawn, breed, feed, or grow to maturity and is protected in accordance with 16 U.S.C. §§1801-1891 (also known and referred to in this Order as the “Magnuson-Stevens Fishery Conservation and Management Act”) (Reference (ac)). Installations shall take measures to avoid and minimize adverse effects to EFH, with particular emphasis on designated Habitat Areas of Particular Concern. For actions that will have an adverse effect to EFH, installations shall consult with the NMFS pursuant to Part 600 of Title 50, Code of Federal Regulations (50 CFR 600) (Reference (ad)). Consultations regarding EFH shall be integrated with the NEPA process to the extent practicable. Actions should incorporate conservation recommendations resulting from such consultation as appropriate and practicable.

0304 FISH AND WILDLIFE MANAGEMENT

030401. General Wildlife Management

Sustainable management of wildlife, on Marine Corps installations, is essential to the stewardship of public trust resources as well as complying with various federal laws and regulations. While particular emphasis is placed on threatened, endangered and other specifically protected species, installations shall monitor and manage for other wildlife species as practicable, including both game and non-game species.

030402. Endangered Species

A. Each installation shall develop and implement inventory and monitoring procedures via the INRMP to document the presence, distribution, and status of populations of federally identified candidate species and listed or proposed endangered or threatened species occurring on the installation. The frequency and intensity of inventories and monitoring should be tailored to the species and be sufficient to support biological opinions, conservation planning as well as other project planning that may affect species and/or habitats. However, project specific inventories may be required if available information is not adequate to support regulatory consultations with the USFWS or NMFS (16 U.S.C. §§1531-1544 (also known and referred to in this Order as ESA) (Reference (ae)) and 50 CFR 402 (Reference (af))).

B. Each installation supporting endangered or threatened species populations shall address their management in its INRMP detailing protective measures that assure the continued health and viability of these species on the installation. Each installation will also assist USFWS and NMFS in preparing recovery plans for endangered or threatened species on the installation.

C. The Marine Corps will consult with USFWS or NMFS (as appropriate according to species) on any Marine Corps action that may affect any ESA listed endangered or threatened species or designated critical habitat to ensure that such action is not likely to jeopardize the continued existence of the species or result in the destruction or adverse modification of critical habitat (References (ae) and (af)). Such consultations may be informal if the action is not likely to adversely affect individuals or result in “take” of individuals. If an action is likely to adversely affect individuals or result in “take”, formal consultation is required.

D. When formal consultation is required, installations will prepare a Biological Assessment of the effects of a proposed action on a listed species and/or its designated critical habitat to assist USFWS or NMFS in issuing a Biological Opinion on whether the action will jeopardize the continued existence of the species and/or adversely modify its critical habitat (References (ae) and (af)). Biological Assessments prepared to support an Environmental Impact Statement must be provided to HQMC prior to submitting to the regulatory agencies. This is to ensure potential impacts to federally listed species and designated critical habitat are appropriately assessed, and proposed conservation measures are consistent across the Marine Corps with the Marine Corps mission.

E. Biological assessments shall be science-based and include appropriate and reasonable conservation measures to avoid and minimize adverse effects to threatened and/or endangered species (References (ae) and (af)). Biological assessments shall also include measures to compensate for unavoidable adverse effects to species (aka mitigation). The Marine Corps is authorized to achieve mitigation to threatened and/or endangered species through the purchase of “credits” from conservation banks or in-lieu fee programs approved by either the USFWS or NMFS as appropriate to the species. Installations shall give preference to mitigating effects to threatened and/or endangered species through the purchase of such “credits” where such approach reduces future potential mission impacts is more cost effective or is more ecologically beneficial.

F. Endangered Species Act (ESA) Section 7 Consultations and Conferences

1. If a proposed action may affect federally listed species or designated critical habitat, per ESA section 7 consultations with USFWS and or NMFS must be requested. There is no statutory obligation to consult with USFWS or NMFS if a proposed action does not affect federally listed species or designated critical habitat. Informal and formal consultation procedures are found in parts 402.13 and 402.14 of Reference (af) respectively and the U.S. Fish & Wildlife Service and National Marine Fisheries Service, “Consultation Handbook: Procedures for Conducting Consultation and Conference Activities Under Section 7 of the Endangered Species Act,” March 1998 (Reference (ag)).

2. Consultations and conferences shall be led by qualified natural resources Marine Corps staff and coordinated with action proponent subject matter experts as appropriate. The Natural Resource Manager or their designee possessing the appropriate natural resources knowledge, skills, and professional training/education shall be required to perform these consultations and be the installation representative with respect to coordination with federal or state governmental agencies and organizations concerning endangered and threatened species management and protection.

G. ESA also requires the designation of "critical habitat" for listed species when it is judged to be "prudent and determinable." Critical habitat includes geographic areas that contain the physical or biological features essential to the conservation of the species and that may need special management or protection. Critical habitat designations affect only federal agency actions or federally funded or permitted activities. Federal agencies are required to avoid "adverse modification" of designated critical habitat. Critical habitat may include areas not occupied by the species at the time of listing but that are essential to its conservation. In accordance with Public Law 109-163, “National Defense Authorization Act for Fiscal Year 2004” (Reference (ah)) provisions, the resource agency (USFWS or NMFS) cannot designate critical habitat on an installation with an INRMP (see Sikes Act) that the secretary of the resource agency finds has a benefit to the listed

species. Additionally, the resource agency must consider national security impacts when designating critical habitat. Reference (ae) permits Marine Corps lands to be excluded from critical habitat designation when such lands are managed in accordance with an approved INRMP that provides a benefit to the endangered or threatened species. Accordingly, each installation possessing endangered or threatened species, candidate species, or unoccupied habitat where critical habitat may be designated, shall evaluate within the INRMP the benefits of managing the species and/or habitat. This evaluation shall be clearly identifiable in the INRMP and should be identified in the INRMP's Table of Contents. Each installation evaluating the benefits of managing the species and/or habitat shall use the following USFWS criteria to determine whether an INRMP provides a benefit to the endangered or threatened species:

1. The INRMP provides a conservation benefit to the species. The cumulative benefits of the management activities identified in the INRMP, for the length of the plan, shall maintain or provide for an increase in a species' population, or the enhancement or restoration of its habitat within the area covered by the INRMP (i.e., those areas deemed essential to the conservation of the species). A conservation benefit may result from reducing fragmentation of habitat, maintaining or increasing populations, ensuring against catastrophic events, enhancing and restoring habitats, buffering protected areas, or testing and implementing new conservation strategies.

2. The INRMP provides certainty that it will be implemented. Persons charged with INRMP implementation are capable of accomplishing its objectives and have adequate funding for it. They have the authority to implement the INRMP and have obtained all the necessary authorizations or approvals. An implementation schedule (including completion dates) for the conservation effort is provided in the INRMP.

3. The INRMP provides certainty that the conservation effort will be effective.

030403. Candidate Species

Candidate species are those species that have been proposed for listing as either threatened or endangered species in accordance with Reference (ae). Each installation shall inventory and monitor candidate species to evaluate and document any effects that military activities may have upon them. Installations should, to the maximum extent practicable, proactively manage candidate species populations to prevent impacts that could lead to listing of the species as threatened or endangered. Proactive management via the INRMP will also help ensure that the installation may be exempt for critical habitat designation, if a ruling is proposed. Installations shall not include candidate species in formal consultation in accordance with Reference (ae) unless otherwise approved by HQMC (LF)/MCICOM (GF).

030404. Species at Risk

Reference (ae) does not protect other "Species at Risk," including but not limited to, state-listed species or IUCN Red List imperiled or threatened species. However, each installation should inventory and monitor them to the extent practicable because 50 CFR 13 (Reference (ai)) may require an installation or unit to consider a proposed action's impacts on state-listed species, and state

laws and regulations may govern their possession, propagation, sale, or taking on the installation. Installations shall not include “species at risk” in formal consultation in accordance with Reference (af) unless otherwise approved by HQMC (LF)/MCICOM (GF).

030405. Marine Mammals

The Marine Corps shall not take (e.g., harass, hunt, capture, or kill) marine mammals on the high seas, in waters, or on land under the jurisdiction of the United States (16 U.S.C. §§1361-1381 (also known and referred to in this Order as MMPA)(Reference (aj))). The Marine Corps will evaluate each operation that may affect marine mammals and will avoid impacts to them where practical. For actions with the potential for unintentional harm to marine mammals, application to NMFS will be made for a Letter of Authorization or other permit to comply with MMPA requirements. In addition, many marine mammals are also endangered species, and proposed actions that may affect any federally-listed threatened or endangered species require consultation in accordance with Section 7 of Reference (ae).

030406. Migratory Birds

A. Migratory birds are protected by 16 U.S.C. §§703-712, also known and referred to in this Order as MBTA, as amended, (Reference (ak)). The SECNAV Memorandum (Reference (al)) requires that installations promote the goals of E.O. 13186 (Reference (am)), which are detailed in the DoD and U.S. Fish and Wildlife Memorandum of Understanding (MOU) (Reference (an)). The MOU identifies specific measures designed to promote conservation of migratory birds and their habitats as affected by non-military readiness activities (i.e., NRC actions, shore support activities, operation of industrial activities, facility construction or demolition, hazardous waste cleanup).

B. The species of birds protected under the Migratory Bird Treaty Act are listed in 50 CFR 10.13 (Reference (ao)). Installation natural resources managers should use the USFWS' Migratory Bird Program website (Reference (ap)) to find lists of Birds of Conservation Concern and Birds of Management Concern and address those species in INRMPs on installations where they occur. Additionally, lists of migratory birds found on DoD installations, as well as recommendations for the conservation of migratory birds in INRMPs, can be found on the DoD Partners in Flight website (Reference (aq)).

C. Taking of Migratory Birds

1. MBTA prohibits take or possession of migratory birds unless permitted by regulation. Specific permits must be obtained for takes to accomplish scientific collecting, taxidermy, Canada goose control, depredation control, and several other actions. Installation natural resources managers must ensure any intentional takes of migratory birds occurring on the installation are covered by a permit obtained from the USFWS Regional Bird Permit Office (Reference (ai)) and 50 CFR 21 (Reference (ar)).

2. Military Readiness Rule. Part 21.15 of Reference (ar)) authorizes incidental take of migratory birds for military readiness activities provided the Marine Corps action proponent confers with USFWS to develop and implement appropriate conservation measures to

minimize or mitigate negative effects of the proposed action if the action will have a significant negative effect on the sustainability of a population of a migratory bird species. Potential impacts to migratory bird populations and MBTA compliance shall be addressed in NEPA analysis using information from the appropriate INRMP where applicable, and the best scientific data available.

030407. Bird/Animal Aircraft Strike Hazard (BASH)

The responsibility for funding the Marine Corps BASH program is installation specific. However, due to the potential impacts on natural resources by a command's BASH Program, natural resources managers shall provide biological expertise to assist Marine Corps air installations, air operations, and aviation safety officers in preparing and implementing BASH plans where necessary. BASH plans should be reviewed to ensure consistency and compliance with installation INRMPs and applicable natural resources laws and regulations. In support of BASH efforts, natural resources conservation actions that affect the abundance and distribution of wildlife and their habitats around active air fields should be identified and addressed in INRMPs. Airfield mowing and clear zone establishment and maintenance are not considered military readiness activities under 50 CFR 21.

030408. Bald and Golden Eagles

Bald and Golden Eagles are protected from "take" pursuant to the requirements of 16 U.S.C. §668 (Reference (as)) as well as Reference (ak). Installations shall employ measures to monitor eagles and nests as well as avoid and minimize "take" of bald and golden eagles, including those defined in the USFWS National Bald Eagle Management Guidelines. Actions which may result in incidental "take" of a bald or golden eagle, or active nests, require a permit issued by the USFWS in accordance with the regulations found in Reference (ai) and 50 CFR 22 (Reference (at)).

030409. Hunting, Fishing, and Trapping

Reference (c) requires that military lands be made available for public hunting, fishing and trapping where such access does not present any mission, safety or security impact. Installations shall identify areas where such activities may occur, develop and implement installation policies that allow for safe and sustainable hunting, fishing and trapping as appropriate, and enforce appropriate laws and regulations.

A. Licenses

Installations allowing hunting, fishing, and trapping shall require all civilian hunters, fishers, and trappers to possess applicable state licenses for hunting, fishing, or trapping on the installation. Military personnel engaged in these activities shall possess such licenses if the host state permits the issuance of a resident license to members of the military without regard to residency requirements. At installations within states that do not authorize licenses under the conditions noted herein, military personnel may, at the discretion of the installation CG/CO, hunt, fish, or trap with an installation permit in lieu of a state license.

B. Hunting, Fishing, and Trapping Access Fees

Each installation permitting hunting, fishing, or trapping may collect nominal fees for these recreational opportunities. Each installation should develop the permit fee schedule, in part, after considering cost associated with INRMP fish and wildlife enhancement operations. Each installation shall deposit hunting, fishing, and trapping permit fee proceeds into the Budget Clearing Account (Suspense) Navy 17X5095. The permit fee proceeds shall be delivered to the local disbursing officer for deposit, supported by an original and three copies of the Cash Collection Voucher (DD Form 1131). Each installation Commander shall implement a fish and wildlife management program and ensure the program expenses funded with permit fee proceeds do not exceed the amount of permit fee proceeds authorized by CMC (LF)/MCICOM (GF) to be available to the installation from the Budget Clearing Account. Each installation's fish and wildlife permit fee receipts and expenditures accounting shall comply with References (l) and (n). Details on the use and accounting of these fees are found in Reference (l).

C. Private Organizations

1. Installation rod and gun clubs, conservation organizations established as part of the command recreation program, and other private organizations may volunteer services to promote installation natural resources management and facilities and programs for public outdoor recreation on the installation. No agreement with a private entity shall exclude the public's access for hunting, fishing, or trapping on the installation.

2. Membership in a private organization shall not be a prerequisite to hunt, fish, or trap on an installation.

3. Any private organization membership fee shall exclude the cost of obtaining an installation hunting, fishing, or trapping permit on the installation when the installation permit fee is based, in part, under the provisions of the installation's INRMP.

4. Installations shall not solicit or accept private organization representation before regulatory authority.

5. Private organization programs and projects on the installation shall comply with the installation INRMP and other installation orders and instructions.

030410. Recreational Off-Road Vehicles

A. Installation commanders shall give preference to existing trails when designating roads for off-road vehicle use.

B. When considering the suitability of areas and trails for off-road vehicle use, installation Commanders shall consider the applicability of NEPA analysis and the foreseeable impacts of each type of off-road vehicle, taking into account its seasonal use, range, and resulting impacts to installation natural resources, military readiness, and the capability of installation lands to support the installation's mission, and other recreation resources.

C. Any decision to open installation lands to off-road vehicle use shall apply equally to the public and military personnel. Each installation shall control off-road vehicle use to

maintain public safety, security, military readiness, and natural resources. Therefore, any decision to open installation lands to off-road vehicle use shall include procedures for controlling the number and types of off-road vehicles, limiting their frequency and intensity of use, and limiting their range (i.e., restricting access to areas and trails authorized for off-road vehicle use) (50 CFR 226 (Reference (au))).

D. Installations may deny installation access to persons violating off-road vehicle requirements.

E. If the installation Commander or a designee determines that off-road vehicle use will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat, or cultural or historic resources, the installation will immediately prohibit such off-road vehicle use until the effects have been eliminated and measures have been implemented to prevent their recurrence (E.O. 11644 (Reference (av))).

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VOLUME 11: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in *blue font* will reset to black font upon a full revision of this Volume.

CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

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CHAPTER 4

RESPONSIBILITIES

0401 COMMANDANT OF THE MARINE CORPS (CMC) (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Establish a natural resources management program and promulgate policy, guidelines and attendant responsibilities.

040102. Ensure adequate resourcing and programming necessary and a Marine Corps-wide organizational capability to meet Deputy Under Secretary of Defense, Installations and Environment (DUSD(I&E)) and legislative requirements for conservation of natural resources and the establishment of a natural resources conservation management program on Marine Corps installations.

040103. Regularly update policy guidance and issue-specific implementing guidance based on new or changing laws, regulations, and DUSD(I&E) policies governing conservation of natural resources.

040104. Address and coordinate resolution of natural resources issues affecting the Marine Corps mission.

040105. Coordinate natural resources policy and program matters with the DUSD(I&E), the Assistant Secretary of the Navy Energy, Installations, and Environment), other Military Services, other federal agencies and private organizations.

040106. Support as needed, DUSD(I&E) programs, initiatives, committees and partnerships involving natural resources.

040107. Respond to Congressional and other inquiries to satisfy Office of the Secretary of Defense reporting requirements.

040108. Provide installations policy for establishing and maintaining INRMPs.

040109. Identify Marine Corps-wide program and project priorities, and distribute available funds to meet installation natural resources management requirements that cannot be locally funded.

040110. Maintain reports and other records of installation natural resources business transactions (e.g., agricultural outlease proceeds; hunting, fishing, and trapping permit fee proceeds; forest product sales proceeds) and track natural resources management expenditures charged to applicable accounts.

040111. Ensure, through field visits and the ECE Program, Marine Corps compliance with applicable federal, state, FGS and local natural resource management requirements.

040112. Assist installations in resolving any issues with complicated regulatory consultations or disputes with federal, state, and local natural resource regulatory officials and provide review and oversight for consultation documents.

0402 COMMANDING GENERAL (CG) OF MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG of Marine Corps East, West, Pacific, and National Capital Region shall:

040201. Coordinate proposals for new and continuing actions that affect natural resources with the managers of those resources.

040202. Take appropriate action to ensure that authorized, funded, or conducted actions comply with 42 U.S.C. §§4321-4347 (also known and referred to in this Order as NEPA) (Reference (aw)) and all related natural and cultural resources laws and E.O.s.

0403 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps installations and COMMARFORRES shall:

040301. Ensure the installation implements the requirements and policies of this Volume.

040302. MARFORRES shall evaluate all Marine Corps owned reserve centers to determine the applicability of developing an individual site specific INRMP or a programmatic INRMP.

040303. Act as the installation natural resources trustee.

040304. Provide natural resources personnel timely and necessary supplemental training to ensure proper and efficient natural resources management.

040305. Maintain adequate natural resources staffing levels to provide and sustain installation natural resources.

040306. Ensure that installation natural resources staff are adequately trained and able to participate in natural resources training and seminars (per Sikes Act).

040307. Implement a fish and wildlife management program and ensure the program expenses funded with permit fee proceeds do not exceed the amount of permit fee proceeds authorized by CMC (LF)/MCICOM (GF) to be available to the installation from the Budget Clearing Account.

040308. Evaluate the foreseeable impacts to natural resources in NEPA analysis addressing off-road vehicles.

0404 INSTALLATION NATURAL RESOURCES STAFF

Installation Natural Resources Staff shall:

040401. Possess the appropriate knowledge, skills, and professional training/education to perform their duties as required by Reference (c).

040402. Apprise the installation Commander of the condition of installation natural resources and the INRMP's objectives.

040403. Inform the installation Commander on all coordination or consultation with federal or state regulatory agencies relative to natural resources.

040404. Communicate any potential or actual conflicts between natural resources management and maintaining military readiness and the capability of installation lands to support the installation's mission to the installation Commander.

040405. Serve as the installation representative with respect to coordination with federal or state governmental agencies and organizations concerning endangered and threatened species management and protection.

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VOLUME 11: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by ***bold, italic, blue and underlined font.***

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in **blue font** will reset to black font upon a full revision of this Volume.

CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

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APPENDIX A
FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES

1 FEDERAL STATUTES

- a. Bald and Golden Eagle Protection Act of 1940, as Amended, 16 U.S.C. 688 et seq.

The act prohibits taking, possessing, and transporting bald eagles and golden eagles and importing and exporting their parts, nests, or eggs. The definition of “take” includes pursue, shoot, shoot at, poison, wound, capture, trap, collect, molest, or disturb. The act also provides for penalties of up to \$5,000 for possessing eagles or eagle parts taken from birds after June 1940. Regulations implementing the act are found at 50 Code of Federal Regulations (CFR) Part 22.

- b. Clean Water Act (CWA) of 1977, as Amended, 33 U.S.C. 1251 et seq.

The CWA, in part, requires federal agency consistency with state nonpoint source pollution management plans. The CWA and its implementing regulations also require permits for controlling wastewater discharges and placing fill materials into waters of the United States, including wetlands. These permits are required before initiating proposed actions.

- c. Coastal Zone Management Act (CZMA) of 1972, 16 U.S.C. 1451 et seq.

The CZMA requires that, to the maximum extent practicable, federal actions affecting any land/water use or coastal zone natural resource be implemented consistent with the enforceable policies of an approved state coastal management program. The CZMA also authorizes states to administer approved coastal nonpoint source pollution programs. Advance concurrence from the state Coastal Commission is required before taking an action affecting the use of land, water, or natural resources of the coastal zone. Excluded from the coastal zone are lands solely subject to or held in trust by the federal government, its officers, or its agents.

- d. Conservation Programs on Military Reservations (Sikes Act) of 1960, as Amended, 16 U.S.C. 670(a) et seq.

The Sikes Act requires each military installation to manage natural resources for multipurpose uses and public access appropriate for those uses, as well as ensuring no net loss to training, testing or other defined missions of the installation. Management of these resources is accomplished through development and implementation of an Integrated Natural Resource Management Plans (INRMP). Each INRMP must be prepared in consultation with the USFWS and the cognizant state fish and wildlife agency. The public must be afforded an opportunity to review and comment on new INRMPs prior to their finalization. The Sikes Act also requires, to the extent practicable using available resources, sufficient numbers of professionally-trained natural resource management personnel and natural resources law enforcement personnel, be available and assigned responsibility to perform tasks necessary to carry out Title I of the Sikes Act, including preparing and implementing INRMPs.

e. Endangered Species Act (ESA) of 1973, 16 U.S.C. 1531 et seq.

Implemented by 50 CFR 402 and 50 CFR 17, the ESA requires federal agencies to carry out programs to conserve federally-listed endangered and threatened plants and wildlife. Development and implementation of these programs must be carried out with the consultation and assistance of the Departments of the Interior and Commerce. In addition, if the USMC determines that their actions that may affect ESA listed species or designated critical habitats, then they require consultation with the U.S. Fish and Wildlife Service or National Oceanic and Atmospheric Administration – Fisheries (NOAA Fisheries) to assess the potential affects to the recovery of the species.

f. Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 et seq.

The Magnuson-Stevens Fishery Conservation and Management Act provides for the conservation and management of the fisheries and other purposes, including a requirement to designate EFH. Consultation is required when a federal agency authorizes, funds, or undertakes an action that may adversely affect EFH. An “adverse effect” is any impact that reduces the quality or quantity of EFH.

g. Marine Mammal Protection Act (MMPA) of 1972, as amended, 16 U.S.C. 1361 et seq.

Implemented by 50 CFR 18, 215, and 228, the MMPA mandates a moratorium on the killing, capturing, harming, and importing of marine mammals and marine mammal products. The MMPA also prohibits the taking of any marine mammal by any person, vessel, or conveyance subject to the jurisdiction of the United States on the high seas or the taking of any marine mammal by a person, vessel, or conveyance in waters or lands under the jurisdiction of the United States and established a process for analyzing and permitting the unintentional harassment or harm of marine mammals. “Taking” means to harass, hunt, capture, collect, or kill any marine mammal, and the term includes, without limitation, any of the following: collection of dead animals or their parts, restraint or detention of a marine mammal, tagging a marine mammal, the negligent or intentional operation of an aircraft or vessel, or doing of any other negligent or intentional act that results in the disturbing or molesting of a marine mammal. The National Defense Authorization Act for Fiscal Year 2004 further defined incidental taking related to military readiness activities.

h. Migratory Bird Treaty Act (MBTA) of 1918, as amended, 16 U.S.C. 703 et seq.

The MBTA protects migratory birds (listed in 50 CFR 10.13) and their nests with eggs. It is illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations. The permits cover certain circumstances (i.e., research, depredation, health and safety), but do not account for all kinds of “take” that may be incidental to otherwise lawful activities. Military readiness activities are exempt from prohibitions to take of migratory birds, given such activities do not significantly affect bird populations and that best management practices are in place to mitigate any population level effects.

i. Military Reservation and Facilities: Hunting, Fishing and Trapping Act of 1958, 10 U.S.C. §2671

The act requires all hunting, fishing, and trapping on each military installation be in accordance with the state fish and game laws where the installation is located. Appropriate state licenses must be obtained for these activities on the installation, but the act permits an installation commander to exempt active duty military personnel from state licenses to hunt, fish, and trap on a military installation if the state does not permit them to obtain a resident license.

j. Sale of Certain Interests in Lands; Logs, 10 U.S.C. §2665

This law establishes requirements for installation sale of forest products, as well as provides authority to utilize revenues to reimburse costs of forestry operation and implementation of multi-land use plans, such as an INRMP.

k. Leases: Non-Excess Property of Military Departments, 10 U.S.C. §2667

This law permits installations to lease real or personal government property, including land leased for agricultural purposes.

l. National Environmental Protection Act of 1969 (NEPA), 42 U.S.C. 4321 et seq.

NEPA requires consideration of environmental concerns during project planning and execution. The NEPA and the Council on Environmental Quality implementing regulations (40 CFR Part 1500) require federal agencies to prepare an Environmental Assessment or Environmental Impact Statement for federal actions with the potential to significantly affect the quality of the human environment, including natural and cultural resources.

m. Fish and Wildlife Conservation Act of 1980, 16 U.S.C. 2901 et seq.

Fish and Wildlife Conservation Act of 1980, 16 U.S.C. 2901 et seq. promotes state programs for conserving nongame fish and wildlife, their habitats, and their use.

2 FEDERAL REGULATIONS

a. 50 CFR 10.13

The List of Migratory Birds informs the public of the species protected by regulations designed to enforce the terms of the Migratory Bird Treaty Act. These regulations, found in parts 10, 20, and 21 of 50 CFR 10, cover most aspects of the taking, possession, transportation, sale, purchase, barter, exportation, and importation of migratory birds.

b. 50 CFR 13

The General Permit Process provides uniform rules, conditions, and procedures for the application for and the issuance, denial, suspension, revocation, and general administration of all permits issued.

c. 50 CFR 21

Migratory Birds Permits provide certain exceptions to permit requirements for public, scientific, or educational institutions, and establishes depredation orders which provide limited exceptions to the Migratory Bird Treaty Act.

d. 50 CFR 216

Regulations Governing the Taking and Importing of Marine Mammals implement the Marine Mammal Protection Act of 1972, which, among other things, restricts the taking, possession, transportation, selling, offering for sale, and importing of marine mammals.

e. 50 CFR 402

The Interagency Cooperation—Endangered Species Act of 1973, interprets and implements sections 7(a)-(d) [16 U.S.C. §1536(a)-(d)] of the Endangered Species Act of 1973, as amended. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service share responsibilities for administering the Act.

f. 50 CFR 600

Magnuson-Stevens Act Provisions contain general provisions governing the operation of the eight Regional Fishery Management Councils established by the Magnuson-Stevens Act and describes the Secretary's role and responsibilities under the Act.

3 EXECUTIVE ORDERS (E.O.)

Of the following list of E.O.s, only items a, b, c, and g apply to overseas installations.

a. E.O. 11644, "Use of Off-Road Vehicles on the Public Lands," February 9, 1972

This E.O., in part, establishes policies and provides for procedures for ensuring off-road vehicle use on public lands will be controlled and directed to protect natural resources. The E.O. was amended by E.O. 11989.

b. E.O. 11990, "Protection of Wetlands," May 24, 1977

This E.O. addresses federal agency actions required to identify and protect wetlands, minimize the risk of wetlands destruction or modification, and preserve and enhance the natural and beneficial values of wetlands.

c. E.O. 11987, "Exotic Organisms," May 24, 1977

This E.O., in part, requires Executive agencies, to the extent permitted by law, to restrict the introduction of exotic species into the natural ecosystems on lands and waters they own, lease, or hold.

d. E.O. 12114, “Environmental Effects Abroad of Major Federal Actions,” January 4, 1979

This E.O. directs federal agencies to take action to further the purpose of the NEPA with respect to the environment outside the United States and its territories and possessions.

e. E.O. 12962, “Recreational Fisheries,” as amended by E.O. 13474, Amendments to E.O. 12962, June 9, 1995

This Order states that federal agencies shall, to the extent permitted by law and where practicable, and in cooperation with states and Tribes, improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities.

f. E.O. 13089, “Coral Reef Protection,” June 11, 1998

E.O. 13089, “Coral Reef Protection,” June 11, 1998, established the interagency U.S. Coral Reef Task Force, charged with developing and implementing a comprehensive program of research and mapping to inventory, monitor, and “identify the major causes and consequences of degradation of coral reef ecosystems.” This Order also directs federal agencies to expand their own research, preservation, and restoration efforts.

g. E.O. 13112, “Invasive Species,” February 3, 1999

This E.O.’s purpose is to prevent the introduction of invasive species, provide for their control, and minimize the economic, ecological, and human health impacts that invasive species cause.

h. E.O. 13158, “Marine Protected Areas,” May 26, 2000

E.O. 13158, “Marine Protected Areas,” May 26, 2000 mandates strengthening the management, protection, and conservation of existing marine protected areas (MPA) and establishment of new or expanded MPAs; the development of a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems and the Nation’s natural and cultural resources; and the avoiding causing harm to MPAs through federally conducted, approved, or funded activities.

i. E.O. 13186, “Responsibilities of Federal Agencies to Protect Migratory Birds,” January 10, 2001

This E.O., in part, requires each federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations to develop and implement, within two years, a MOU with FWS that shall promote the conservation of migratory bird populations.

j. E.O. 13443, “Facilitation of Hunting Heritage and Wildlife Conservation,” August 17, 2007

The purpose of this Order is to direct federal agencies that have programs and activities that have a measurable effect on public land management, outdoor recreation, and wildlife management, including the Department of the Interior and the Department of Agriculture, to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat