



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

5090
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30 Oct 02

From: Deputy Chief of Naval Operations (Fleet Readiness and Logistics)
To: Distribution

Subj: PROCEDURES FOR INTRODUCING/ACTIVELY ATTRACTING ENDANGERED SPECIES ONTO NAVY PROPERTY

Ref: (a) OPNAVINST 5090.1B CH-3, Chapter 22, Natural Resources Management

1. This paper outlines a process designed to ensure that all decisions related to the introduction of new threatened or endangered species onto Navy property are properly staffed and reviewed to ensure that the final determination appropriately considers the Navy's obligation under Title 10 of the U.S. Code to maintain ready forces. It is essential, for example, to ensure that the resources required to support such efforts are accurately calculated, and their availability guaranteed for as long as they are needed. Existing requirements for the management and funding of the Navy natural resources program are described in reference (a).

2. Section 7(a)(1) of the Endangered Species Act (ESA) requires Federal agencies to carry out programs for the conservation of threatened or endangered species. In furtherance of this requirement, many Navy installations have implemented a variety of very successful conservation measures to include monitoring, habitat protection, breeding programs, and predator control. Any decision to expand our current efforts, or to initiate any new conservation program requires the commitment of resources over and above those currently in place. For example, the decision to enhance threatened or endangered species populations already present on Navy property, or to introduce threatened, endangered or candidate species, mandates a long term, irretrievable commitment of resources (funding, manpower, real estate, possible National Environmental Policy Act (NEPA) documentation etc.) and may negatively impact mission readiness. It is essential, therefore, that each of these efforts be fully and extensively reviewed by the chain of command relative to all other such efforts and the demands of the military mission.

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3. Accordingly, to ensure our commands have sufficient resources (funding, manpower, real estate, etc.,) to comply with the ESA, all proposals to expand existing programs, implement new initiatives such as the introduction or attraction of a new threatened, endangered or candidate species, or to undertake habitat enhancements that would actively promote such introductions onto Navy property must be forwarded up the chain of command for review and approval by the Chief of Naval Operations (CNO).

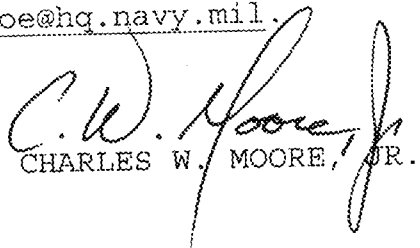
4. CNO N45 will include this process change in the next update of reference (a). It is effective as of the date of this letter, and worded as follows:

"Approval from Chain of Command on Endangered Species Issues.

To ensure that proper budgeting and planning is conducted to support ongoing and new natural resources efforts (consistent with Section 7(a)(1) of the Endangered Species Act) for the conservation of endangered and threatened species on Navy Lands, and to ensure that Navy lands will remain available to support the military mission, review and approval by the chain of command, including the major claimant and CNO N45 is required prior to introducing or committing to introduce species that are by federal or state law or regulation endangered, threatened, proposed, or candidate for listing on a Navy installation. Approval is also required by the chain of command, including the major claimant and CNO N45 prior to commencing or committing to commence habitat enhancement designed to actively promote introduction of federally or state listed endangered, threatened, proposed, or candidate species to a Navy installation or any Navy lands. Availability of funds, ongoing and planned stewardship efforts, and consistency with Navy mission will be key considerations in evaluating requests from field commands. Requests must also identify the need for and extent to which documentation is required pursuant to the National Environmental Policy Act. The approval process described above in no way alters the Navy commitment to use its authority to enhance the recovery of listed endangered and threatened species and their habitats."

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5. My point of contact for this matter is Joe Cook, N456M, (703) 602-5335, email: cook.joe@hq.navy.mil.


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