

1. How would the BLM and USFS resource management plans, and other requirements for protection of the greater sage-grouse and its habitat, affect military training, operations, or readiness?

We have reviewed relevant portions of the many resource management plans adopted by the Bureau of Land Management (BLM), US Forest Service (USFS), and the states in advance of the U.S. Fish & Wildlife Service's (FWS) decision not to list the greater sage-grouse under the Endangered Species Act (ESA), and do not believe these plans will affect military training, operations, or readiness to any significant degree. Prior to these resource management plan amendments being approved, each military installation with a resident population of greater sage-grouse had considered the bird's habitat and other needs, and voluntarily included appropriate conservation measures in its Sikes Act-required Integrated Natural Resources Management Plan (INRMP). Each of these plans was approved by both the FWS and the relevant state agencies prior to the listing decision, and each remains in effect. We know of no case where greater sage-grouse conservation measures included in an INRMP have prevented an installation from meeting its military mission responsibilities.

2. If the greater sage-grouse were to be listed as threatened or endangered under the ESA, what affect would that decision have on military training, operations, or readiness?

Only six months ago, the FWS determined that the greater sage-grouse did not warrant protection under the ESA; consequently, absent some presently unforeseeable and catastrophic event, we would not expect the greater sage-grouse to be listed anytime soon. If, however, the greater sage-grouse were to be listed as threatened or endangered, section 7 consultation with the FWS would be required for any actions on DoD lands that may affect the bird. We have looked at the effect of a potential future listing decision and determined that while it is possible that some additional mitigations may be needed, any such mitigations would be manageable. As it has in the past, we would expect the FWS to take into account the greater sage-grouse conservation efforts we have voluntarily undertaken and included in our INRMPs, and not require additional mitigation actions unless absolutely necessary. In addition, based on our INRMPs, we would expect our installations to be exempt from the designation of critical habitat. As is the case with regard to the content of our INRMPs and every ESA consultation we enter into with the FWS, we seek to strike an appropriate balance between our ESA responsibilities and our military mission obligations; historically, we have been very successful in this regard. Overall, DoD would not expect a significant impact to military training, operations, or readiness should the greater sage-grouse be listed under the ESA.

3. How do the Integrated Natural Resources Management Plans (INRMPs) allow for both training and wildlife conservation at U.S. military installations while not adversely affecting military training, operations, or readiness?

As Congress directed in the Sikes Act, INRMPs are intended to conserve and rehabilitate natural resources on military installations "consistent with the use of military installations and State-owned National Guard installations to ensure the preparedness of the Armed Forces" and so as to ensure "no net loss in the capability of installation lands to support the military mission of the installation." For nearly 20 years, we have worked with our installation and range commanders,

the FWS, appropriate State fish and wildlife agencies, and, where appropriate, National Oceanic and Atmospheric Administration (NOAA) Fisheries, to craft INRMPs that serve as the principal tool to help us meet our natural resources stewardship responsibilities without compromising military training, testing, or operations. Our INRMPs facilitate the maintenance of a healthy ecosystem that supports a realistic landscape for military training, minimizing adverse effects from military mission activities. While this has not always been easy, our record of success is positive. Moreover, the collaborative annual process we employ to determine each year's natural resources priorities serves not only strengthen our relationships with one another, but also to remind us all that our first priority is to ensure our Nation's warfighters remain the best-trained and best-equipped in the world.

4. What statutory authorities does the Department of Defense have to address potential conflicts that may arise in the future to ensure that military training, operations, and readiness will not be adversely affected? Does the Department believe these authorities are sufficient to protect the interests of the Department of Defense without additional legislation from Congress?

In 2003, Congress made two changes to section 4 of the ESA that have proven quite beneficial to Department of Defense (DoD). ESA subparagraph 4(a)(3)(B) exempts military lands from critical habitat designation if the lands are covered by an approved INRMP that provides a benefit to the species for which critical habitat is being proposed. We feel strongly that INRMPs provide the most effective means for managing installation natural resources while ensuring that our mission requirements can continue to be met; consequently, we have relied upon this provision numerous times since 2003. Additionally, in a few cases (generally, where an INRMP was in revision but not yet approved), the DoD and the FWS or NOAA have relied on paragraph 4(b)(2) to exclude the installation from critical habitat designation based on potential impacts to national security. We are grateful to the Congress for enacting these commonsense amendments to the ESA.

Although we have never felt it necessary to do so, if we were ever to reach a total impasse with the FWS (or NOAA Fisheries) concerning a critical military action, DoD could invoke subsection 7(j) of the ESA. Notwithstanding section 7(a)(2) of the ESA, this provision directs the Endangered Species Committee to grant an exemption for any action the Secretary of Defense believes is necessary for reasons of national security.

We believe our long history of compliance with the ESA without compromising military preparedness, coupled with the relief provided by the 2003 amendments to section 4 and the "safety net" provided by section 7(j), are sufficient to protect the interests of the DoD without additional legislation from Congress.