

# Environmental Compliance

## General

Preparation and implementation of this INRMP are required by the Sikes Act (16 USC 670 *et seq.*), Army Regulation (AR) 200-3 (*Natural Resources – Land, Forest, and Wildlife Management*, Department of the Army 1995a), DoD instruction Instruction 4715.3 (*Environmental Conservation Program*, 3 May 1996) and Army Memorandum (21 March 1997), *Army Goals and -Implementing Guidance for Natural Resources Planning Level Survey (PLS) and Integrated Natural Resources Management Plans (INRMP)* (Department of the Army 1997a).

This INRMP facilitates DPG compliance with other federal and state laws, most notably laws associated with environmental documentation, wetlands, endangered species, and wildlife management. Compliance requirements at least partially affecting implementation of the INRMP are listed in Section 1.4.4. This plan describes how DPG will implement provisions of AR 200-1 (*Environmental Protection and Enhancement*, Department of the Army 2007) and local regulations, principally DPG Regulation 200-11 (*Recreational Hunting and Trapping at Dugway Proving Ground*) and DPG Regulation 350-2 (*Ranges and Training Areas*).

## National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires disclosure of environmental impacts created by proposed major federal actions. 32 CFR Part 651 (*Environmental Analysis of Army Actions, Federal Register Vol. 67, No. 61, March 29, 2002*) and the Council on Environmental Quality (Implementing Guidelines for NEPA, 40 CFR Parts 1500-1508) recommend an Environmental Assessment (EA) be completed for natural resources management plans. 32 CFR Part 651 outlines NEPA compliance requirements of proposed Army actions. Recognizing the efficiencies and benefits associated by combining the INRMP and its associated EA into one document, the 2006-2010 plan was developed to satisfy both requirements, diverting from Army Guidelines to accommodate NEPA documentation within the plan.

## Sikes Act

The Sikes Act<sup>1</sup> states, *The Secretary of Defense shall carry out a program to provide for the conservation and rehabilitation of natural resources on military installations. To facilitate the program, the Secretary of each military department shall prepare and implement an integrated natural resources management plan for each military installation...*

The Sikes Act (16 USC 670 *et seq.*) requires that, consistent with the use of military installations to ensure the preparedness of the Armed Forces, each INRMP shall, where appropriate and applicable, provide for:

- fish and wildlife management, land management, forest management, and fish and wildlife-oriented recreation;
- fish and wildlife habitat enhancement or modifications;
- wetland protection, enhancement, and restoration where necessary for support of fish or wildlife;
- integration of, and consistency among, the various activities conducted under the INRMP;
- establishment of specific natural resources management objectives and time frames for proposed action;

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<sup>1</sup> The Sikes Act referenced in this INRMP is as amended, including Public Law 105-85, the Sikes Act Improvement Act of 1997 and as amended by Public Law 108-136, the National Defense Authorization Act of 2004.

- sustained use by the public of natural resources to the extent such use is not inconsistent with the needs of fish and wildlife resources management;
- public access to the military installation that is necessary or appropriate for sustained use by the public of natural resources to the extent that the use is not inconsistent with the needs of fish and wildlife resources, subject to requirements necessary to ensure safety and military security;
- enforcement of natural resource laws and regulations;
- no net loss in the capability of military installation lands to support the military mission of the installation; and
- such other activities as the Secretary of the military department considers appropriate.

The Sikes Act also requires or provides for:

- regular review of this INRMP and its effects, not less often than every five years;
- provisions for spending hunting and fishing permit fees exclusively for the protection, conservation, and management of fish and wildlife, including habitat improvement and related activities in accordance with the INRMP;
- exemption from procurement of services under Office of Management and Budget Circular A-76 and any of its successor circulars; and
- priority for contracts involving implementation of this INRMP to state and federal agencies having responsibility for conservation of fish or wildlife.

This INRMP includes these items if they are applicable to natural resources management and land use at DPG.

### **Endangered Species Act**

This INRMP has the signatory approval of the U.S. Fish and Wildlife Service (USFWS). This signature approval includes agreement that the INRMP complies with the Endangered Species Act (ESA). Review of the INRMP is informal consultation with regard to the ESA.

Per provisions of the 2004 National Defense Authorization Act<sup>2</sup>, this INRMP “*provides a benefit to the species for which critical habitat is proposed for designation.*” The USFWS policy states that, where applicable, federal critical habitat designation is not warranted if the INRMP includes certain criteria, which are summarized in Section 4.8.1.1, *Critical Habitat*.

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<sup>2</sup> Section 318, Military Readiness and Conservation of Protected Species, National Defense Authorization Act of 2004.