

# Committee on Resources

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## TESTIMONY OF DEPUTY UNDER SECRETARY OF DEFENSE (INSTALLATIONS AND ENVIRONMENT)

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### INTRODUCTION

Mr. Chairman and distinguished members of this Subcommittee, I appreciate the opportunity to discuss with you the Sikes Act and its importance to the military.

### BACKGROUND

The Sikes Act has been the major contributor to the success of the DoD's conservation program. For more than 40 years, it has proven instrumental in helping our installations, in coordination with the U.S. Fish and Wildlife Service (FWS) and State fish and game agencies, to develop many cooperative plans and projects that have benefited fish and game resources and other natural resources on DoD lands. Even more important today, the Sikes Act is also needed to help ensure the Services' ability to provide for the increasing complexity of the military mission and the concentration of training and readiness activities on the remaining Defense installations.

In The National Defense Authorization Act for Fiscal Year 1998, Congress amended the Sikes Act to require installation commanders to prepare and implement Integrated Natural Resources Management Plans (INRMPs) by November 2001. The Department of Defense (DoD) strongly supported these amendments to the Sikes Act and worked closely with both the Department of the Interior's Fish and Wildlife Service and the International Association of Fish and Wildlife Agencies to recommend changes to Congress. DoD and the Military Services greatly appreciate the efforts of this Committee, as well as the efforts of the Department of the Interior and the International Association of Fish and Wildlife Agencies, in the development of these amendments to strengthen and improve the original Sikes Act.

### IMPLICATIONS OF RECENT SIKES ACT AMENDMENTS

Under the 1997 amended Sikes Act, each integrated natural resources management plan is designed and implemented to ensure "no net loss" in the capability of the installation to support the military mission.

These plans consequently provide the installation commander with an effective management tool for integrating operational requirements with natural resource management goals and projects. Land management decisions reflect and support operational requirements, and focus on maintaining the viability and sustainability of the land to support the training and readiness activities.

The principal changes reflected in the re-authorized Sikes Act:

- provide for more comprehensive and up-to-date INRMPs that embody emerging principles related to biodiversity protection and adaptive management;
- enhance the ability of installation commanders to manage natural resources and ensure that mission requirements can be met; and
- allow DoD to take full advantage of the expertise of the Fish and Wildlife Service (FWS) and the State

resource agencies in preparing integrated natural resource management plans for military lands, while neither jeopardizing the installation commander's discretion to ensure the preparedness of the armed forces nor the ability of the FWS and the States to exercise the legal authority they each possess apart from the Sikes Act.

A Sikes Act amendment passed in FY 1999, to provide hunting and fishing access to military lands for disabled sportsmen.

We know that the future will pose new challenges to the Department in its continuing effort to integrate the military mission of ensuring troop readiness while meeting the obligations of responsible natural resources stewardship. Installation-level natural resource professionals within the Components must continue to demonstrate that these two goals are compatible and that with upfront planning, adequate biological inventories, good communication, and the use of "lessons learned," conflicts can be avoided. Conflicts range from keeping tanks 50 feet from the habitat for red cockaded woodpecker habitat to scheduling deer hunting and training for the same areas on an installation.

To meet these goals, the Sikes Act now requires the military to employ the principles of ecosystem management at nearly 373 installations – using INRMPS to provide the blueprint for such management. Every one of our installations with natural resource requirements are required to have one of these plans in place. Further, the plans must reflect the mutual agreement of the U.S. Fish and Wildlife Service and appropriate State fish and wildlife agency concerning the conservation, protection, and management of fish and wildlife resources..

In October 2002, we released new guidance for these INRMPS that will improve coordination with stakeholders and provide performance metrics to ensure the long-term viability of these plans. This updated guidance is based on the lessons learned from preparing and implementing these plans over the past several years. These plans, designed to embrace emerging scientific principles related to ecosystem management and biodiversity protection, provide a broad focus on the maintenance of healthy and fully functional ecosystems.

We believe that these plans provide the best possible management for our lands. We also believe that they provide excellent management for imperiled plant and animal species. Management under the Sikes Act allows us more flexibility to use our training lands, as we need them, while still protecting the over 300 threatened and endangered species that are now part of the management requirement for the lands under the administrative control of the Components. We believe that a well-designed and implemented, INRMP, makes critical habitat designation on military installations in many cases unnecessary.

#### IMPLEMENTATION OF SIKES ACT AMENDMENTS

I would now like to turn to the four specific areas on which the Subcommittee requested comments:

- How the INRMP preparation process worked for the first round of INRMPS.
- How DoD intends to implement the new INRMPS and adapt to new information.
- How DoD has implemented the provisions of the Disabled Sportsmen's Access Act.
- Where DoD stands on outsourcing natural resources-related positions.

#### The Preparation Process for the First Round of INRMPS

The Department of Defense, as well as the Fish and Wildlife Service and the State fish and game agencies, faced a daunting challenge when Congress passed the Sikes amendments in November 1997 – to prepare and coordinate nearly 373 new INRMPS. Although we did not fully achieve this goal, most of our installations had INRMPS approved by the November 2001 deadline.

We and our partners learned a great deal over the past five years that led to a steady improvement in how INRMPS are prepared and coordinated. I would like to share a few of the most important lessons we learned:

- Headquarters-level oversight is essential. We formed a Sikes Coordination Group in January 2001 including representatives from the DoD Components, the U.S. Fish and Wildlife Service, and the

International Association of Fish and Wildlife Agencies to oversee plan preparation and review, and to mediate any unresolved issues. This group continues to meet to track INRMP revisions and implementation.

- Staggered preparation and coordination of INRMPs would eliminate review bottlenecks. Many INRMPs reached review offices during the first six months of 2001. This caused a significant resource strain on these offices. We issued new policy guidance in October 2002, that will eliminate this bottleneck.
- Other stakeholders need an effective voice in updating INRMPs. Although our initial implementing guidance specified that military installations should coordinate their INRMPs with military trainers and the public, as well as with Fish and Wildlife Service and State fish and game agencies, the Sikes Coordination Group determined that we could improve our outreach to these groups. Our new October 2002 policy includes specific metrics for ensuring this coordination occurs and asks each installation to report on the disposition of comments received from each group of stakeholders.

#### Implementing INRMPs and Adapting to New Information

The Department intends that its new INRMPs be dynamic and fully functional planning tools for natural resources management. This desire for enhanced long-term performance was a driving force behind the establishment of detailed installation-by-installation metrics in October 2002. This new guidance requires that each installation report a series of metrics intended to track its effectiveness in INRMP implementation. Specifically, each installation must report annually:

- Whether the INRMP contains a list of projects necessary to meet plan goals and objectives, as well as timeframes for implementation.
- Funding requirements to implement the INRMP, including dollars required for and funded for both “must fund” (Class 0 and 1) and “nice to have” (Class 2 and 3) projects.
- A list of all unfunded Class 0 and 1 project requirements in excess of \$50,000.

In addition, we plan to initiate a study on INRMP implementation at selected military installations by the end of the fiscal year. This Legacy-funded project will identify both successes and opportunities for improvements in how to implement our INRMPs best.

The Department expects that INRMPs will be modified as needed to address changing natural resource priorities and mission requirements. Each INRMP must be reviewed annually and updated as appropriate every five years or sooner if conditions warrant. DoD’s conservation policy requires that projects be monitored and evaluated for effectiveness.

#### Implementing the Disabled Sportsmen’s Access Act

Section 103 of the Sikes Act authorizes the Department to provide persons with disabilities access to the same outdoor recreation opportunities (including fishing, hunting, trapping, wildlife viewing, boating, and camping) as the general public. This legislation also permits DoD to accept the volunteer services of individuals and organizations, as well as donations of property to facilitate these provisions. The Department reaffirmed its support for disabilities access in an August 2002 policy memo to the Military Departments that encourages our installations to implement these provisions.

The Components have worked closely with the Paralyzed Veterans of America (PVA) and other organizations to accept portable elevating hunting blinds and other specialized equipment for use by disabled sportsmen. PVA donated various items of equipment to Camp Lejeune, Naval Weapons Station Yorktown, Little Rock Air Force Base, and Naval Air Station Meridian in 2002, and plans to donate additional equipment at Fort Chaffee, Fort Benning, Fort Bragg, and MacDill Air Force Base this year.

#### Competition of Natural Resources-Related Positions

DoD conducted a one-time survey of natural resource functions in 2001. That survey identified 868 in-house positions that perform natural resource management functions and associated services, including 259 devoted to the inherently governmental work of enforcement and policy-related natural resource management activities.

These natural resource management professionals are essential to the long-term oversight and management

of the valuable natural resources entrusted to our care. These trained professionals implement a wide variety of valuable functions for our military installations, including:

Coordinating with military operators to ensure the fullest possible use of our lands and waters for training and testing.

Working with environmental regulators to minimize the restrictions on the use of our lands, while ensuring that we conserve our natural resources for future use.

Identifying and implementing across-the-fence-line partnerships with stakeholders in surrounding communities, including noxious weed control, fish and game management, and natural resources law enforcement.

Improving mission safety and realism by improving vegetation cover, reducing fire threat and bird and wildlife aircraft strike hazard potential.

In 2001, we concluded that more than 500 of our in-house positions do not require the discretionary exercise of government authority; as a consequence, these positions were determined to be "subject to review for competition." Nevertheless, public and regulator confidence in DoD's commitment to conserving the natural resources entrusted to us depends both on our retaining an adequate cadre of natural resources professionals and on our using most efficiently all the tools available to us to do the job well. In some cases, the private sector may have expertise unavailable to us in-house or be able to accomplish certain field work more efficiently than can we; in these cases, competition is the proven method to determine the best source, whether government or private sector. In no case, however, will we make any decision that would threaten our ability to preserve these important natural treasures.

## EMERGING CHALLENGES

As this Committee knows, DoD's roughly 25 million acres of land are extraordinarily rich in biological resources. This biodiversity may be attributed to:

- Active stewardship by DoD's extensive professional natural resources staff;
- Requirements that military lands remain undeveloped in order to serve as maneuver areas, impact areas, or buffer zones;
- DoD installations occurring in virtually every ecosystem in the nation; DoD lands are the only federal holdings in some ecosystems; and,
- Surrounding property being developed so quickly that DoD lands have become comparatively richer in many plants and animals that have been extirpated elsewhere.

However, this Committee is also keenly aware that DoD's ability to ensure access to its lands for military preparedness purposes is becoming increasingly difficult because:

- At the same time, new weapons with greater stand-off distances and changes in war-fighting tactics require DoD to provide realistic training over much larger areas; and,
- Development outside our installation borders often triggers the imposition of more pervasive restrictions on DoD lands, which have become the "last refuge" for many threatened and endangered plants and animals.

Installations and ranges are often forced to implement "work-arounds" to meet new natural resource restrictions and still ensure that our soldiers, sailors, airmen, and marines are adequately trained.

In response to these concerns, the Administration submitted to Congress last year an eight-provision legislative package, the Readiness and Range Preservation Initiative (RRPI). Congress enacted three of those provisions as part of the National Defense Authorization Act for Fiscal Year 2003. We are grateful to Congress for these provisions.

Last year, Congress also began consideration of the other five elements of our Readiness and Range Preservation Initiative. These five proposals remain essential to range sustainment and are as important this year as they were last year – maybe more so. The five provisions submitted this year reaffirm the principle that military lands, marine areas, and airspace exist to ensure military preparedness, while ensuring that the Department of Defense remains fully committed to its stewardship responsibilities.

Mr. Chairman, your interests with respect to the reauthorization of the Sikes Act and the importance of the

Sikes Act to the military mission have a direct bearing on one of the five remaining RRPI provisions, a provision that would permit approved Integrated Natural Resource Management Plans in appropriate circumstances to substitute for critical habitat designation.

Mr Chairman, I would briefly like to describe how the work by your committee to reauthorize and strengthen the Sikes Act makes this proposal not only possible, but makes it a sensible approach for both military responsibilities – readiness and environmental stewardship.

#### Designation of Critical Habitat

Under the Endangered Species Act (ESA), the Secretary of the Interior is required to designate “critical habitat” at the time a species is listed as threatened or endangered.

While critical habitat designation can provide some benefit to species that are already listed, the Fish and Wildlife Service believes that such additional benefits are less than those a species receives from the initial act of adding it to the list of threatened and endangered species. For example, under Section 7 of the ESA, federal agencies are already prohibited from taking actions that may jeopardize the continued existence of a listed species.

Despite its view that critical habitat designation typically duplicates the protections already provided by the jeopardy standard for most species, the FWS has been inundated with citizen lawsuits challenging its failure to designate critical habitat.

DoD believes designating critical habitat on military installations is duplicative, for the most part, because our Sikes Act-mandated integrated natural management plans already provide the “special management considerations or protection” needed to ensure the survival and contribute toward the eventual recovery of listed Threatened & Endangered (T&E) species.

Critical habitat designation overlaid on top of existing and approved INRMPs unnecessarily limits a commander’s ability to manage an installation appropriately to accommodate both the military mission and protection of the natural resources.

DoD would like to be given express credit for approved INRMPs, as we have requested as part of our Readiness and Range Preservation legislative proposal. We believe the rationale for this proposal is compelling:

- INRMPs already provide adequately for the conservation and rehabilitation of natural resources on military bases, including the habitats necessary to support T&E recovery.
- INRMPs must be prepared "in cooperation with" the FWS and must reflect the "mutual agreement" of the parties (i.e., DoD, FWS, and the State) concerning the conservation, protection, and management of fish and wildlife resources.
- The public must be afforded the opportunity to comment on proposed INRMPs (in accordance with our October 2002 policy on INRMPs, the Military Services are following the NEPA process to promulgate their INRMPs).
- Most INRMPs for bases where listed T&E species are present either will be the subject of a section 7 consultation or will incorporate pre-existing plans that were themselves the product of an ESA consultation.

When the Sikes Act was last amended, it had two very innovative provisions:

- Recognition that certain public land has been dedicated by Congress to a military purpose – that is, its use as a location for training military personnel and testing military equipment was recognized as both necessary and desirable ; and,
- Recognition that a partnership to manage these military lands involving the Department of Defense, the U.S. Fish and Wildlife Service, appropriate State agencies, and other stakeholders can create a synergism that is good for all concerned.

#### CONCLUSION

Mr. Chairman, DoD lands are intended to provide and must remain available to support critical military training, testing, and operations. This can be accomplished consistent with the maintenance of biodiversity on these lands, as DoD consistently has shown to be true.

It is in DoD's own interest to ensure that the lands entrusted to it remain in good health in order to provide for realistic training, now and in the future.

In closing, Mr. Chairman, I sincerely thank you for this opportunity to discuss the Sikes Act and its importance to the military. We appreciate your strong support of our military, and I look forward to working with you.