S. 1363

To amend the Sikes Act to enhance fish and wildlife conservation and natural resources management programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

November 4, 1997

Mr. Chafee introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Sikes Act to enhance fish and wildlife conservation and natural resources management programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sikes Act Improvement Act of 1997”.

SEC. 2. DEFINITION OF SIKES ACT FOR PURPOSES OF AMENDMENTS.

In this Act, the term “Sikes Act” means the Act entitled “An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game
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conservation and rehabilitation in military reservations”,
approved September 15, 1960 (16 U.S.C. 670a et seq.),
commonly referred to as the “Sikes Act”.

SEC. 3. CODIFICATION OF SHORT TITLE OF ACT.

The Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting before title I the following new section:

“SECTION 1. SHORT TITLE.

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

SEC. 4. PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.

(a) In General.—Section 101 of the Sikes Act (16 U.S.C. 670a(a)) is amended by striking out subsection (a) and inserting in lieu thereof the following new subsection:

“(a) Authority of Secretary of Defense.—

“(1) Program.—

“(A) In General.—The Secretary of Defense shall carry out a program to provide for the conservation and rehabilitation of natural resources on military installations.

“(B) Integrated natural resources management plan.—To facilitate the program, the Secretary of each military department shall prepare and implement an integrated natural resources management plan for each military installation in the United States
under the jurisdiction of the Secretary, unless the Secretary determines that the absence of significant natural resources on a particular installation makes preparation of such a plan inappropriate.

“(2) COOPERATIVE PREPARATION.—The Secretary of a military department shall prepare each integrated natural resources management plan for which the Secretary is responsible in cooperation with the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, and the head of each appropriate State fish and wildlife agency for the State in which the military installation concerned is located. Consistent with paragraph (4), the resulting plan for the military installation shall reflect the mutual agreement of the parties concerning conservation, protection, and management of fish and wildlife resources.

“(3) PURPOSES OF PROGRAM.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, the Secretaries of the military departments shall carry out the program required by this subsection to provide for—

“(A) the conservation and rehabilitation of natural resources on military installations;
“(B) the sustainable multipurpose use of the resources, which shall include hunting, fishing, trapping, and nonconsumptive uses; and

“(C) subject to safety requirements and military security, public access to military installations to facilitate the use.

“(4) EFFECT ON OTHER LAW.—Nothing in this title—

“(A)(i) affects any provision of a Federal law governing the conservation or protection of fish and wildlife resources; or

“(ii) enlarges or diminishes the responsibility and authority of any State for the protection and management of fish and resident wildlife; or

“(B) except as specifically provided in the other provisions of this section and in section 102, authorizes the Secretary of a military department to require a Federal license or permit to hunt, fish, or trap on a military installation.”.

(b) CONFORMING AMENDMENTS.—Title I of the Sikes Act is amended—

(1) in section 101(b)(4) (16 U.S.C. 670a(b)(4)), by striking out “cooperative plan” each
place it appears and inserting in lieu thereof “integrated natural resources management plan”;

(2) in section 101(c) (16 U.S.C. 670a(c)), in the matter preceding paragraph (1), by striking out “a cooperative plan” and inserting in lieu thereof “an integrated natural resources management plan”;

(3) in section 101(d) (16 U.S.C. 670a(d)), in the matter preceding paragraph (1), by striking out “cooperative plans” and inserting in lieu thereof “integrated natural resources management plans”;

(4) in section 101(e) (16 U.S.C. 670a(e)), by striking out “Cooperative plans” and inserting in lieu thereof “Integrated natural resources management plans”;

(5) in section 102 (16 U.S.C. 670b), by striking out “a cooperative plan” and inserting in lieu thereof “an integrated natural resources management plan”;

(6) in section 103 (16 U.S.C. 670c), by striking out “a cooperative plan” and inserting in lieu thereof “an integrated natural resources management plan”;

(7) in section 106(a) (16 U.S.C. 670f(a)), by striking out “cooperative plans” and inserting in lieu
thereof “integrated natural resources management plans”; and

(8) in section 106(c) (16 U.S.C. 670f(c)), by striking out “cooperative plans” and inserting in lieu thereof “integrated natural resources management plans”.

(c) REQUIRED ELEMENTS OF PLANS.—Section 101(b) of the Sikes Act (16 U.S.C. 670a(b)) is amended—

(1) by striking out “(b) Each cooperative” and all that follows through the end of paragraph (1) and inserting in lieu thereof the following:

“(b) REQUIRED ELEMENTS OF PLANS.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, each integrated natural resources management plan prepared under subsection (a)—

“(1) shall, to the extent appropriate and applicable, provide for—

“(A) fish and wildlife management, land management, forest management, and fish- and wildlife-oriented recreation;

“(B) fish and wildlife habitat enhancement or modifications;
“(C) wetland protection, enhancement, and restoration, where necessary for support of fish, wildlife, or plants;

“(D) integration of, and consistency among, the various activities conducted under the plan;

“(E) establishment of specific natural resource management goals and objectives and time frames for proposed action;

“(F) sustainable use by the public of natural resources to the extent that the use is not inconsistent with the needs of fish and wildlife resources;

“(G) public access to the military installation that is necessary or appropriate for the use described in subparagraph (F), subject to requirements necessary to ensure safety and military security;

“(H) enforcement of applicable natural resource laws (including regulations);

“(I) no net loss in the capability of military installation lands to support the military mission of the installation; and
“(J) such other activities as the Secretary of the military department determines appropriate;”;

(2) in paragraph (2), by adding “and” at the end;

(3) by striking out paragraph (3);

(4) by redesignating paragraph (4) as paragraph (3); and

(5) in paragraph (3)(A) (as so redesignated), by striking out “collect the fees therefor,” and inserting in lieu thereof “collect, spend, administer, and account for fees for the permits,”.

SEC. 5. REVIEW FOR PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.

(a) DEFINITIONS.—In this section, the terms “military installation” and “United States” have the meanings provided in section 100 of the Sikes Act (as added by section 11).

(b) REVIEW OF MILITARY INSTALLATIONS.—

(1) REVIEW.—Not later than 270 days after the date of enactment of this Act, the Secretary of each military department shall—

(A) review each military installation in the United States that is under the jurisdiction of that Secretary to determine the military instal-
lations for which the preparation of an integrated natural resources 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 the determinations.

(2) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the reviews conducted under paragraph (1). The report shall include—

(A) a list of the military installations reviewed under paragraph (1) for which the Secretary of the appropriate military department determines that 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 each reason such a plan is not appropriate.

(c) DEADLINE FOR INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—Not later than three years after the date of the submission of the report required under subsection (b)(2), the Secretary of each military department shall, for each military installation with
respect to which the Secretary has not determined under subsection (b)(2)(A) that preparation of an integrated natural resources management plan is not appropriate—

(1) prepare and begin implementing such a plan in accordance with 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 enactment of this Act, complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to the plan that are necessary for the plan to constitute an integrated natural resources management plan that complies with that section, as amended by this Act.

(d) PUBLIC COMMENT.—The Secretary of each military department shall provide an opportunity for the submission of public comments on—

(1) integrated natural resources management plans proposed under subsection (c)(1); and

(2) changes to cooperative plans proposed under subsection (c)(2).
SEC. 6. TRANSFER OF WILDLIFE CONSERVATION FEES FROM CLOSED MILITARY INSTALLATIONS.

Section 101(b)(3)(B) of the Sikes Act (16 U.S.C. 670a(b)) (as redesignated by section 4(c)(4)) is amended by inserting before the period at the end the following:

“, unless the military installation is subsequently closed, in which case the fees may be transferred to another military installation to be used for the same purposes”.

SEC. 7. ANNUAL REVIEWS AND REPORTS.

Section 101 of the Sikes Act (16 U.S.C. 670a) is amended by adding at the end the following new subsection:

“(f) REVIEWS AND REPORTS.—

“(1) SECRETARY OF DEFENSE.—Not later than March 1 of each year, the Secretary of Defense shall review the extent to which integrated natural resources management plans were prepared or were in effect and implemented in accordance with this title in the preceding year, and submit a report on the findings of the review to the committees. Each report shall include—

“(A) the number of integrated natural resources 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 amounts expended on conservation activities conducted pursuant to the plans in the year covered by the report; and

“(C) an assessment of the extent to which the plans comply with this title.

“(2) SECRETARY OF THE INTERIOR.—Not later than March 1 of each year and in consultation with the heads of State fish and wildlife agencies, the Secretary of the Interior shall submit a report to the committees on the amounts expended by the Department of the Interior and the State fish and wildlife agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resources management plans.

“(3) DEFINITION OF COMMITTEES.—In this subsection, the term ‘committees’ means—

“(A) the Committee on Resources and the Committee on National Security of the House of Representatives; and

“(B) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate.”.

SEC. 8. COOPERATIVE AGREEMENTS.

Section 103a of the Sikes Act (16 U.S.C. 670c–1) is amended—
(1) in subsection (a), by striking out “Secretary of Defense” and inserting in lieu thereof “Secretary of a military department”;

(2) by striking out subsection (b) and inserting in lieu thereof the following new subsection:

“(b) Multiyear Agreements.—Funds appropriated to the Department of Defense for a fiscal year may be obligated to cover the cost of goods and services provided under a cooperative agreement entered into under subsection (a) or through an agency agreement under section 1535 of title 31, United States Code, during any 18-month period beginning in that fiscal year, without regard to whether the agreement crosses fiscal years.”.

SEC. 9. FEDERAL ENFORCEMENT.

Title I of the Sikes Act is amended—

(1) by redesignating section 106 (16 U.S.C. 670f) as section 108; and

(2) by inserting after section 105 (16 U.S.C. 670e) the following new section:

“SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.

“All Federal laws relating to the management of natural resources on Federal land may be enforced by the Secretary of Defense with respect to violations of the laws that occur on military installations within the United States.”.
SEC. 10. NATURAL RESOURCES MANAGEMENT SERVICES.

Title I of the Sikes Act is amended by inserting after section 106 (as added by section 9) the following new section:

"SEC. 107. NATURAL RESOURCES MANAGEMENT SERVICES."

"To the extent practicable using available resources, the Secretary of each military department shall ensure that sufficient numbers of professionally trained natural resources management personnel and natural resources law enforcement personnel are available and assigned responsibility to perform tasks necessary to carry out this title, including the preparation and implementation of integrated natural resources management plans.".

SEC. 11. DEFINITIONS.

Title I of the Sikes Act is amended by inserting before section 101 (16 U.S.C. 670a) the following new section:

"SEC. 100. DEFINITIONS.

"In this title:

"(1) 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 Secretary of a military department, except land under the
jurisdiction of the Assistant Secretary of the Army having responsibility for civil works;

“(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 Secretary of a military department; and

“(C) does not include any land described in subparagraph (A) or (B) that is subject to an approved recommendation for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

“(2) STATE FISH AND WILDLIFE AGENCY.—The term ‘State fish and wildlife agency’ means the one or more agencies of State government that are responsible under State law for managing fish or wildlife resources.

“(3) UNITED STATES.—The term ‘United States’ means the States, the District of Columbia, and the territories and possessions of the United States.”.

SEC. 12. REPEAL OF SUPERSEDED PROVISION.

SEC. 13. TECHNICAL AMENDMENTS.

Title I of the Sikes Act, as amended by this Act, is amended—

(1) in the heading for the title, by striking out “MILITARY RESERVATIONS” and inserting in lieu thereof “MILITARY INSTALLATIONS”;

(2) in section 101(b)(3) (16 U.S.C. 670a(b)(3)), as redesignated by section 4(e)(4)—

(A) in subparagraph (A), by striking out “the reservation” and inserting in lieu thereof “the installation”; and

(B) in subparagraph (B), by striking out “the military reservation” and inserting in lieu thereof “the military installation”;

(3) in section 101(c) (16 U.S.C. 670a(c))—

(A) in paragraph (1), by striking out “a military reservation” and inserting in lieu thereof “a military installation”; and

(B) in paragraph (2), by striking out “the reservation” and inserting in lieu thereof “the installation”;

(5) in section 102 (16 U.S.C. 670b), by striking out “military reservations” and inserting in lieu thereof “military installations”; and

(6) in section 103 (16 U.S.C. 670c)—

(A) by striking out “military reservations” and inserting in lieu thereof “military installations”; and

(B) by striking out “such reservations” and inserting in lieu thereof “the installations”.

SEC. 14. AUTHORIZATIONS OF APPROPRIATIONS.

(a) CONSERVATION PROGRAMS ON MILITARY INSTALLATIONS.—Subsections (b) and (c) of section 108 of the Sikes Act (as redesignated by section 9(1)) are each amended by striking out “1983” and all that follows through “1993,” and inserting in lieu thereof “1998 through 2003,”.

(b) CONSERVATION PROGRAMS ON PUBLIC LANDS.—Section 209 of the Sikes Act (16 U.S.C. 670o) is amended—

(1) in subsection (a), by striking out “the sum of $10,000,000” and all that follows through “to enable the Secretary of the Interior” and inserting in lieu thereof “$4,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of the Interior”; and
(2) in subsection (b), by striking out “the sum of $12,000,000” and all that follows through “to enable the Secretary of Agriculture” and inserting in lieu thereof “$5,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of Agriculture”. 