

U. S. Laws, Regulations or Guidelines

Executive Order (EO) 12088 Federal Compliance With Pollution Control Standards

Requires that federal agencies responsible for the construction or operation of federal facilities outside the U.S. shall ensure that such construction or operation complies with the environmental pollution control standards of general applicability in the host country.

<http://www.denix.osd.mil/denix/Public/Legislation/EO/note10.html>

EO 12114 Environmental Effects Abroad of Major Federal Actions

Requires that responsible officials of Federal agencies be informed of environmental considerations and take those considerations into account when making decisions on major federal actions which could have environmental impacts anywhere beyond the borders of the U.S., including Antarctica. The EO furthers the purposes of the National Environmental Policy Act (NEPA) and the Marine Protection Research and Sanctuaries Act and the Deepwater Port Act.

<http://www.denix.osd.mil/denix/Public/Legislation/EO/note11.html>

DoD Instruction 4715.5, "Management of Environmental Compliance at Overseas Installations," of April 22, 1996

Provides criteria, standards, and management practices for environmental compliance at DoD installations overseas. Its publication number and title are DoD 471 5.5-G, Overseas Environmental Baseline Guidance Document (OEBGD). It establishes criteria needed to ensure proper protection, enhancement, and management of natural resources and any biological species declared endangered or threatened by either the U.S. or host-nation governments.

<http://www.denix.osd.mil/denix/Public/Library/Intl/OEBGD/oebgd.html>

OPNAVINST 5090.1B (November 1994 as updated through June 2003), Environmental and Natural Resources Program Manual

The primary guidance document for Navy policies and procedures for managing environmental and natural resource programs. Chapter 18, Overseas Environmental Compliance Ashore, Section 18-4, requires Navy shore activities in foreign nations to comply with the Final Governing Standards as developed by Executive Agents for each country with significant DoD installations.

<http://neds.nebt.daps.mil/5090.htm>

Final Governing Standards, Diego Garcia, December 2001

Ensures that DoD activities on Diego Garcia protect human health and the natural environment through the promulgation of environmental compliance criteria. The FGS is derived from: (1) host-nation substantive pollution control laws of general applicability; (2) U.S. laws with extraterritorial effect, and applicable treaties, such as the Migratory Bird Treaty Act as amended; and (3) the OEBGD (referenced above).

SECNAV Instruction 6240.6E: Department of the Navy Environmental Protection and Natural Resources Management Program

Assigns responsibility to the Chief of Naval Operations (CNO) for development and implementation of natural resources management programs on all land and water areas under the jurisdiction of the Department of the Navy.

NAVFAC P-73, Vol. II Land Management Chapter of the Real Estate Procedural Manual

Directs each installation that controls at least 30 acres of land unoccupied by structures, facilities, or pavement to implement and maintain a balanced and integrated program for soil and water management and to prepare and implement a land management section of the installation natural resources plan.

NAVFAC P-73, Vol. II Fish and Wildlife Management Chapter of the Real Estate Procedural Manual

Sets forth the authority, responsibilities, and procedures for the conservation and management of fish and wildlife resources under the jurisdiction of the CNO.

NAVFAC P-73, Vol. II Outdoor Recreation Chapter

Sets forth the authority, responsibilities, and procedures for the conservation and management of outdoor recreation under the jurisdiction of the CNO.

NAVFAC MO-100.1

Provides technical guidance and a sample plan outline for land management.

NAVFAC MO-100.3 Natural Resources, Fish Wildlife Manual

Provides technical guidance for establishing goals and objectives, and planning requirements for habitat protection, wildlife inventory, and wildlife population management.

NAVFAC MO-100.4 Natural Resources, Outdoor Recreation and Cultural Values

Provides technical guidance for establishing goals and objectives and planning requirements for outdoor recreation.

NAVFACINST 7110.18C

Provides guidelines on the use of soil conservation and natural resources funds.

NAVFACINST 11010.44E, Shore Facilities Planning Manual and NAVFACINST 11010.20, Facilities Projects Manual

Both provide guidance on the preparation of Military Construction and Non-appropriated funded, special projects and site approval documents.

NAVFAC P-960: Installation Design

Sets for the Navy policy to permit public access to outdoor recreation resources to the greatest degree possible, consistent with the installation's safety requirements and its available manpower and natural resources to support such activities without degradation or impairment of environmental qualities.

Public Law 86-797: Sikes Act, as amended.

Requires each military department to provide services necessary for management of fish and wildlife resources on each installation, to provide their personnel with professional training in fish and wildlife management, and to give priority to contracting work with federal and state agencies having responsibility for conservation or management of fish and wildlife.

<https://www.denix.osd.mil/denix/Public/ES-Programs/Conservation/Laws/sikes.html>

Public Law 93-0205: Endangered Species Act, as amended.

Requires that all actions authorized, funded, or carried out by federal agencies are not likely to jeopardize the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of habitat of such species which is determined to be critical. In addition, the United States has pledged itself as a sovereign nation in the international community to

conserve to the extent practicable the various species of fish or wildlife and plants facing extinction, pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and other international agreements.

<http://endangered.fws.gov/esa.html>

Public Law 65-186: Migratory Bird Treaty Act, as amended.

Implements and provides for enforcement of regulations to protect migratory birds and their nests and eggs.

http://assembler.law.cornell.edu/uscode/html/uscode16/usc_sup_01_16_10_7.html

Public Law 92-522: Marine Mammal Protection Act.

Provides for enforcement of regulations to protect cetaceans and pinnipeds.

http://www.nmfs.noaa.gov/prof_res/laws/MMPA/MMPA.html

Public Law 85-624: Fish and Wildlife Coordination Act, as amended.

Specifies a process of coordination between the Fish and Wildlife Service and other federal agencies engaged in water resource projects that may affect fish and wildlife resources.

http://assembler.law.cornell.edu/uscode/html/uscode16/usc_sup_01_16_10_5A.html

Public Law 96-366: Fish and Wildlife Conservation Act (Non-game Act), as amended.

Encourages states to develop conservation plans for nongame fish and wildlife of ecological, educational, aesthetic, cultural, recreational, economic or scientific value.

<http://ipl.unm.edu/cwl/fedbook/nongame.html>

Public Law 90-583: Noxious Plant Control

Provides for the control of noxious plants on lands under control or jurisdiction of the federal government.

http://assembler.law.cornell.edu/uscode/html/uscode43/usc_sec_43_00001241----000-.html

Public Law 93-629: Federal Noxious Weed Act of 1974

Provides for the control and eradication of noxious weeds and their regulation in foreign commerce.

<http://www.aphis.usda.gov/ppq/weeds/sec2814.PDF>

Public Law 74-46: Soil Conservation Act

Provides for the control and prevention of erosions by conducting surveys and implementing conservation measures.

Title 50, Code of Federal Regulations.

Sets forth regulations concerning wildlife and administration of wildlife refuges.

16 USC 670a-670f:

Establishes a conservation program on military reservations.

10 USC 2671: Military Reservations and facilities: Hunting and trapping.

Regulates hunting, fishing and trapping on military reservations and facilities

Directive 4700.4 of January 1989: Natural Resources Conservation and Management (NOTAL)

Establishes fundamental land management policies and procedures for all military lands and a program for fish and wildlife management. It sets forth the policy of the DOD to permit public access to outdoor recreation resources to the greatest degree possible, consistent with the installation's safety and security requirements and its available manpower. Access to and use of natural resources should occur without degradation or impairment of environmental qualities or of military morale, welfare, and recreation (MWR) programs.

Directive 6050.2 of 19 April 1979 (as amended): Use of Off-road-use Vehicles on DOD lands (NOTAL)

Provides for use of off-road vehicles on DOD lands.

NAVSUPPFAC Diego Introduction 11330.1

Identifies specific water use restrictions that are required to protect the potable water supply.