

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3300

To amend the Act popularly known as the “Sikes Act” to enhance fish and wildlife conservation and natural resources management programs on military installations.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 1993

Mr. STUDDS (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

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## A BILL

To amend the Act popularly known as the “Sikes Act” to enhance fish and wildlife conservation and natural resources management programs on military installations.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Natural Resource  
5 Management on Military Lands Act of 1993”.

6 **SEC. 2. AMENDMENT OF SIKES ACT.**

7 Except as otherwise expressly provided, whenever in  
8 this Act an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-  
2 sion, the reference shall be considered to be made to a  
3 section or other provision of title I of the Act of September  
4 15, 1960 (16 U.S.C. 670a et seq.), commonly referred to,  
5 and hereinafter in this Act referred to, as the “Sikes Act”.

6 **SEC. 3. INTEGRATED NATURAL RESOURCE MANAGEMENT**  
7 **PLANS FOR MILITARY INSTALLATIONS, GEN-**  
8 **ERALLY.**

9 (a) IN GENERAL.—Section 101(a) (16 U.S.C.  
10 670a(a)) is amended—

11 (1) by striking “is authorized to” and inserting  
12 “shall”;

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

19 (3) by inserting after “reservation is located”  
20 the following: “, except that the Secretary is not re-  
21 quired to prepare such a plan for a military installa-  
22 tion if the Secretary determines that preparation of  
23 such a plan for the installation is not appropriate”.

24 (b) CONFORMING AMENDMENTS.—Title I (16 U.S.C.  
25 670a et seq.) is amended—

1           (1) by striking “cooperative plan” each place it  
2 appears and inserting “integrated natural resource  
3 management plan”;

4           (2) by striking “cooperative plans” each place it  
5 appears and inserting “integrated natural resource  
6 management plans”; and

7           (3) by striking “Cooperative plans” each place  
8 it appears and inserting “Integrated natural re-  
9 source management plans”.

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

12           (1) in paragraph (1)—

13               (A) in subparagraph (C) by striking “and”  
14 after the semicolon;

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

18               (C) by adding at the end the following:

19                   “(E) wetland protection and restoration,  
20 and wetland creation where necessary, for sup-  
21 port of fish or wildlife,

22                   “(F) consideration of conservation needs  
23 for all biological communities, and

1           “(G) the establishment of specific natural  
2 resource management goals, objectives, and  
3 time-frames for proposed actions;”;

4           (2) by striking paragraph (3);

5           (3) by redesignating paragraph (2) as para-  
6 graph (3);

7           (4) by inserting after paragraph (1) the follow-  
8 ing:

9           “(2) shall for the military installation for which  
10 it is prepared—

11           “(A) address the needs for fish and wildlife  
12 management, land management, forest manage-  
13 ment, and wildlife-oriented recreation;

14           “(B) ensure the integration of, and con-  
15 sistency among, the various activities conducted  
16 under the plan;

17           “(C) ensure that there is no net loss in the  
18 capability of installation lands to support the  
19 military mission of the installation, unless such  
20 loss is required to comply with environmental  
21 laws or to improve the management of natural  
22 and cultural resources;

23           “(D) provide for sustained use by the pub-  
24 lic of natural resources, to the extent that such  
25 use is not inconsistent with the military mission

1 of the installation or the needs of fish and wild-  
2 life management;

3 “(E) provide the public access to the in-  
4 stallation that is necessary or appropriate for  
5 that use, to the extent that access is not incon-  
6 sistent with the military mission of the installa-  
7 tion; and

8 “(F) provide for professional enforcement  
9 of natural resource laws and regulations;” and

10 (5) in paragraph (4)(A) by striking “collect the  
11 fees therfor,” and inserting “collect, spend, admin-  
12 ister, and account for fees therfor.”.

13 (d) PUBLIC COMMENT.—Section 101 (16 U.S.C.  
14 670a) is amended by adding at the end the following:

15 “(f) PUBLIC COMMENT.—The Secretary of Defense  
16 shall provide an opportunity for public comment on each  
17 integrated natural resource management plan prepared  
18 under subsection (a).”.

19 (e) REVIEWS AND REPORTS.—Section 101 (16  
20 U.S.C. 670a) is further amended by adding after sub-  
21 section (f) (as added by subsection (d) of this section) the  
22 following:

23 “(g) REVIEWS AND REPORTS.—The Secretary of De-  
24 fense shall annually—

1 “(1) review the implementation status of each  
2 integrated natural resource management plan in ef-  
3 fect under this section; and

4 “(2) submit a report to the Congress on—

5 “(A) whether integrated natural resource  
6 management plans are being prepared in ac-  
7 cordance with this Act;

8 “(B) the degree to which integrated natu-  
9 ral resource management plans are being imple-  
10 mented in accordance with this Act; and

11 “(C) the status of integrated natural re-  
12 source management plans in meeting the goals  
13 and objectives the plans provide for under sub-  
14 section (b)(1)(G).”.

15 **SEC. 4. REVIEW OF MILITARY INSTALLATIONS FOR PREPA-**  
16 **RATION OF INTEGRATED NATURAL RE-**  
17 **SOURCE MANAGEMENT PLANS.**

18 (a) REVIEW OF MILITARY INSTALLATIONS.—

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

22 (A) review each military installation in the  
23 United States that is under the jurisdiction of  
24 that Secretary to determine the military instal-  
25 lations for which the preparation of an inte-

1           grated natural resource management plan  
2           under section 101 of the Sikes Act, as amended  
3           by this Act, is appropriate; and

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

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

11          (A) a list of those military installations re-  
12          viewed under paragraph (1) for which the Sec-  
13          retary of Defense determines the preparation of  
14          an integrated natural resources management  
15          plan is not appropriate; and

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

19          (b) DEADLINE FOR INTEGRATED NATURAL RE-  
20          SOURCE MANAGEMENT PLANS.—Not later than 2 years  
21          after the date of the submission of the report required  
22          under subsection (a)(2), the Secretary of Defense shall,  
23          for each military installation for which the Secretary has  
24          not determined under subsection (a)(2)(A) that prepara-

1 tion of an integrated natural resource management plan  
2 is not appropriate—

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

8 (2) in the case of a military installation for  
9 which there is in effect a cooperative plan under sec-  
10 tion 101(a) of the Sikes Act on the day before the  
11 date of the enactment of this Act, complete negotia-  
12 tions with the Secretary of the Interior and the  
13 heads of the appropriate State agencies regarding  
14 changes to that plan that are necessary for the plan  
15 to constitute an integrated natural resource plan  
16 that complies with that section, as amended by this  
17 Act.

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

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

23 (2) changes to cooperative plans proposed pur-  
24 suant to subsection (b)(2).

1 **SEC. 5. FEDERAL ENFORCEMENT OF INTEGRATED NATU-**  
2 **RAL RESOURCE MANAGEMENT PLANS; EN-**  
3 **FORCEMENT OF OTHER LAWS.**

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

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

6 and

7 (2) by inserting after section 105 the following:

8 **“SEC. 106. FEDERAL ENFORCEMENT OF INTEGRATED NAT-**  
9 **URAL RESOURCE MANAGEMENT PLANS; EN-**  
10 **FORCEMENT OF OTHER LAWS.**

11 “(a) NOTICE OF VIOLATION SYSTEM.—

12 “(1) IN GENERAL.—The Secretary of the Inte-  
13 rior, in cooperation with relevant State fish and  
14 wildlife agencies if appropriate, shall monitor the im-  
15 plementation of integrated natural resource manage-  
16 ment plans by the Department of Defense under this  
17 Act.

18 “(2) INVESTIGATION OF ALLEGED VIOLA-  
19 TIONS.—

20 “(A) IN GENERAL.—Upon receipt of infor-  
21 mation from any person alleging a violation of  
22 this Act, the Secretary of the Interior shall con-  
23 duct an investigation and make a finding re-  
24 garding the accuracy of the allegation if the  
25 Secretary of the Interior has reason to believe  
26 that—

1           “(i) a military installation is in viola-  
2           tion of any requirement under this Act; or

3           “(ii) any officer or employee of the  
4           United States (including any commanding  
5           officer of a military installation) who is  
6           charged with the responsibility for prepar-  
7           ing or implementing an integrated natural  
8           resource management plan has failed to  
9           carry out that responsibility.

10           “(B) ON-SITE INVESTIGATION.—The inves-  
11           tigation may include an on-site inspection of the  
12           military installation that is the subject of the  
13           investigation.

14           “(C) COOPERATION WITH STATE AUTHORI-  
15           TIES.—The Secretary of the Interior shall con-  
16           duct the investigation in cooperation with the  
17           relevant State fish and wildlife agencies, if ap-  
18           propriate.

19           “(D) COMPLETION.—The Secretary of the  
20           Interior shall complete the investigation within  
21           30 days after receiving information that is the  
22           basis for conducting the investigation.

23           “(3) REPORT AND NOTICE OF VIOLATION.—

24           “(A) REPORT.—Within 45 days after com-  
25           pleting an investigation under paragraph (2),

1 the Secretary of the Interior shall transmit a  
2 report on the findings of the investigation to  
3 the Secretary of Defense and to relevant State  
4 fish and wildlife agencies. The report shall de-  
5 scribe—

6 “(i) the nature of any violation by a  
7 military installation that the Secretary of  
8 the Interior finds has occurred, specifying  
9 the particular actions in violation; and

10 “(ii) the nature of any failure by an  
11 officer or employee of the United States to  
12 carry out a responsibility that the Sec-  
13 retary of the Interior finds has occurred,  
14 specifying the particular actions taken or  
15 failed to be taken that constitute the fail-  
16 ure.

17 “(B) NOTICE OF VIOLATION.—The Sec-  
18 retary of the Interior shall on the date of trans-  
19 mittal of the report issue a Notice of Violation  
20 to the Secretary of the military department  
21 having jurisdiction over the military installation  
22 that is the subject of the investigation to which  
23 the report relates, if the Secretary of the Inte-  
24 rior determines that—

1           “(i) the military installation is in vio-  
2           lation of a requirement under this Act; or

3           “(ii) an officer or employee of the  
4           United States has failed to carry out a re-  
5           sponsibility for preparing, implementing, or  
6           providing financial or personnel resources  
7           for an integrated natural resource manage-  
8           ment plan under section 101 for the mili-  
9           tary installation.

10           “(4) AGREEMENT.—Within 30 days after the  
11           issuance of a Notice of Violation under paragraph  
12           (3) regarding any violation or failure to carry out a  
13           responsibility, the Secretary of Defense, the Sec-  
14           retary of the Interior, and a representative of each  
15           relevant State fish and wildlife agency shall enter  
16           into an agreement specifying appropriate measures  
17           to remedy the violation or failure. The agreement  
18           shall include—

19           “(A) a detailed description of all violations  
20           and failures found by the Secretary of the Inte-  
21           rior, including citation of the specific provisions  
22           of statute or regulations violated or which es-  
23           tablish the responsibilities, respectively;

24           “(B) a detailed schedule for correcting the  
25           violations or failures, including actions to be

1           undertaken and deadlines for those actions,  
2           which ensures that remedial action shall com-  
3           mence within 30 days after the agreement is  
4           entered into; and

5           “(C) specification of a date by which, or a  
6           schedule within which, the Secretary of the ap-  
7           propriate military department shall provide a  
8           written response to the Secretary of the Interior  
9           regarding plans of the military department for  
10          addressing the violations or failures.

11          “(5) ANNUAL REPORTS.—The Secretary of De-  
12          fense shall include with each annual report submit-  
13          ted under section 101(g)(2)—

14                 “(A) a summary of each Notice of Viola-  
15                 tion received by a Secretary of a military de-  
16                 partment in the year covered by the report; and

17                 “(B) a description of the extent of compli-  
18                 ance of remedial actions taken under agree-  
19                 ments under paragraph (4) with the schedules  
20                 under those agreements for those actions.

21          “(6) FUNDING OF REMEDIAL ACTIONS.—The  
22          Secretary of Defense shall consider all remedial ac-  
23          tions specified in agreements under paragraph (4) to  
24          be Class I projects under Office of Management and  
25          Budget Circular A-106.

1       “(b) ENFORCEMENT OF OTHER LAWS.—All Federal  
2 laws relating to the conservation of fish and wildlife on  
3 Federal lands may be enforced by the Secretary of De-  
4 fense with respect to violations of those laws which occur  
5 on military installations within the United States.”.

6 **SEC. 6. NATURAL RESOURCE MANAGEMENT SERVICES.**

7       Title I (16 U.S.C. 670a et seq.) is amended by insert-  
8 ing after section 106 (as added by section 5 of this Act)  
9 the following:

10 **“SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.**

11       “The Secretary of each military department shall en-  
12 sure that sufficient numbers of professionally trained nat-  
13 ural resource management personnel and natural resource  
14 law enforcement personnel are available and assigned re-  
15 sponsibility to perform tasks necessary to comply with this  
16 Act, including the preparation and implementation of inte-  
17 grated natural resource management plans.”.

18 **SEC. 7. DEFINITIONS.**

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

22 **“SEC. 108. DEFINITIONS.**

23       “In this title:

24               “(1) MILITARY DEPARTMENT.—The term ‘mili-  
25 tary department’ means the Department of the

1 Army, the Department of the Navy, and the Depart-  
2 ment of the Air Force.

3 “(2) MILITARY INSTALLATION.—The term  
4 ‘military installation’ includes—

5 “(A) lands used for military purposes by  
6 any military department;

7 “(B) lands used for military purposes by  
8 any National Guard or Reserve component of  
9 the Department of Defense; and

10 “(C) all public lands withdrawn from all  
11 forms of appropriation under the public land  
12 laws and reserved for use by the Secretary of  
13 Defense or the head of a military department,  
14 including lands withdrawn and reserved under  
15 the Military Lands Withdrawal Act of 1986.

16 “(3) STATE FISH AND WILDLIFE AGENCY.—The  
17 term ‘State fish and wildlife agency’ means an agen-  
18 cy of State government that is responsible under  
19 State law for managing fish or wildlife resources.

20 “(4) UNITED STATES.—The term ‘United  
21 States’ means the States, the District of Columbia,  
22 the Commonwealth of Puerto Rico, and the terri-  
23 tories and possessions of the United States.”.

1 **SEC. 8. SHORT TITLE.**

2 Title I (16 U.S.C. 670a et seq.) is further amended  
3 by inserting after section 108 (as added by section 7 of  
4 this Act) the following:

5 **“SEC. 109. SHORT TITLE.**

6 “This title may be cited as the ‘Sikes Act’.”.

7 **SEC. 9. COOPERATIVE AGREEMENTS.**

8 (a) COST SHARING.—Section 103a(b) (16 U.S.C.  
9 670c–1(b)) is amended by striking “matching basis” each  
10 place it appears and inserting “cost-sharing basis”.–

11 (b) ACCOUNTING.—Section 103a(c) (16 U.S.C.  
12 670c–1(c)) is amended by inserting before the period at  
13 the end the following: “, and shall not be subject to section  
14 1535 of that title”.

15 **SEC. 10. REPEAL.**

16 Section 2 of the Act of October 27, 1986 (Public Law  
17 99–651; 16 U.S.C. 670a–1) is repealed.

18 **SEC. 11. CLERICAL AMENDMENTS.**

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

21 (1) by striking “military reservation” each  
22 place it appears and inserting “military installa-  
23 tion”;

24 (2) by striking “military reservations” each  
25 place it appears and inserting “military installa-  
26 tions”;

1           (3) by striking “MILITARY RESERVATION” each  
2           place it appears and inserting “MILITARY INSTALLA-  
3           TION”;

4           (4) by striking “reservation” each place it ap-  
5           pears in reference to a military reservation (other  
6           than in the term “military reservation”) and insert-  
7           ing “installation”; and

8           (5) by striking “reservations” each place it ap-  
9           pears in reference to military reservations (other  
10          than in the term “military reservations”) and insert-  
11          ing “installations”.

12 **SEC. 12. AUTHORIZATIONS OF APPROPRIATIONS.**

13          (a) PROGRAMS ON MILITARY INSTALLATIONS.—Sub-  
14          sections (b) and (c) of section 110 (as redesignated by  
15          section 5 of this Act) are each amended by striking  
16          “1983” and all that follows through “1993,” and inserting  
17          “1994, 1995, 1996, 1997, and 1998,”.

18          (b) PROGRAMS ON PUBLIC LANDS.—Subsections (a)  
19          and (b) of that section are each amended by striking  
20          “1983” and all that follows through “1993,” and inserting  
21          “1994, 1995, 1996, 1997, and 1998,”.

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