



**Memorandum of Understanding
Between
The Department of Defense
and
The Department of the Interior
Establishing a
Recovery and Sustainment Partnership Initiative**

I. Purpose

This is a Memorandum of Understanding (MOU) between the United States Department of Defense (DoD) and the United States Department of the Interior (DOI) (collectively, the “Parties”). The purpose of this MOU is to establish a mutually beneficial partnership among the Parties to develop and promote effective ecosystem and species conservation and recovery initiatives that will reduce or eliminate the need for Federal protection and regulation under the Endangered Species Act (ESA) and provide for increased flexibility for military mission activities.

II. Background

The DoD manages for over 450 species listed as either threatened or endangered under the ESA. The DoD also manages hundreds more “species at-risk” which may warrant Federal protection in the future. The DoD continues to be committed to the conservation of ecosystems on which these species depend, and the provision of conditions compatible to conducting military training, testing, and operational missions. Over the past 40 years of balancing military mission needs with the conservation of threatened and endangered species, the Parties, working in coordination and partnership with numerous other Federal, State, and private partners, have achieved major conservation successes. However, in certain circumstances, species habitats or military missions have grown to the point where access to military ranges and training areas or the realism or effectiveness of testing or training activities are diminished.

The Administration’s National Defense Strategy has identified as primary goals the need to restore the readiness and enhance the lethality of our Nation’s Armed Forces. The Administration is also committed to the productive use of our Nation’s natural resources to promote American prosperity and strength. Both can be achieved by a continued partnership of the parties to collaborate on achieving our mutual goals. Through the Recovery and Sustainment Partnership Initiative (Initiative), the Parties will build on past successes to promote species recovery while enhancing military effectiveness.

III. Authority

This MOU is entered into under the authority of the Endangered Species Act, 16 U.S.C. 1531 et seq., the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq., and other applicable statutory authority.

IV. Goals

The Initiative will seek to facilitate decision making for species review and down/de-listing where warranted through existing regulatory processes; identify and establish collaborative conservation initiatives to move species towards recovery and/or preclude the need to list additional species; and develop innovative regulatory approaches and tools for achieving ESA objectives in a manner consistent with military mission needs and objectives.

V. Establishment of a Recovery and Sustainment Coordinating Committee

There is established a Recovery and Sustainment Coordinating Committee (Coordinating Committee) to facilitate interaction among the Parties. The Coordinating Committee shall be comprised of one or more senior-level officials representing each of the Parties.

VI. Objectives of the Coordinating Committee

The objectives of the Coordinating Committee are to do the following:

- A. Identify certain species to be reviewed based on DOD mission impacts, risks, and costs.
- B. Assess which of those mission-priority species has been recommended for down/de-listing through existing processes, are currently under review or planned for review, or may be warranted for review.
- C. Clarify the DoD mission benefits and any ongoing requirements/actions that would be required for down/de-listed species.
- D. Develop a prioritized work plan for moving forward through existing regulatory processes to take appropriate action regarding changes to the status of listed species.
- E. Identify opportunities and develop collaborative conservation initiatives for priority species that have the potential for conservation actions to move species towards recovery, preclude the need to list “at-risk species”, or otherwise achieve ESA conservation objectives in a manner consistent with military mission needs and objectives.
- F. Coordinate resources, expertise, research, and activities towards supporting these collaborative conservation initiatives and engage additional Federal, State, academic, and private partners.
- G. Develop innovative regulatory approaches and tools that provide greater mission flexibility and streamline consultation processes while enhancing conservation outcomes for listed and “at risk” species.
- H. Develop national policy options to facilitate adoption and implementation of the innovative initiatives, approaches, and tools.

VII. Commencement and Termination

This MOU shall take effect beginning on the date the last Party signs. Either Party may terminate this MOU at any time by providing 30 days written notice to the other Party. Unless so terminated, this MOU will remain in effect until 5 years after its effective date. This MOU may be extended or amended upon written request of either Party and subsequent written concurrence of the other.

VIII. Responsibilities of the Parties

The Parties shall manage their own activities and use their own resources, including the expenditure of their own funds, in pursuing the goals and objectives of this MOU. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or its employees.

IX. Principal Contacts

The principal contacts for this MOU are:

Department of Defense:	Ryan Orndorff Director - Natural Resource Program Office of the Assistant Secretary of Defense/Energy, Installations and Environment
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Department of the Interior:	Gary Frazer Assistant Director - Ecological Services US Fish and Wildlife Service
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The Coordinating Committee members for this MOU are:

Department of Defense:	Jim VanNess Office of General Counsel
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	John McDonagh Office of General Counsel
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US Air Force:	Kevin Porteck Air Force Civil Engineer Center
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US Army:	Steven Sekscienski Office of the Assistant Chief of Staff Installation Management
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US Marine Corps:

Jacqueline Rice
Headquarters Marine Corps/Marine Corps
Installations Command

US Navy:

Kelly Ebert
Chief of Naval Operations, (N45) Energy &
Environmental Readiness Division

US Fish and Wildlife Service:

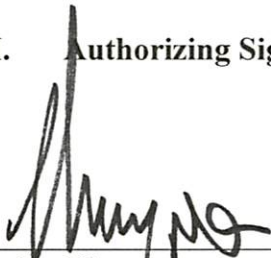
Jeff Newman
Chief, Division of Recovery and Restoration

Lisa Ellis
Chief, Branch of Recovery, Conservation Planning,
and Communication

X. Non-Fund Obligating Document

Nothing in this MOU shall obligate the Parties to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property between any of the Parties will require execution of separate agreements and shall be contingent upon the availability of funds. Such activities must be independently authorized by appropriate statutory authority; this MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

XI. Authorizing Signatures and Dates



Lucian Niemeyer
Assistant Secretary of Defense
(Energy, Installations, and Environment)
Department of Defense



Susan Combs
Senior Advisor to the Secretary
Exercising the Authority of the
Assistant Secretary for Fish and
Wildlife and Parks
Department of the Interior

Date: **JUNE 25, 2018**

Date: *June 22, 2018*