

SPECIAL SIKES ACT ISSUE OF THE FAWN

August 1994

Welcome to a special issue of the FAWN. In order to ensure that the membership of NMFWA is fully aware of and involved in the process to reauthorize the Sikes Act, your Board of Directors has agreed to publish this special (extra) issue of the newsletter. Regular news and features will return with the September issue.

Rather than waste space in this issue editorializing about the importance of the Sikes Act, or the value of compliance provisions, the need for Class I status for natural resource projects, or debating technical provisions of the amendment, I want to instead offer some budget information from the Office of the Under Secretary of Defense (Environmental Security). I think that the data speaks volumes about DoD's "leadership commitment" to natural resources management on DoD lands. I offer for your own interpretation:

DoD Environmental Budget (by Pillar)

(\$million)

	<u>FY93</u>	<u>FY94</u>	<u>FY95</u>
RESTORATION	1,638.5	1,965.0	2,180.2
COMPLIANCE	2,118.0	2,012.3	2,182.3
PREVENTION	272.9	340.3	391.9
CONSERVATION	132.7	129.8	106.1
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TOTALS:	4,163.1	4,447.4	4,860.5
Conservation Share:	3.2%	2.9%	2.2%

Editor's Note:

The Sikes Act is due to come up for House action on 10 Aug 94. Chances are it will be delayed, so probably still have time to contact your Congressman and let him know that you support the amendments offered by Studds and Young.

TESTIMONY OF GENE STOUT, PAST PRESIDENT, NATIONAL MILITARY FISH AND WILDLIFE ASSOCIATION AND CHAIR, BOARD OF DIRECTORS NATIONAL WILDLIFE FEDERATION ON

**MILITARY LAND MANAGEMENT PROGRAMS
(H.R. 3300 AND H.R. 2080)**

BEFORE THE COMMITTEE ON ARMED SERVICES AND THE SUBCOMMITTEE ON INSTALLATIONS AND FACILITIES

U.S. HOUSE OF REPRESENTATIVES

JUNE 15, 1994

Good morning, Mr. Chairman. I represent the National Military Fish and Wildlife Association where I am a past president and the National Wildlife Federation where I now serve as Chair of the Board of Directors. I also formerly worked for almost 20 years as a natural resources manager at Fort Sill, Oklahoma as well as at two Marine Corps bases.

I am grateful for this opportunity to represent the majority of professional natural resources managers with responsibilities on Defense lands and almost five million members of the American public, many of whom use these lands. The Association and the Federation recognize and commend both Representative McCurdy and Representative Vento

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for their leadership and commitment to Defense natural resources management.

The Department of Defense has a huge responsibility for the management of some of our nation's finest natural treasures among its almost 25 million acres. These lands not only provide the training and testing grounds for those who must defend our way of life, but they include some of our nation's finest wildlife habitats and provide excellent outdoor recreation.

Both of our organizations have been involved with legislation to revise the Sikes Act as contained in H.R. 3300. It is important to note that this legislation expands the definition of military installations to include lands withdrawn and reserved under such laws as the Military Lands Withdrawal Act of 1986. Thus, the current revision to the Sikes Act will also greatly improve the quality of natural resources management on withdrawn lands and other public lands used for Defense purposes.

We strongly believe that once lands are withdrawn for Defense's use, DoD should be accountable for proper management of these lands and resources in a sustainable manner. Defense is best suited to manage lands while they are withdrawn due to the unique aspects of natural resources management concurrent with military missions. H.R. 3300 would clearly give Defense the responsibility to take care of these lands. H.R. 3300 encourages partnerships with regard to land management, and such management can be shared as deemed best on a case-by-case basis.

The Sikes Act has grown along with the complexity of the mission of managing natural resources on military lands. This latest revision contains many critical items needed to enable Defense to provide stewardship on its lands.

We endorse the expansion of the bill's original goals from wildlife management to the whole realm of natural resources. This is consistent with our nation's needs to manage all aspects of the land in concert with each other.

The "no net loss" clause with regard to installation lands ability to support military missions is clear recognition that these lands must be managed for long term sustained use. Ensuring that Defense lands are managed in a sustainable use manner should reduce DoD requests for additional lands.

Sustained use of natural resources by the public continues and enhances a military tradition of allowing its land resources to be used for recreation, agriculture, and renewable natural resources products. We strongly endorse this provision.

Perhaps the greatest overall improvement in this revision of the Sikes Act is the required implementation of these Integrated Natural Resources Management Plans. All too often, good planning efforts have sat on the shelf awaiting implementation funding.

DoD is spending billions to clean up past environmental sins, but relatively little to manage resources to prevent the degradation of ecosystems and wildlife populations. The implementation of Integrated Natural Resources Management Plans will have a significant payback in fewer endangered species, improved training lands, less erosion, cleaner waters, and improved opportunities for outdoor recreation. This bill is a terrific investment for the American people.

Both the National Military Fish and Wildlife Association and the National Wildlife Federation believe the enforcement provisions of this bill are well balanced. We support this bill's use of notices of violation with compliance agreements. We do this assuming that Defense clearly understands that implementing those portions of Integrated Natural Resources Management Plans which are required within this bill are "must fund" priorities under OMB Circular A-106.

We also support the expansion of the definition of a military reservation to include virtually all lands that are used by the Department of Defense. This is a major improvement, and it should help address the concerns raised in the GAO report, NATURAL RESOURCES - Defense and Interior Can Better Manage Land Withdrawn for Military Use.

We have two recommendations to improve the bill as currently written:

1. Precluding recent accounting changes within the Department of Defense from restricting the use of funds derived from the sale of fishing and hunting permits and the lease of lands for agriculture from being spent on items costing over \$25,000. These restrictions have no legal basis, and they change long standing policies of allowing these installation generated funds to be spent on items needed to manage natural resources.

2. Changing the language to ensure that proactive compliance with the Sikes Act is funded before violations occur. Section 106(a)(6) clearly notes that Defense must fund remedial actions after violations occur. This could be construed that preparation and implementation of Integrated Natural Resources Management Plans are not Class I projects until violations are reported, investigated, and remedial actions identified. We recommend adding "As with all projects involving compliance with this Act," to the front of Section 106(a)(6). This will ensure that natural resources plans are implemented to prevent noncompliance and environmental degradation, not just to repair lands and populations after noncompliance is identified.

We respectfully ask your committee to consider the implications of H.R. 3300 as written with a notices of violation enforcement clause. For the first time, Defense will be required to manage its lands to keep them in good condition, not just react after damage has been done.

Natural resources managers within Defense are able and willing to properly take care of the lands used by our troops, whether these lands be withdrawn or within Defense's holdings. They have the tools and knowledge to do the job. However, they are being hampered by changes in funding policies.

For example, the Army's successful Integrated Training Area Management program is being cut back because it is largely proactive to maintaining lands rather than just reactive to damage so great as to trigger compliance with the Clean Water Act. Fish and wildlife management programs targeted at the large majority of healthy species are being reduced because these species are not endangered. Literally, Defense natural resources managers are penalized for taking care of healthy lands and populations and rewarded for erosion and endangered status. It is, indeed, a backward way to business.

We also ask you to consider that H.R. 3300 is not asking for new money, only a reallocation of existing funds for environmental management. There is something dreadfully wrong with a system which allocates money based on noncompliance rather than a commitment toward preventing noncompliance.

We believe that upwards of 10% of the total Defense environmental funds should be spent on

natural resources management. To put the matter into perspective, estimates of cleaning up Rocky Mountain Arsenal are greater than \$3 billion dollars. If Defense were to allocate as little as \$200 million dollars a year to taking care of its lands in a proactive manner, the amount spent for a single cleanup could take care of all Defense lands for at least 15 years. You on this committee understand far better than us the huge costs of defending this nation and its interests. Think about how important the land and its natural resources are to this Defense effort. Then think about how small the amount is to take care of these essential lands compared to a single piece of modern military hardware.

Through your committee's efforts, our troops will be better trained to defend the American way of life; our nation's public lands will be enhanced; and our outdoor recreation traditions will continue on almost 25 million acres.

Thank you for this opportunity to represent the National Military Fish and Wildlife Association and the National Wildlife Federation on this important matter. I would be glad to answer any questions.

**TESTIMONY OF MS. SHERRI W. GOODMAN,
DEPUTY UNDER SECRETARY OF DEFENSE
(ENVIRONMENTAL SECURITY) ON**

**MILITARY LAND MANAGEMENT PROGRAMS
(H.R. 3300 AND H.R. 2080)**

**BEFORE THE COMMITTEE ON ARMED
SERVICES AND THE SUBCOMMITTEE ON
INSTALLATIONS AND FACILITIES**

U.S. HOUSE OF REPRESENTATIVES

JUNE 29, 1994

Good morning, Mr. Chairman and Members of the Committee. On behalf of Secretary Perry, thank you for the opportunity to testify about the Department of Defense's natural resource management programs.

DoD is developing a new conservation strategy as part of its Environmental Security program. The office of Environmental Security was created just over a year ago by Secretary Perry in order to

integrate environmental considerations into defense policies and practices. Environmental Security has six major goals:

- ensure DoD operations **comply** with environmental laws;
- **clean up** and reduce risk from contaminated sites;
- be responsible **stewards** of the land DoD holds in public trust;
- **prevent pollution** at the source whenever possible;
- promote development of dual-use environmental **technologies**; and
- protect the **safety and health** of our military and civilians.

Today, I will focus on our **natural resource management programs**. The Department of Defense is the steward for 25 million acres of federal land, an area approximately the size of the state of Tennessee. DoD lands represent all of our country's major land types and contain sensitive ecosystems and endangered species, irreplaceable historic and archeological sites, and many other important natural and cultural resources.

The Department faces the challenging task of protecting these resources while supporting the military mission. DoD recognizes that protection of these resources and compliance with environmental laws ensure the continued availability of lands and waters to support training critical to mission performance and readiness. As part of this conservation strategy, we are committed to:

- **Comply** with all applicable laws and standards for natural resources.
- **Identify** all significant and sensitive natural resources.
- Promote **ecosystem-based management** on all military lands.

- Provide **training, education, and staffing** to build a strong conservation ethic.
- Enhance **coordination and consultation** with federal and State agencies, the public and other stakeholders.
- Provide for **public access** to our conservation programs whenever possible.

I will address **three topics** today concerning out land management programs and airspace requirements: **H.R. 3300, the Sikes Act Amendments; H.R. 2080, the Military Land Reform and Reassessment Act;** and the recent **General Accounting Office (GAO) report** on the management of lands withdrawn for military use. The DoD response to each of these initiatives results from the interplay between our responsibilities to support both national defense and resource conservation goals. The key question in each case is how the initiative will affect our ability to achieve operational readiness while meeting obligations to manage resources wisely. Balancing these two public interests leads us to generally support H.R. 3300 and the findings of the GAO Report. However, while we generally support the concepts presented in H.R. 2080, we cannot support the bill unless it is amended to ensure the desired results can be realized.

H.R. 3300, The Natural Resources Management on Military Lands Act

For more than 30 years, the Sikes Act has proven instrumental in helping the Department manage its unique natural resources. The approximately **250 cooperative fish and wildlife management plans** military installations have developed under the Sikes Act in coordination with the U.S. Fish and Wildlife Service and State fish and game agencies have been the cornerstone for many of our natural resources management initiatives.

Ecosystem management represents a new chapter in our understanding of the interrelationships between land and species. The goal of ecosystem management is to restore and maintain the health, sustainability and biological diversity of ecosystems while supporting sustainable economies and communities. This management

concept enables us to recognize the aims of all the various program elements, and in the execution of the program as a whole, while balancing priorities and resources.

An example of DoD's commitment to ecosystem management is our **new Mojave Ecosystem Management Initiative**. This is an unprecedented partnership among all of the Military Services, the Department of Interior and the State and local governments and people of California to sustain the unique habitat of these desert lands. The initiative brings together all people and all agencies responsible for the health and welfare of a region to develop an integrated plan to manage the land and species that live there. This initiative will support all of our Defense goals: **a strong military, a solid economy, and a healthy environment** and covers four of our key training ranges -- Edwards, China Lake, Fort Irwin and 29 Palms.

Reauthorization of the Sikes Act will enhance our ability to use an ecosystem management approach. With some exceptions, we support the Sikes Act legislation.

In particular, we support the development and implementation of **integrated natural resource management plans for military installations**. This is the most effective means of ensuring that resource management decisions on DoD lands are made based on informed consideration of all relevant factors. But plans alone won't get the job done.

The Department also generally supports a number of amendments that would complement development and implementation of integrated plans, including:

- **public participation** in the preparation of each integrated management plan.
- establishment of specific natural resource **management goals and objectives**.
- internal review of installation compliance and **reporting** of these results to Congress.
- deadlines for adopting integrated management plans.
- **trained DoD personnel** to enforce existing fish and wildlife laws on military installations.

While we support establishing a framework to ensure integrated management plans are developed and implemented on military installations, we are concerned about imposing undue burdens on our installations and natural resource managers. In particular, we do not support using Notices of Violation to ensure implementation. First, this process would apply only to the Department of Defense, a departure from other environmental compliance statutes; it also effectively limits the flexibility the Sikes Act originally intended to grant DoD to manage its lands for military purposes. Additionally, the provisions of subsection 5(a) could damage existing cooperative relationships with the U.S. Fish and Wildlife Service and State fish and game agencies and could be difficult and resource-intensive to administer.

The Department of Defense is pursuing an **alternative approach** to ensure that integrated natural resource management plans are developed and implemented on our military installations.

First, we are committed to ensuring that natural resource laws are given the **same priority for programming and budgeting** as other environmental laws. Under the Fiscal Year 1996-2001 Defense Planning Guidance, the Military Departments are required to develop an **Environmental Security Strategic Plan for conservation** that will serve as the basis for programming and budgeting. This plan requires at a minimum:

"By FY 1996, Components will ensure that at least 60 percent of all Integrated Natural Resource Management Plans, for installations determined by the Component to have sufficient natural resources to require a management plan, are prepared and implemented to provide for the effective management of natural resources and for the protection of threatened and endangered species, wetlands, and biodiversity. Components will complete inventories of natural and cultural resources entrusted to DoD on a timeline consistent with the National Biological Survey."

We are now in the process of creating a **prioritization system for identifying urgent natural resource needs and funding such projects** appropriately. Under this system,

nonrecurring projects and services required to be in compliance with natural resource regulatory requirements in the current budget fiscal year will be included among the highest priorities for funding. Examples of these high priority items include:

- preparation and implementation of **integrated natural resource management plans**.
- commitments made under **special agreements** such as the Chesapeake Bay Agreement.
- **surveys of wetlands or endangered species** where current or proposed land use could violate regulatory requirements.
- **natural resource damage assessments** prepared in response to immediate legal requirements.

Second, we believe that **ultimate responsibility** for managing the sensitive natural resources on DoD lands **lies with the military managers** who use those resources. Further, given their expertise in both natural resource conservation and military operations, DoD managers are in the best position to balance the needs of mission accomplishment with natural resource stewardship.

Accordingly we have **internal auditing procedure** to help ensure that integrated natural resource management plans are developed and implemented. The auditing program includes **measures of merit** that enable us to establish management goals and to track the military department's progress in achieving those goals. All of the military departments are vigorously pursuing institutional changes to incorporate these measures of merit in their inspections and environmental compliance evaluations.

Of paramount concern to the Defense Department is the ability to continue using our lands to support the military mission. We recognize that even with the best planning, full compliance with environmental laws will sometimes restrict our ability to train. We have historically adjusted our training operations to comply with environmental laws in numerous ways. We have modified low-level flight routes to accommodate grazing areas. We have scheduled ground activities around sensitive mating and nesting times. We

have moved artillery impact areas to respond to critical habitat concerns. We will continue to take such actions when required. However, we cannot support imposing unnecessary restrictions on our lands and are prepared to work with the Committee on the specific language in this bill.

H.R.2080, Military Land Reform and Reassessment Act

Next I would like to address the **Military Land Reform and Reassessment Act**, H.R.2080. The Department generally supports the concepts presented in this bill. However, we cannot support H.R.2080 unless it is amended to ensure the desired results can be realized.

The Department of Defense mission is to protect our national security interests. A key element of mission capability is well disciplined pilots, which, in turn, depend on having adequate and realistic training operations. DoD conducts its training on and over national forests and other federal lands, which are managed by the United States Department of Agriculture (USDA) and the Department of Interior (DoI).

The first and most basic concern with H.R.2080 is that it would create **significant delays in making changes to critical military operations in airspace over nonmilitary public lands**. In particular, we are concerned about provisions in Section 4 which amend the Engle Act.

The Engle Act provides that Congress approve the withdrawal, reservation, restriction, or use of more than 5,000 acres of public land for military purposes. H.R.2080 would expand the Engle Act to include airspace over public lands. This change could eliminate the ability of the Federal Aviation Administration to establish temporary restricted areas for the military to conduct large-scale military training exercises over public lands. It would also require that the views of the Secretary of Interior of Agriculture, as the case may be, and the Governor, Indian tribes and public of any affected states be submitted to Congress **six months** prior to establishment of a military training zone.

These requirements would greatly complicate future airspace acquisitions by DoD. They would severely limit training flexibility for Regular and Reserve aviation forces, including the Air National Guard. They would also hamper aircraft unit

activation and modernization initiatives, most of which require airspace actions.

Despite the continued downsizing of our force structure, the size of the land and airspace areas needed to maintain operational readiness is actually **increasing** because of changes in tactics and weapons systems and platforms. We are working hard to downsize smartly and to eliminate excess infrastructure, but continued viability of air and training ranges is crucial to our long-term ability to support a trained and ready force. The delays imposed by Section 4 of H.R.2080 would be of such magnitude that vital training capability would be lost and readiness would suffer.

The Department's second concern is that H.R.2080 does not clearly address present airspace arrangements for military operations. There are hundreds of special use airspace modifications each year, many of which constitute minor changes to accommodate individual citizens and special interest groups. Requiring a detailed environmental analysis for each modification and then waiting 180 days is a unreasonable increase in complexity, expense, and time for processing DoD airspace proposals.

DoD supports the effort in H.R.2080 to provide a clear and well-defined mechanism to authorize National Guard use of public lands. Presently, neither the Federal Land Policy and Management Act nor the Engle Act specifically authorize these uses. This amendment would provide a solid framework for clarifying DoD procedures and standards. However, we recommend a technical change to increase the size of land withdrawals that can be made without an Act of Congress to allow for armored or heavy mechanized brigade level exercises. The existing 5,000 acre limit is too restrictive for these exercises, even for dismounted infantry.

Finally, DoD generally support provisions in the bill which provide for the transfer of withdrawn lands to the Department of Agriculture or Department of Interior when they are no longer used for military purposes. However, consistent with this Administration's views on Superfund reauthorization, DoD recommends requiring the appropriate Secretary to determine what use is expected for the land so that **appropriate levels of decontamination can be determined.** The Department would then be

responsible for cleaning up contamination from DoD uses.

DoD recognizes that Congress and the public are concerned that military ground operations and overflights may disturb or cause harmful effects on the ecology of these public lands. The Department firmly believes that differences of opinion about the compatibility of military overflights and public land use can be satisfactorily resolved. **We are committed to cooperative efforts with other agencies and with the public** that will conserve and enhance our natural heritage while assuring a strong national defense.

Over the past several months, DoD and DoI, as well as the Department of Transportation and the Federal Aviation Administration have engaged in discussions on several issues affecting overflights and refuges. From this interchange, the **Federal Interagency Airspace/Natural Resources Coordination Group** was formed. Last month the group met to discuss military airspace use, and, in particular, the role of Federal land managers in aviation operations and land management. They have identified 25 long-term issues to tackle and achieved immediate results in solving several site-specific issues.

The Department would also like to propose the joint establishment of a formal **public dialogue** with DoI and other federal agencies to discuss broadly the issues of military use of public lands. DoD has successfully increased public participation in its cleanup program through the creation of community advisory groups called Restoration Advisory Boards. The idea and shape for these Boards were born from a facilitated public dialogue and from the hard work of many interested stakeholders around the country. DoD supports applying this same process to military use of public lands, to begin to work together to accomplish our twin goals of national security and resource protection.

GAO REPORT: "Defense and Interior Can Better Manage Land Withdrawn For Military Use"

Finally, I would like to address the recent Government Accounting Office report, **"Natural Resources: Defense and Interior Can Better Manage Land Withdrawn for Military Use."**

The Military Lands Withdrawal Act of 1986 removes from public use until the year 2001 more

than seven million acres of land and devotes them to the military services for training and testing purposes. These withdrawn lands, which have been under military control since the 1940's and 1950's, include the six sites discussed in this report. Military training at these sites includes air activities such as pilot training in air-to-air combat maneuvering and air-to-ground bombings, and ground activities such as troop and vehicle maneuvers. Air training activities occur both above the sites and on contiguous public and private lands while ground maneuvers and bombing occur within site borders.

In most cases, this use does not result in significant damage to the land. In fact, **many military lands are regionally recognized for their relatively high habitat quality.** They are often sanctuaries for species as these lands do not have the kind of development and other activities which degrade natural habitats.

However, because military activities do cause damage, DoD is undertaking a number of measures to **integrate out training needs and to reduce our impacts** through simulation and innovative technologies. These measures include:

- **Consolidation and sharing** of training activities, test ranges, and facilities.
- Use of **electronic connections** among scattered smaller ranges to simulate extended larger ranges.
- Greater use of **computer modeling technology** to simulate field tests. This will not eliminate, but could greatly reduce the need and cost for actual field operations.

The Army's **Integrated Training Area Management (ITAM)** Program is an excellent example of an initiative to integrate training needs with land conditions and capabilities to reduce impacts. ITAM is used to establish base line data, inventory land condition and capabilities, match mission use with land capabilities, program land restoration and rehabilitation, and provide environmental education training to land users.

But regardless of these efforts to consolidate and use new technologies, DoD will always require large open spaces in which to train. For example, more sophisticated mechanized equipment requires large

spaces for maneuverability. In order to provide realistic testing and training, we have steadily moved our training and weapons testing away from more populated areas into less populated areas.

DoD recognizes that these open spaces are limited and have multiple values. The Department's objective is to ensure that we maintain sufficient training grounds for essential weapons testing, gunnery ranges and combat maneuver exercises. We also need flexibility to expand, not only to meet current requirements, but to keep pace with new technologies as our units, weapons, and tactics improve.

The withdrawn lands addressed in the GAO Report are essential to our long-term ability to train effectively. The critical question is how we can better minimize the impact of our training on the environment. This is a question that the Department of Defense cannot answer alone. We are now working with the Department of Interior on resource management projects for these sites. DoD is providing needed access to these projects by Interior officials. We will also work with Interior to ensure that we have the baseline information necessary to assess the effects of current and proposed military operations on natural resources at these sites. Broad-based, up to date, inventories of our natural and cultural resources are essential to DoD's ability to effectively manage these resources for the long term.

We are currently completing review of **two proposed memoranda of understanding with the Department of Interior that typify our increased spirit of coordination.** The first would formalize our commitment to work with Interior on the recently announced Mojave Ecosystem Management Initiative. The second would establish procedures with the **National Biological Survey** to conduct biological inventories on DoD lands. We are committed to working with the NBS to inventory and monitor the nation's biological resources. Through these efforts we will evaluate the status and trends of biological resources on DoD lands and identify how these resources can best be used to meet our environmental, economic and social needs.

Another excellent example of this increased cooperation is the joint effort between the Army and the Fish and Wildlife Service to restore the **Longleaf Pine ecosystem on Army installations** throughout the southeastern United States. Over the last two

years, the Army and the Fish and Wildlife Service have worked closely together to develop a management plan that effectively balances the Army's military mission with conservation of the Red-cockaded Woodpecker and its habitat. Recently, the two organizations cosponsored a workshop, where Army and Fish and Wildlife personnel trained together to effectively implement the new plan. This successful experience will serve as a model for similar efforts in the future.

In closing, I would like to emphasize that the current DoD leadership strongly believes that **national security includes environmental security**. We are committed to fully integrating environmental security concerns into our defense policies and practices. The Department of Defense will not be content to merely be a good steward of its lands. We will work to be a leader in protecting and enhancing the natural environment for future generations -- both for its intrinsic value to future generations and to secure the availability of these resources to support the national defense mission.

We look forward to continuing to working with the Committee on these important issues.

**AMENDMENT IN THE NATURE OF A
SUBSTITUTE TO H.R. 3300
OFFERED BY MR. STUDDS AND MR. YOUNG**

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE

This Act may be cited as the "Natural Resource Management on Military Lands Act of 1994".

SEC. 2. AMENDMENT OF SIKES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title I of the Act of September 15, 1960 (16 U.S.C. 670a et seq.), commonly referred to and hereinafter in this Act referred to, as the "Sikes Act".

SEC. 3. INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS FOR MILITARY INSTALLATIONS, GENERALLY.

(a) IN GENERAL. -- Section 101(a) (16 U.S.C. 670a(a)) is amended--

(1) by striking "is authorized to" and inserting "shall";

(2) by striking "in each military reservation in accordance with a cooperative plan" and inserting the following: "on military installations. Under the program, the Secretary shall prepare and implement for each military installation in the United States an integrated natural resources management plan"; and

(3) by inserting after "reservation is located" the following: ", except that the Secretary is not required to prepare such a plan for a military installation is the Secretary determines that preparation of such a plan for the installation is not appropriate".

(b) CONFORMING AMENDMENTS.--Title I (16 U.S.C. 670a et seq.) is amended--

(1) by striking "cooperative plan" each place it appears and inserting "integrated natural resource management plan";

(2) by striking "cooperative plans" each place it appears and inserting "integrated natural resource management plans"; and

(3) by striking "Cooperative plans" each place it appears and inserting "Integrated natural resource management plans".

(c) CONTENTS OF PLANS.--Section 101(b) (16 U.S.C. 670a(b)) is amended--

(1) in paragraph (1)--

(A) in subparagraph (C) by striking "and" after the semicolon;

(B) in subparagraph (D) by striking the semicolon at the end and inserting a comma; and

(C) by adding at the end the following:

"(E) wetland protection and restoration, and wetland creation where necessary, for support of fish and wildlife,

"(F) consideration of conservation needs for all biological communities, and

"(G) the establishment of specific natural resource management goals, objectives, and time-frames for proposed actions;";

(2) by striking paragraph (3);

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

"(2) shall for the military installation for which it is prepared--

"(A) address the needs for fish and wildlife management, land management, forest management, and wildlife-oriented recreation;

"(B) ensure the integration of, and consistency among, the various activities conducted under the plan;

"(C) ensure that there is no net loss in the capability of installation lands to support the military mission of the installation;

"(D) provide for sustained use by the public of natural resources, to the extent that such use is not inconsistent with the military mission of the installation or the needs of fish and wildlife management;

"(E) provide the public access to the installation that is necessary or appropriate for that use, to the extent that access is not inconsistent with the military mission of the installation; and

"(F) provide for professional enforcement of natural resource laws and regulations;" and

(5) in paragraph (4)(A) by striking "collect the fees therefor," and inserting "collect, spend, administer, and account for fees therefor."

(d) PUBLIC COMMENT.--Section 101 (16 U.S.C. 670a) is amended by adding at the end the following:

"(f) PUBLIC COMMENT.--The Secretary of Defense shall provide an opportunity for public comment on each integrated natural resource management plan prepared under subsection (a)."

SEC. 4. REVIEW OF MILITARY INSTALLATIONS FOR PREPARATION OF INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.

(a) REVIEW OF MILITARY INSTALLATIONS.--

(1) REVIEW.--The Secretary of each military department shall, by not later than 9 months after the enactment of this Act--

(A) review each military installation in the United States that is under the jurisdiction of the Secretary to determine the military installations for which the preparation of an integrated natural resource management plan under section 101 of the Sikes Act, as amended by this Act, is appropriate; and

(B) submit to the Secretary of Defense a report on those determinations.

(2) REPORT TO CONGRESS.--The Secretary of Defense shall, by not later than 12 months after the date of the enactment of this Act, submit to the Congress a report on the reviews conducted under paragraph (1). The report shall include--

(A) a list of those military installations reviewed under paragraph (1) for which the Secretary of Defense determines the preparation of an integrated natural resources management plan is not appropriate; and

(B) for each of the military installations listed under subparagraph (A), an explanation of the reasons such a plan is not appropriate.

(b) DEADLINE FOR INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.--Not later than 2 years after the date of the submission of the report required under subsection (a)(2), the Secretary of Defense shall, for each military installation for which the Secretary has not determined under subsection (a)(2)(A) that preparation of an integrated natural resource management plan is not appropriate--

(1) prepare and begin implementing such a plan mutually agreed to by the Secretary of the Interior and the head of the appropriate State agencies under section 101(a) of the Sikes Act, as amended by this Act; or

(2) in the case of a military installation for which there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of the enactment of this Act, complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to that plan that are necessary for the plan to constitute and integrated natural resource plan that complies with that section, as amended by this Act.

(c) PUBLIC COMMENT.--The Secretary of Defense shall provide an opportunity for the submission of public comments on--

(1) integrated natural resources plans proposed pursuant to subsection (b)(1); and

(2) changes to cooperative plans proposed pursuant to subsection (b)(2).

SEC. 5. ANNUAL REVIEWS AND REPORTS.

Section 101 (16 U.S.C. 670a) is further amended by adding after subsection (f) (as added by section 3(d) of this Act) the following:

"(g) REVIEWS AND REPORTS.--

"(1) SECRETARY OF DEFENSE.--The Secretary of Defense shall, by not later than March 1 of each year, review the extent to which integrated natural resource management plans were prepared or in effect and implemented in accordance with this Act in the preceding year, and submit a report on the findings of that review to the committees. Each report shall include--

"(A) the number of integrated natural resource management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;

"(B) the amount of moneys expended on conservation activities conducted pursuant to those plans in the year covered by the report, including amounts expended under the Legacy Resource Management Program established under section 8120 of the Act of November 5, 1990 (Public Law 101-511; 104 Stat. 1905); and

"(C) an assessment of the extent to which the plans comply with the requirements of subsection (b)(1) and (2), including specifically the extent to which the plans ensure in accordance with subsection (b)(2)(C) that there is no net loss of lands to support the military missions of the military installations.

"(2) SECRETARY OF THE INTERIOR.--

The Secretary of the Interior, by not later than March 1 of each year and in consultation with State agencies responsible for conservation or management of fish or wildlife, shall submit a report to the committees on the amount of moneys expended by the Department of the Interior and those State agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resource management plans.

"(3) COMMITTEES DEFINED.--For purposes of this subsection, the term 'committees' means the Committees on Merchant Marine and Fisheries and Armed Services of the House of Representatives and the Committee on Armed Services of the Senate."

SEC. 6. FEDERAL ENFORCEMENT OF INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS; ENFORCEMENT OF OTHER LAWS.

Title I (16 U.S.C. 670a et seq.) is amended--

(1) by redesignating section 106 as section 110; and

(2) by inserting after section 105 the following:

"SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.

"All Federal laws relating to the conservation of natural resources on Federal lands may be enforced by the Secretary of Defense with respect to violations of those laws which occur on military installations within the United States."

SEC. 7. NATURAL RESOURCE MANAGEMENT SERVICES.

Title I (16 U.S.C. 670a et seq.) is amended by inserting after section 106 (as added by section 6 of this Act) the following:

"SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.

"The Secretary of each military department shall ensure that sufficient numbers of professionally trained natural resource management personnel and natural resource law enforcement personnel are available and assigned responsibility to perform tasks necessary to comply with this Act, including the preparation and implementation of integrated natural resource management plans."

SEC. 8. DEFINITIONS.

Title I (16 U.S.C. 670a et seq.) is further amended by inserting after 107 (as amended by inserting after section 107 (as added by section 7 of this Act) the following:

"SEC. 108. DEFINITIONS.

"In this title:

"(1) MILITARY DEPARTMENT.--The term 'military department' means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

"(2) MILITARY INSTALLATION.--The term 'military installation'--

"(A) means any land or interest in land owned by the United States and administered by the Secretary of Defense or the head of a military

department; and

"(B) includes all public lands withdrawn from all forms of appropriation under public land laws and reserved for use by the Secretary of Defense or the head of a military department.

"(3) STATE FISH AND WILDLIFE AGENCY.--The term 'State fish and wildlife agency' means an agency of State government that is responsible under State law for managing fish and wildlife resources.

"(4) UNITED STATES.--The term 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States."

SEC. 9. SHORT TITLE.

Title I (16 U.S.C. 670a et seq.) is further amended by inserting after section 108 (as added by section 8 of this Act) the following:

"SEC. 109. SHORT TITLE.

"This title may be cited as the 'Sikes Act'."

SEC. 10. COOPERATIVE AGREEMENTS.

(a) COST SHARING.--Section 103a(b) (16 U.S.C. 670c-1(b)) is amended by striking "matching basis" each place it appears and inserting "cost-sharing basis".--

(b) ACCOUNTING.--Section 103a(c) (16 U.S.C. 670c-1(c)) is amended by inserting before the period at the end the following: ", and shall not be subject to section 1535 of that title".

SEC. 11. REPEAL.

Section 2 of the Act of October 27, 1986 (Public Law 99-651; 16 U.S.C. 670a-1) is repealed.

SEC. 12. CLERICAL AMENDMENTS.

Title I (16 U.S.C. 670a et seq.), as amended by this Act, is further amended--

(1) by striking "military reservation" each place it appears and inserting "military installation";

(2) by striking "military reservations" each place it appears and inserting "military installations";

(3) by striking "MILITARY RESERVATION" each place it appears and inserting "MILITARY INSTALLATION";

(4) by striking "reservation" each place it

appears in reference to a military reservation (other than in the term "military reservation") and inserting "installation"; and

(5) by striking "reservations" each place it appears in reference to military reservations (other than in the term "military reservations") and inserting "installations".

SEC. 13. AUTHORIZATIONS OF APPROPRIATIONS.

(a) PROGRAMS ON MILITARY INSTALLATIONS.--Subsections (b) and (c) of section 110 (as redesignated by section 6 of this Act) are each amended by striking "1983" and all the follows through "1993," and inserting "1994, 1995, 1996, and 1997,".

(b) PROGRAMS ON PUBLIC LANDS.--Subsections (a) and (b) of that section are each amended by striking "1983" and all that follows through "1993," and inserting "1994, 1995, 1996, and 1997,".

SIKES ACT

(as amended through 1986)

SUBCHAPTER I--CONSERVATION PROGRAMS ON MILITARY RESERVATIONS

SECTION 101. COOPERATIVE PLAN FOR WILDLIFE CONSERVATION AND REHABILITATION

(a) Authority of Secretary of Defense

The Secretary of Defense is authorized to carry out a program of planning for, and the development, maintenance, and coordination of, wildlife, fish, and game conservation and rehabilitation in each military reservation in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior, and the appropriate State agency designated by the State in which the reservation is located.

(b) Contents of plan

Each cooperative plan entered into under subsection (a) of this section--

(1) shall provide for--

(A) fish and wildlife habitat improvements or modifications,

(B) range rehabilitation where necessary for support of wildlife,

(C) control of off-road vehicle traffic, and

(D) specific habitat improvement projects and related activities and adequate protection for species of fish, wildlife, and plants considered threatened or endangered;

(2) must be reviewed as to operation and effect by the parties thereto on a regular basis, but not less often than every 5 years;

(3) shall, if a multi-use natural resources management plan is applicable to the military reservation, be treated as the exclusive component of that management plan with respect to wildlife, fish, and game conservation and rehabilitation; and

(4) may stipulate the issuance of special State hunting and fishing permits to individuals and require payment of nominal fees therefor, which fees shall be utilized for the protection, conservation, and management of fish and wildlife, including habitat improvement and related activities in accordance with the cooperative plan; except that--

(A) the Commanding Officer of the reservation or persons designated by that Officer are authorized to enforce such special hunting and fishing permits and to collect the fees therefor, acting as agent or agents for the State if the cooperative plan so provides, and

(B) the fees collected under this paragraph may not be expended with respect to other than the military reservation on which collected.

(c) Prohibitions on sale and lease of lands

After a cooperative plan is agreed to under subsection (a) of this section--

(1) no sale of land, or forest products from land, that is within a military reservation covered by that plan may be made under section 2665(a) or (b) of Title 10; and

(2) no leasing of land that is within the reservation may be made under section 2667 of such Title 10;

unless the effects of that sale or leasing are compatible with the purposes of the plan.

(d) Implementation and enforcement of cooperative plans

With regard to the implementation and enforcement of cooperative plans agreed to under subsection (a) of this section--

(1) neither Office of Management and Budget Circular A-76 nor any successor circular thereto applies to the procurement of services that are necessary for that implementation and enforcement; and

(2) priority shall be given to the entering into of contracts for the procurement of such implementation and enforcement services with Federal and State agencies having responsibility for conservation and management of fish and wildlife.

(e) Applicability of other laws

Cooperative plans agreed to under the authority of this section and section 102 of this title shall not be deemed to be, nor treated as, cooperative agreements to which chapter 63 of Title 31 applies.

SECTION 101a. NATURAL RESOURCES MANAGEMENT ON MILITARY RESERVATIONS

(a) Management by Secretary of each military department

The Secretary of each military department shall manage the natural resources of each military reservation within the United States that is under the jurisdiction of the Secretary--

- (1) so as to provide for sustained multipurpose uses of those resources; and
- (2) to provide the public access that is necessary or appropriate for those uses;

to the extent that those uses and that access are not inconsistent with the military mission of the reservation.

(b) Fish and Wildlife Management

The Secretary of each military department shall ensure, to the extent feasible, that the services necessary for the development, implementation, and enforcement of fish and wildlife management on each military reservation within the United States under the jurisdiction of the secretary are provided by the Department of Defense personnel who have professional training in those services.

(c) Report to Congress

The Secretary of each military department shall submit to each House of the Congress, before the close of the 180-day period occurring after the close of fiscal year 1986, a detailed report setting forth the amount and purpose of all expenditures made during fiscal year 1986 for fish and wildlife management on each military reservation in the United States under the jurisdiction of the Secretary.

(d) Definitions

As used in this section--

- (1) The term "military department" means the Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (2) The term "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, and the

territories and possessions of the United States.

SECTION 102. MIGRATORY GAME BIRDS; PERMITS; FEES; STAMP ACT AND STATE LAW REQUIREMENTS

The Secretary of Defense in cooperation with the Secretary of the Interior and the appropriate State agency is authorized to carry out a program for the conservation, restoration and management of migratory game birds on military reservations, including the issuance of special hunting permits and the collection of fees therefor, in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior and the appropriate State agency: Provided, That possession of a special permit for hunting migratory game birds issued pursuant to this subchapter shall not relieve the permittee of the requirements of the Migratory Bird Hunting Stamp Act as amended, nor of the requirements pertaining to State law set forth in Public Law 85-337.

SECTION 103. PUBLIC OUTDOOR RECREATION RESOURCES; COOPERATIVE PLAN BETWEEN SECRETARY OF DEFENSE, SECRETARY OF INTERIOR, AND STATE AGENCIES

The Secretary of Defense is also authorized to carry out a program for the development, enhancement, operation, and maintenance of public outdoor recreation resources at military reservations in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense and the Secretary of Interior, in consultation with the appropriate State agency designated by the State in which such reservations are located.

SECTION 103a. COOPERATIVE AGREEMENTS FOR LAND MANAGEMENT ON DEPARTMENT OF DEFENSE INSTALLATIONS

- (a) Authority of Secretary of Defense

The Secretary of Defense may enter into cooperative agreements with States, local governments, nongovernmental organizations, and individuals to provide for the maintenance and improvement of natural resources on, or to benefit natural and historical research on, Department of Defense installations.

(b) Matching funds and services

A cooperative agreement shall provide for the Secretary of Defense and the other party or parties to the agreement--

(1) to contribute funds on a matching basis to defray the cost of programs, projects, and activities under the agreement; or

(2) to furnish services on a matching basis to carry out such programs, projects, and activities,

or to do both.

(c) Availability of funds; agreements under other laws

Cooperative agreements entered into under this section shall be subject to the availability of funds and shall not be considered, nor be treated as, cooperative agreements to which chapter 63 of Title 31 applies.

**SECTION 104. LIABILITY FOR FUNDS;
ACCOUNTING TO
COMPTROLLER GENERAL**

The Department of Defense is held free from any liability to pay into the Treasury of the United States upon the operation of the program or programs authorized by this subchapter any funds which may have been or may hereafter be collected, received or expended pursuant to, and for the purposes of, this subchapter, and which collections, receipts and expenditures have been properly accounted for to the Comptroller General of the United States.

**SECTION 105. APPLICABILITY TO OTHER
LAWS; NATIONAL FOREST
LANDS**

Nothing herein contained shall be construed to modify, amend or repeal any provision of Public Law 85-337, nor as applying to national forest lands administered pursuant to the provisions of section 9 of the Act of June 7, 1924, nor section 315m of Title 43.

**SECTION 106. APPROPRIATIONS AND
EXPENDITURES**

(a) Expenditures exclusively under cooperative plans; availability of funds until expended

The Secretary of Defense shall expend such funds as may be collected in accordance with the cooperative plans agreed to under sections 101 and 102 of this title and cooperative agreements agreed to under section 103a of this title and for no other purpose. All funds that are so collected shall remain available until expended.

(b) Authorization of appropriations to Secretary of Defense

There are authorized to be appropriated to the Secretary of Defense not to exceed \$1,500,000 for each of the fiscal years 1983, 1984, 1985, 1986, 1987, 1988, 1990, 1991, 1992, and 1993 to carry out this subchapter, including the enhancement of fish and wildlife habitat and the development of public recreation and other facilities, and to carry out such functions and responsibilities as the Secretary may have under cooperative agreements entered into under section 103a of this title. The Secretary of Defense shall, to the greatest extent practicable, enter into agreements to utilize the services, personnel, equipment, and facilities, with or without reimbursement, of the Secretary of the Interior in carrying out the provisions of this section.

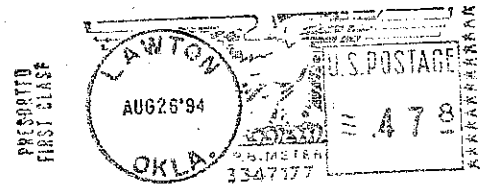
(c) Authorization of appropriations to Secretary of Interior

There are authorized to be appropriated to the Secretary of Interior not to exceed \$3,000,000 for each of the fiscal years 1983, 1984, 1985, 1986, 1987, 1988, 1990, 1991, 1992, and 1993 to carry out such functions and responsibilities as the Secretary may have under cooperative plans to which such Secretary is a party under this section, including those for the enhancement of fish and wildlife habitat and the development of public recreation and other facilities.

(d) Use of other conservation or rehabilitation authorities

The Secretary of Defense and the Secretary of the Interior may each use any authority available to him under other laws relating to fish, wildlife, or plant conservation or rehabilitation for purposes of carrying out the provisions of this subchapter.

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Address Correction Requested