# **Defense Logistics Agency Instruction**



DLAI 4108 September 14, 2009 DES-E

## Natural and Cultural Resources Conservation Program

References: Refer to Enclosure 1.

1. <u>PURPOSE.</u> This Defense Logistics Agency (DLA) Instruction establishes policies, processes, and procedures necessary for effective natural and cultural resources management programs on lands under DLA control in the United States (U.S.). The intent is to conserve, and where necessary restore, the natural (i.e., plants, animals, water, soil, forests, and landscape) and cultural (i.e., historical and archaeological) heritage represented on DLA-controlled lands.

**NOTE:** The Integrated Natural Resources Management Plan (INRMP) is the tool used to implement the installation natural resources management program. This document assists DLA installations in meeting mission requirements by ensuring that natural resources are identified and properly managed in accordance with all legal requirements.

**NOTE:** The Integrated Cultural Resources Management Plan (ICRMP) is the tool that implements the installation cultural resource management program. This document assists installations in meeting mission requirements by ensuring installation activities address cultural resources management and associated legal requirements.

2. <u>APPLICABIILTY</u>. This DLA Instruction applies to Headquarters (HQ) DLA and DLA Primary Level Field Activities (PLFA) as well as DLA contractors tasked with carrying out natural and/or cultural resource management activities at DLA sites.

## 3. POLICY.

a. The DLA policy is to support the national defense mission by conserving, and restoring where necessary, the natural and cultural heritage represented on DLA-controlled lands within the U.S., to integrate natural and cultural resources preservation requirements with the planning and management of installations under DLA control; and comply with applicable laws, Executive Orders (EO), and regulations to encourage practical, economically feasible rehabilitation and adaptive use of these resources.

b. DLA will integrate natural and cultural resource management requirements with the planning and management of installations under DLA control. There must be a conscious and active concern for the value of natural and cultural resources, and assessments must be conducted

#### 4. **RESPONSIBILITIES.**

a. Each DLA installation with natural and/or cultural resources will maintain an INRMP and/or ICRMP as required. Internal natural and cultural resources self assessments must be conducted at least annually and external assessments at least once every 3 years at installations that require an INRMP and/or ICRMP. Every 5 years the INRMP and/or ICRMP is reviewed and pencil entries from annual and external reviews are incorporated.

b. The installation is responsible for adherence with their INRMP / ICRMP.

c. The installation decides who will conduct the assessment of natural and/or cultural resources.

d. Installations are responsible to identify funding requirements and adequately resource their INRMP / ICRMP

e. The U.S. Fish and Wildlife Service approves the INRMP

f. The State Historic Preservation Officer (SHPO) has final authority of the ICRMP.

g. The DLA Staff Entomologist technically approves revisions to the INRMP / ICRMP.

h. Upon the assignment of a new DLA Staff Entomologist, DLA will send appointment letters to the AFPMB appointing the DLA Staff Entomologist as the DLA Pest Management Consultant and the DLA Certifying Official per DODI 4150.7.

**Note:** See <u>Enclosure 2</u>, Natural Resources Procedures, and <u>Enclosure 3</u>, Cultural Resources Procedures, for more information on the scope of these responsibilities.

5. <u>PROCEDURES</u>. Refer to <u>Enclosure 2</u> and <u>Enclosure 3</u>. Additional information is located at <u>Enclosure 4</u>.

### 6. EFFECTIVE DATE. September 30, 2003

Director, DLA Enterprise Support

4 Enclosures:

- 1. References
- 2. Procedures for Natural Resources
- 3. Procedures for Cultural Resources
- 4. Additional Information

## Enclosure 1 References

1. Natural Resources

a. Sikes Act (16 United States Code (USC) sections 670 a - o) Amended November 18, 1997 (Sikes Act Improvement Act of 1997) <u>http://www.access.gpo.gov/uscode/uscmain.html</u> <u>http://www4.law.cornell.edu/uscode/16/670.html</u>.

b. National Environmental Policy Act (42 USC sections 4321 – 4370b) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/42/4321.html</u>.

c. Federal Water Pollution Control Act (Clean Water Act) (33 USC sections 1251 - 1387) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/33/1251.html</u>.

d. Rivers and Harbors Act (33 USC sections 401 - 466n) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/33/401.html</u>.

e. Wild and Scenic Rivers Act (16 USC sections 1271 - 1287) http://www.access.gpo.gov/uscode/uscmain.html. http://www4.law.cornell.edu/uscode/16/1271.html.

f. Flood Control Act (16 USC Section 460d) http://www.access.gpo.gov/uscode/uscmain.html. http://www4.law.cornell.edu/uscode/16/460d.html.

g. Watershed Protection and Flood Prevention Act (16 USC sections 1001 - 1012) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/16/1001.html</u>.

h. Emergency Wetlands Resources Act of 1986 (16 USC Section 3901) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/16/3901.html</u>.

i. North American Wetland Conservation Act (16 USC Section 4401) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/16/4401.html</u>.

j. Estuary Protection Act (16 USC Section 1221) http://www.access.gpo.gov/uscode/uscmain.html. http://www4.law.cornell.edu/uscode/16/1221.html.

k. Shore Protection Act (33 USC Section 2601) http://www.access.gpo.gov/uscode/uscmain.html. http://www4.law.cornell.edu/uscode/33/2601.html. l. Coastal Zone Management Act (16 USC sections 1451 - 1464) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/33/2601.html</u>.

m. Coastal Barrier Resources Act (16 USC sections 3501 - 3510) <u>http://www.access.gpo.gov/uscode/uscmain.html.</u> <u>http://www4.law.cornell.edu/uscode/16/3501.html</u>.

n. Marine Protection, Research, and Sanctuaries Act (Ocean Dumping Act, 33 USC sections 1401-1445) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/33/1401.html</u>.

o. Marine Mammal Protection Act (16 USC sections 1361 - 1407) http://www.access.gpo.gov/uscode/uscmain.html. http://www4.law.cornell.edu/uscode/16/1361.html.

p. Endangered Species Act (16 USC sections 1531 - 1547) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/16/1531.html</u>.

q. Fish and Wildlife Coordination Act (16 USC sections 661 - 666c) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/16/661.html</u>.

r. Fish and Wildlife Conservation Act of 1980 (16 USC Section 2901 - 2912) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/16/2901.html</u>.

s. Anadromous Fish Conservation Act (16 USC Section 757a – 757f) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/16/757.html</u>.

t. Bald Eagle and Golden Eagle Protection Act (16 USC Section 668) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/16/668.html</u>.

u. Migratory Bird Treaty Act (16 USC Section 703 - 711) <u>http://www.access.gpo.gov/uscode/uscmain.html.</u> <u>http://www4.law.cornell.edu/uscode/16/703.html</u>.

v. Engle Act (10 USC Section 2671) (32 CFR Part 190) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/10/2671.html</u>. <u>http://www.access.gpo.gov/nara/cfr/waisidx\_02/32cfr190\_02.html</u>. <u>http://lula.law.cornell.edu/cfr/cfr.php?title=32&type=part&value=190</u>.

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y. Federal Noxious Weed Act of 1974 (7 U.S..C sections 2801 - 2814) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/7/2814.html</u>.

z. Food Security Act of 1985 (16 USC Section 3801 - 3862) http://www.access.gpo.gov/uscode/uscmain.html. http://www4.law.cornell.edu/uscode/16/ch58.html.

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bb. Timber Sales on Military Lands (10 USC Section 2665) <u>http://www.access.gpo.gov/uscode/uscmain.html</u>. <u>http://www4.law.cornell.edu/uscode/10/2665.html</u>.

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https://www.denix.osd.mil/denix/Public/Legislation/EO/note77.html.

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uu. EO 11514, Protection and Enhancement of Environmental Quality, March 5, 1970 (amended by EO 11991, May 24, 1977) (EO No. 11,514, 35 Fed. Reg. 4247 [1970]) <u>http://www.archives.gov/federal\_register/codification/executive\_order/11514.html</u>. <u>https://www.denix.osd.mil/denix/Public/Legislation/EO/note1.html</u>.

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zz. DODD 4715.1, Environmental Security.

aaa. DODI 4715.3, Environmental Conservation Program, 3 May 1996.

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ddd. DODI 4715.7, Environmental Restoration Program, 22 April 1996.

eee. DODI 4715.9, Environmental Planning and Analysis, 3 May 1996.

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jjj. Outdoor Recreation on Federal Lands (16 USC Section 4601)

kkk. National Recreational Trails Act (16 USC sections 1261 - 1301)

Ill. Outleasing for Grazing and Agriculture on Military Lands (10 USC Section 2667[d])

2. Cultural Resources

a. National Historic Preservation Act (NHPA) (16 United States Code [U.S.C.] sections 470) (http://www4.law.cornell.edu/uscode/16/470-1.html).

b. National Register of Historic Places (Section 36 Code of Federal Regulations (CFR) Part 60, i.e., 36 CFR Part 60) (http://www.gpo.gov/nara/cfr/cfr-table-search.html#page1).

c. National Environmental Policy Act (42 U.S.C. sections 4321 - 4370b).

d. Curation of Federally Owned and Administered Archeological Collections (36 CFR Part 79).

e. Native American Graves Protection and Repatriation Act (25 U.S.C. sections 3001, 3001 note, 3002 - 3013) (www.denix.osd.mil).

f. American Indian Religious Freedom Act (42 U.S.C. Section 1996).

g. Archeological Resources Protection Act of 1979 (16 U.S.C. sections 470aa - 470ll) (www.denix.osd.mil).

h. Antiquities Act of 1906 (16 U.S.C. sections 431 – 433).

i. Revised Regulations Implementing Section 106 of the NHPA (36 CFR Part 800) (www.denix.osd.mil).

j. Executive Order (EO) 11593, Protection and Enhancement of the Cultural Environment (EO No. 11,593, 36 Fed. Reg. 8921 [1971]).

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m. EO 13175, Consultation and Coordination with Indian Tribal Governments (EO No. 13,175, 65 Fed. Reg. 67249 [2000]).

n. White House Memorandum, 29 April 1994, Government to Government Relations with Native American Tribal Governments.

o. DODD 4710.1, Archaeological and Historic Resources Management, 21 June 1984.

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r. ACHP Advisory Guidelines Implementing Executive Order 13287, "Preserve America". Section 3: Reporting Progress on the Identification, Protection, and Use of Federal Historic Properties, August 2007..

## Enclosure 2 Procedures for Natural Resources

1. The installation determines if an Integrated Natural Resources Management Plan is required.

2. The installation decides who will conduct the inventory of natural resources.

3. The installation may conduct the inventory of natural resources in-house.

4. The installation may request another Government agency to perform the inventory. The installation may seek aid from the U.S. Army Corps of Engineers, U.S. Army Environmental Center, Air Force Center for Environmental Excellence (AFCEE) and cooperating federal, state, and local agencies. The U.S. Forest Service and the U.S. Fish and Wildlife Service have performed natural resources inventories in the past.

5. The installation may hire a private contractor to perform the inventory of natural resources.

6. The organization chosen will then conduct the natural resources inventory.

7. The performing organization conducts a Planning Level Survey or Inventory of Biological and Earth Resources, which is an inventory of "sensitive and significant resources" that must be identified to integrate legal and stewardship requirements with Military requirements so that defense preparedness is maintained.

8. The inventory must cover biologically or geographically significant or sensitive natural resources (e.g., wetlands, forests, floodplains, watersheds, estuaries, riparian areas, coastal barrier islands, marine sanctuaries, critical habitats, animal migration corridors) or species (e.g., threatened or endangered species, certain marine mammals, and migratory birds).

9. The performing organization submits a report that includes a recommendation regarding the necessity for an INRMP.

a. It is recommended that the performing organization consult with the U.S. Army Environmental Center.

b. The performing organization submits the report to the installation and DES-E.

10. DES-E reviews the report and recommendation.

11. DES-E and the installation resolve differences, if any, regarding the report's recommendation (i.e., whether an INRMP is required or not required).

12. DES-E makes a final determination as to whether an INRMP is required.

13. If an INRMP is not required no further action is needed.

14. If an INRMP is required, the installation decides who will write it.

a. The installation may prepare the INRMP in-house.

b. The installation may request another Government agency to prepare the INRMP. The installation may seek aid from the U.S. Army Corps of Engineers, the U.S. Army Environmental Center, Air Force Center for Environmental Excellence (AFCEE) and cooperating federal, state, and local agencies. The U.S. Forest Service and the U.S. Fish and Wildlife Service have written INRMPs in the past.

c. The installation may hire a private contractor to write the INRMP.

15. The performing organization writes the INRMP, following the guidance in this DLA Instruction.

16. The performing organization submits the INRMP to the installation and DES-E for review.

17. The installation gives the public, to include state agencies, an opportunity to comment on the INRMP prior to its completion.

18. The U.S. Fish and Wildlife Service approves the INRMP.

19. The installation implements the INRMP.

20. Installations that require an INRMP assess their natural resources management program at least once every 5 years.

21. The assessment must be conducted by natural resources management professionals.

22. Installations revise INRMP to reflect changes.

23. Installations conduct annual meeting with collaborators to determine "pencil entry" changes to INRMP. Collaborators may be: installation personnel, DES-E, or contractors as appropriate.

24. Minutes of annual meeting are sent to DES-E for archiving.

25. Installation implements "pencil entry" changes.

26. Installations conduct revision of INRMP on a 5 year basis to incorporate "pencil entry" changes and to make significant changes to INRMP, such as initiation of a new Biological Opinion.

27. Installation completes 5-year INRMP with signatures from all agencies; sends a copy to DES-E.

28. DES-E assists the PLFA with special issues on a case-by-case basis.

## Enclosure 3 Procedures for Cultural Resources

1. Each installation decides who will conduct the inventory of cultural resources.

a. The U.S. Forest Service has the capability and has performed inventories of cultural resources in the past.

b. The organization chosen (e.g., contractor or Government agency) conducts the inventory and provides a cultural resources inventory report that recommends whether an ICRMP is or is not required.

c. The cultural resources inventory of historic buildings must include, at a minimum, the identification and preliminary assessment of all historic buildings and structures eligible for the National

d. Register of Historic Places. Objects, districts, and landscapes covered by the National Register of Historic Places should also be included.

e. The cultural resources inventory of archeological resources should include, at a minimum, the analysis, identification, and prioritization of all potential archeological locations on the installation and verification of the presence or absence of archeological resources in all areas that might be adversely impacted by Military activities.

2. The organization chosen (e.g., contractor or Government agency) conducts the inventory and provides a cultural resources inventory report that recommends whether an ICRMP is or is not required.

3. The installation submits the cultural resources inventory report to the SHPO.

4. The SHPO reviews the cultural resources inventory report and either endorses or non-concurs with the report's recommendation (i.e., ICRMP required or not required).

5. If the cultural resources inventory report recommends that an ICRMP is not required, and the SHPO and DES-E concur, no further action is required.

6. If the SHPO does not concur with the cultural resources inventory report recommendation, the SHPO sends a letter to HQ DLA citing specific reasons for the non-concurrence. The DLA Staff Entomologist (located within DES-E) and the installation resolve differences, if any, with the SHPO regarding whether an ICRMP is required or not required.

7. The installation arranges a meeting with DES-E and the SHPO. The three entities reconcile various points of view until they agree on what the recommendation regarding the requirement for an ICRMP should be.

8. The DLA Staff Entomologist reviews the SHPO's final written response to the cultural resources inventory report.

9. The DLA Staff Entomologist forwards the letter and report to the respective installation with a cover memorandum endorsing the required action.

10. The installation prepares an ICRMP if recommended by the cultural resources inventory report, the SHPO, and the DLA Staff Entomologist.

11. The installation provides a copy of the ICRMP to the DLA Staff Entomologist.

12. The installation implements the approved ICRMP.

13. The installation reviews the ICRMP annually and revises the ICRMP at least once every five years.

14. The DLA Staff Entomologist technically approves the revised ICRMP.

15. Installations are responsible to identify and appropriate funding needed to support their Cultural Resource Conservation Program.

16. DES-E assists the PLFA with special issues on a case-by-case basis.

#### Enclosure 4 Additional Information

1. This DLA Instruction is authorized under sub-paragraph E2.1.1.16. of Enclosure 2 to Department of Defense (DOD) Directive (DODD) 5105.22, Defense Logistics Agency (DLA).

2. This DLA Instruction supersedes DLA Regulation 4710.9, Archeological and Historic Resources Management.

3. Proper management of natural resources in compliance with appropriate laws, executive orders (EO), and regulations ensures the uninterrupted operation of DLA installations, which in turn supports the focus on RIGHT ITEM, RIGHT SERVICE, RIGHT PLACE, RIGHT PRICE, RIGHT TIME...EVERY TIME. Improper management of natural resources could result in civil or criminal penalties, curtailment of DLA operations by state and federal regulatory agencies, and the destruction of our natural heritage. It could also antagonize local communities and organizations.

4. The typical outputs of an installation's natural resources program are:

a. Conservation data calls to the PLFA twice per year (covered in a separate Environmental Reporting chapter).

b. Reports and briefings to DOD, Congress, Inspector General, DLA management, and the public.

c. Natural resources inventories.

d. INRMPs

e. Other plans (e.g., Landscape Management Plan, Exotic/Invasive Species Management Plan), as applicable.

5. Personnel involved in natural resources management should have basic knowledge of natural resources and the associated laws, regulations, and policies, and complete the ISEERB course entitled: Natural Resources Compliance.

6. Proper management of cultural resources in compliance with appropriate laws, executive orders, and regulations ensures the uninterrupted operation of DLA installations, which in turn supports the focus on RIGHT ITEM, RIGHT SERVICE, RIGHT PLACE, RIGHT PRICE, RIGHT TIME...EVERY TIME. Improper management of cultural resources could result in civil or criminal penalties, curtailment of DLA operations by state and federal regulatory agencies, and the destruction of our cultural heritage. It could also antagonize local communities and various religious and ethnic groups.

7. The cultural resources program goal is to identify and protect identified sites and structures through a comprehensive program that complies with legally mandated requirements and results in sound and responsible stewardship without affecting the DLA mission. The typical outputs of an installation's cultural resources program are:

a. Historic preservation plan that identifies the likelihood of the presence of significant archeological sites and historic properties and contains an inventory and evaluation of all known archeological sites and historic properties.

b. Conservation data calls to the PLFAs twice per year (covered in a separate Environmental Reporting chapter).

c. Reports and briefings to DOD, Congress, Inspector General, DLA management, and the public.

d. Cultural resource inventories.

e. ICRMPs.