

2011—Pars. (2) to (5). Pub. L. 112–81 added pars. (2) and (3) and redesignated former pars. (2) and (3) as (4) and (5), respectively.

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105–85, div. B, title XXIX, §2901, Nov. 18, 1997, 111 Stat. 2016, provided that: “This title [enacting this section and sections 670e–1 and 670e–2 of this title, amending sections 670a, 670b, 670c, 670c–1, 670f, and 670o of this title, repealing section 670a–1 of this title, and enacting provisions set out as notes under this section and section 670a of this title] may be cited as the ‘Sikes Act Improvement Act of 1997.’”

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95–420, §1, Oct. 5, 1978, 92 Stat. 921, provided: “That this Act [amending sections 670f and 670o of this title] may be cited as the ‘Sikes Act Amendments of 1978.’”

SHORT TITLE

Pub. L. 86–797, §1, as added by Pub. L. 105–85, div. B, title XXIX, §2903, Nov. 18, 1997, 111 Stat. 2016, provided that: “This Act [enacting this chapter] may be cited as the ‘Sikes Act.’”

§ 670a. Cooperative plan for conservation and rehabilitation

(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

(i) 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.

(ii) The Secretary of a military department may, subject to the availability of appropriations, develop and implement an integrated natural resources management plan for a State-owned National Guard installation. Such a plan shall be developed and implemented in coordination with the chief executive officer of the State in which the State-owned National Guard installation is located. Such a plan is deemed, for purposes of any other provision of law, to be for lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use.

(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 or State-owned National Guard installation concerned is located. Consistent with paragraph (4), the resulting plan for the military installation or State-owned National Guard installation shall reflect the mutual agreement of the parties concerning conservation, protection, and management of fish and wildlife resources.

(3) Purposes of program

(A) Consistent with the use of military installations and State-owned National Guard 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—

(i) the conservation and rehabilitation of natural resources on such installations;

(ii) the sustainable multipurpose use of the resources on such installations, which shall include hunting, fishing, trapping, and non-consumptive uses; and

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

(B) In the case of a State-owned National Guard installation, such program shall be carried out in coordination with the chief executive officer of the State in which the installation is located.

(4) Effect on other law

Nothing in this subchapter—

(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 670b of this title, authorizes the Secretary of a military department to require a Federal license or permit to hunt, fish, or trap on a military installation.

(b) Required elements of plans

Consistent with the use of military installations and State-owned National Guard 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 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 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) must be reviewed as to operation and effect by the parties thereto on a regular basis, but not less often than every 5 years; and

(3) may, in the case of a military installation, stipulate the issuance of special State hunting and fishing permits to individuals and require payment of nominal fees therefor, which fees shall be utilized for the protection, conservation, and management of fish and wildlife, including habitat improvement and related activities in accordance with the integrated natural resources management plan; except that—

(A) the Commanding Officer of the installation or persons designated by that Officer are authorized to enforce such special hunting and fishing permits and to collect, spend, administer, and account for fees for the permits, acting as agent or agents for the State if the integrated natural resources management plan so provides, and

(B) the fees collected under this paragraph may not be expended with respect to other than the military installation on which collected, 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.

(c) Prohibitions on sale and lease of lands unless effects compatible with plan

After an integrated natural resources management plan is agreed to under subsection (a)—

(1) no sale of land, or forest products from land, that is within a military installation covered by that plan may be made under section 2665(a) or (b) of title 10; and

(2) no leasing of land that is within the installation may be made under section 2667 of such title 10;

unless the effects of that sale or leasing are compatible with the purposes of the plan.

(d) Implementation and enforcement of integrated natural resources management plans

With regard to the implementation and enforcement of integrated natural resources management plans agreed to under subsection (a)—

(1) neither Office of Management and Budget Circular A-76 nor any successor circular thereto applies to the procurement of services that are necessary for that implementation and enforcement; and

(2) priority shall be given to the entering into of contracts for the procurement of such implementation and enforcement services with Federal and State agencies having responsibility for the conservation or management of fish or wildlife.

(e) Applicability of other laws

Integrated natural resources management plans agreed to under the authority of this section and section 670b of this title shall not be deemed to be, nor treated as, cooperative agreements to which chapter 63 of title 31 applies.

(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 subchapter 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 subchapter.

(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) “Committees” defined

In this subsection, the term “committees” means—

(A) the Committee on Resources and the Committee on Armed Services of the House of Representatives; and

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

(g) Pilot program for invasive species management for military installations in Guam

(1) Inclusion of invasive species management

During fiscal years 2009 through 2014, the Secretary of Defense shall, to the extent practicable and conducive to military readiness, incorporate in integrated natural resources management plans for military installations in Guam the management, control, and eradication of invasive species—

(A) that are not native to the ecosystem of the military installation; and

(B) the introduction of which cause or may cause harm to military readiness, the environment, or human health and safety.

(2) Consultation

The Secretary of Defense shall carry out this subsection in consultation with the Secretary of the Interior.

(Pub. L. 86-797, title I, §101, formerly §1, Sept. 15, 1960, 74 Stat. 1052; renumbered title I, §101,

and amended Pub. L. 93-452, §§ 1(1), 3(1), (2), Oct. 18, 1974, 88 Stat. 1369, 1375; Pub. L. 97-396, § 1, Dec. 31, 1982, 96 Stat. 2005; Pub. L. 99-561, § 3(a)(1), Oct. 27, 1986, 100 Stat. 3150; Pub. L. 105-85, div. B, title XXIX, §§ 2904(a)-(b)(4), (c), 2906, 2907, 2913(2)-(4), Nov. 18, 1997, 111 Stat. 2017, 2018, 2020, 2022; Pub. L. 106-65, div. A, title X, § 1067(19), Oct. 5, 1999, 113 Stat. 775; Pub. L. 108-136, div. A, title III, § 311(c)(1), Nov. 24, 2003, 117 Stat. 1429; Pub. L. 111-84, div. A, title III, § 314, Oct. 28, 2009, 123 Stat. 2248; Pub. L. 112-81, div. A, title III, § 312(a)(2), (b)(1), Dec. 31, 2011, 125 Stat. 1352, 1353.)

AMENDMENTS

2011—Pub. L. 112-81, § 312(b)(1)(A), (B), inserted section catchline.

Subsec. (a)(1)(B). Pub. L. 112-81, § 312(a)(2)(A), designated existing provisions as cl. (i) and added cl. (ii).

Subsec. (a)(2). Pub. L. 112-81, § 312(a)(2)(B), inserted “or State-owned National Guard installation” after “military installation” in two places.

Subsec. (a)(3)(A). Pub. L. 112-81, § 312(a)(2)(C)(i)-(v), designated introductory provisions as subpar. (A), redesignated former subpars. (A), (B), and (C) as cls. (i), (ii), and (iii), respectively, inserted “and State-owned National Guard installations” after “Consistent with the use of military installations”, substituted “such installations” for “military installations” in cl. (i), and inserted “on such installations” after “resources” in cl. (ii).

Subsec. (a)(3)(B). Pub. L. 112-81, § 312(a)(2)(C)(vi), added subpar. (B).

Subsec. (b). Pub. L. 112-81, § 312(a)(2)(D), inserted “and State-owned National Guard installations” after “military installations” in introductory provisions.

Subsec. (b)(1)(G), (I). Pub. L. 112-81, § 312(a)(2)(E), substituted “installation” for “military installation”.

Subsec. (b)(3). Pub. L. 112-81, § 312(a)(2)(F), inserted “, in the case of a military installation,” after “(3) may”.

Subsec. (c). Pub. L. 112-81, § 312(b)(1)(C), inserted heading.

Subsec. (d). Pub. L. 112-81, § 312(b)(1)(D), inserted heading.

Subsec. (e). Pub. L. 112-81, § 312(b)(1)(E)(ii), which directed insertion of a comma after “Code”, could not be executed because the word “Code” did not appear.

Pub. L. 112-81, § 312(b)(1)(E)(i), inserted heading.

2009—Subsec. (g)(1). Pub. L. 111-84 substituted “fiscal years 2009 through 2014” for “fiscal years 2004 through 2008” in introductory provisions.

2003—Subsec. (g). Pub. L. 108-136 added subsec. (g).

1999—Subsec. (f)(3)(A). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

1997—Subsec. (a). Pub. L. 105-85, § 2904(a), added subsec. (a) and struck out former subsec. (a) which read as follows: “The Secretary of Defense is authorized to carry out a program of planning for, and the development, maintenance, and coordination of, wildlife, fish, and game conservation and rehabilitation in each military reservation in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior, and the appropriate State agency designated by the State in which the reservation is located.”

Subsec. (b). Pub. L. 105-85, § 2904(c)(1), inserted heading and substituted, in introductory provisions, “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)—” for “Each cooperative plan entered into under subsection (a)—”.

Subsec. (b)(1). Pub. L. 105-85, § 2904(c)(1), added par. (1) and struck out former par. (1) which read as follows: “shall provide for—

“(A) fish and wildlife habitat improvements or modifications,

“(B) range rehabilitation where necessary for support of wildlife,

“(C) control of off-road vehicle traffic, and

“(D) specific habitat improvement projects and related activities and adequate protection for species of fish, wildlife, and plants considered threatened or endangered;”.

Subsec. (b)(2). Pub. L. 105-85, § 2904(c)(2), inserted “and” at end.

Subsec. (b)(3). Pub. L. 105-85, § 2904(c)(3), (4), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: “shall, if a multiuse natural resources management plan is applicable to the military reservation, be treated as the exclusive component of that management plan with respect to wildlife, fish, and game conservation and rehabilitation; and”.

Subsec. (b)(3)(A). Pub. L. 105-85, § 2913(2)(A), substituted “the installation” for “the reservation”.

Pub. L. 105-85, § 2904(c)(5), substituted “collect, spend, administer, and account for fees for the permits,” for “collect the fees therefor,”.

Subsec. (b)(3)(B). Pub. L. 105-85, § 2912(2)(B), substituted “the military installation on” for “the military reservation on”.

Pub. L. 105-85, § 2906, inserted before period at end “, 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”.

Subsec. (b)(4). Pub. L. 105-85, § 2904(c)(4), redesignated par. (4) as (3).

Pub. L. 105-85, § 2904(b)(1), substituted “integrated natural resources management plan” for “cooperative plan” in introductory provisions and in subpar. (A).

Subsec. (c). Pub. L. 105-85, § 2904(b)(2), substituted “an integrated natural resources management plan” for “a cooperative plan” in introductory provisions.

Subsec. (c)(1). Pub. L. 105-85, § 2913(3)(A), substituted “a military installation” for “a military reservation”.

Subsec. (c)(2). Pub. L. 105-85, § 2913(3)(B), substituted “the installation” for “the reservation”.

Subsec. (d). Pub. L. 105-85, § 2904(b)(3), substituted “integrated natural resources management plans” for “cooperative plans” in introductory provisions.

Subsec. (e). Pub. L. 105-85, § 2913(4), substituted “chapter 63 of title 31” for “the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.)”.

Pub. L. 105-85, § 2904(b)(4), substituted “Integrated natural resources management plans” for “Cooperative plans”.

Subsec. (f). Pub. L. 105-85, § 2907, added subsec. (f).

1986—Pub. L. 99-561 amended section generally. Prior to amendment, section read as follows: “The Secretary of Defense is hereby authorized to carry out a program of planning, development, maintenance and coordination of wildlife, fish and game conservation and rehabilitation in military reservations in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of Interior and the appropriate State agency designated by the State in which the reservation is located. Such cooperative plan shall provide for (1) fish and wildlife habitat improvements or modifications, (2) range rehabilitation where necessary for support of wildlife, (3) control of off-road vehicle traffic, and (4) specific habitat improvement projects and related activities and adequate protection for species of fish, wildlife, and plants considered threatened or endangered. Such cooperative plan may stipulate the issuance of special State hunting and fishing permits to individuals and require this payment of a nominal fee therefor, which fees shall be utilized for the protection, conservation and management of fish and wildlife, including habitat improvement and related activities in accordance with the cooperative plan: *Provided*, That the Commanding Officer of the reservation or persons designated by him are authorized to enforce such special hunting and fishing permits and to collect the fees therefor, acting as agent or agents for the State if the cooperative plan so provides. Cooperative plans agreed to under the authority of this section

and section 670b of this title shall not be deemed to be, nor treated as, cooperative agreements to which chapter 63 of title 31 applies.”

1982—Pub. L. 97-396, §1(1), added cl. (4).

Pub. L. 97-396, §1(2), inserted provision that cooperative plans agreed to under the authority of this section and section 670b of this title shall not be deemed to be, nor treated as, cooperative agreements to which chapter 63 of title 31 applies.

1974—Pub. L. 93-452, §§1(1), 3(2), inserted provisions requiring the cooperative plan to provide for fish and wildlife habitat improvements, range rehabilitation, and off-road vehicle traffic control.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title III, §311(c)(2), Nov. 24, 2003, 117 Stat. 1429, provided that: “Section 101(g) of the Sikes Act, as added by paragraph (1), [subsec. (g) of this section] shall apply—

“(A) to any integrated natural resources management plan prepared for a military installation in Guam under section 101(a)(1) of such Act on or after the date of the enactment of this Act [Nov. 24, 2003]; and

“(B) effective March 1, 2004, to any integrated natural resources management plan prepared for a military installation in Guam under such section before the date of the enactment of this Act.”

REVIEW FOR PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS

Pub. L. 105-85, div. B, title XXIX, §2905, Nov. 18, 1997, 111 Stat. 2019, provided that:

“(a) DEFINITIONS.—In this section, the terms ‘military installation’ and ‘United States’ have the meanings provided in section 100 of the Sikes Act [16 U.S.C. 670] (as added by section 2911).

“(b) REVIEW OF MILITARY INSTALLATIONS.—

“(1) REVIEW.—Not later than 270 days after the date of enactment of this Act [Nov. 18, 1997], 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 installations for which the preparation of an integrated natural resources management plan under section 101 of the Sikes Act [16 U.S.C. 670a] (as amended by this title) 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 [16 U.S.C. 670a(a)] (as amended by this title); 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 [Nov. 18, 1997], 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 title.

“(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).”

APPLICABILITY OF 1986 AMENDMENTS TO EXISTING CONTRACTS

Pub. L. 99-561, §3(a)(2), Oct. 27, 1986, 100 Stat. 3151, provided that: “Subsection (d)(1) of such section 101 (as added by paragraph (1) [16 U.S.C. 670a(d)(1)]) shall not affect any contract entered into before the date of the enactment of this Act [October 27, 1986] for the provision of services to implement or enforce a cooperative plan under this Act [enacting section 670a-1 of this title and amending this section and sections 670f and 670o of this title and section 2665 of Title 10, Armed Forces] on any military installation; but shall apply to the renewal, after such date of enactment, of any such contract.”

§ 670a-1. Repealed. Pub. L. 105-85, div. B, title XXIX, § 2912, Nov. 18, 1997, 111 Stat. 2022

Section, Pub. L. 99-561, §2, Oct. 27, 1986, 100 Stat. 3149, related to natural resources and fish and wildlife management on military reservations and required report on military expenditures for fish and wildlife management.

§ 670b. Migratory game birds; hunting permits

(a) Integrated natural resources management plan

The Secretary of Defense in cooperation with the Secretary of the Interior and the appropriate State agency is authorized to carry out a program for the conservation, restoration and management of migratory game birds on military installations, including the issuance of special hunting permits and the collection of fees therefor, in accordance with an integrated natural resources management plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior and the appropriate State agency.

(b) Applicability of other laws

Possession of a special permit for hunting migratory game birds issued pursuant to this subchapter shall not relieve the permittee of the requirements of the Migratory Bird Hunting Stamp Act as amended [16 U.S.C. 718 et seq.] nor of the requirements pertaining to State law set forth in Public Law 85-337.

(Pub. L. 86-797, title I, §102, formerly §2, Sept. 15, 1960, 74 Stat. 1053; renumbered title I, §102, and amended Pub. L. 93-452, §3(1), (3), Oct. 18, 1974, 88 Stat. 1375; Pub. L. 105-85, div. B, title XXIX, §§2904(b)(5), 2913(5), Nov. 18, 1997, 111 Stat. 2018, 2022; Pub. L. 112-81, div. A, title III, §312(b)(2), Dec. 31, 2011, 125 Stat. 1353.)

REFERENCES IN TEXT

The Migratory Bird Hunting Stamp Act, referred to in subsec. (b), subsequently renamed the Migratory