

appropriated and nonappropriated fund activities.

(c) Does not govern natural resources management at State-owned National Guard installations. Nothing contained in this part nor in implementing documents or agreements shall modify rights granted by treaty to Indian tribes or their members.

(d) Does not apply to the civil works functions of the Army.

### § 190.3 Definitions.

*Agricultural Outlease.* Use of DoD lands under a lease to an agency, organization, or person for growing crops or grazing animals.

*Carrying Capacity (Outdoor Recreation).* The maximum amount of recreation activity and number of participants that a land or water area can support in manner compatible with the objectives of the natural resources management plan and without degrading existing natural resources.

*Carrying Capacity (Wildlife).* The maximum density of wildlife that a particular area or habitat will support on a sustained basis without deterioration of the habitat.

*Conservation.* Wise use and management of natural resources to provide the best public benefits and continued productivity for present and future generations.

*Cooperative Plan.* The component of the natural resources management plan that describes how fish and wildlife resources at an installation shall be managed and that has been coordinated with U.S. Fish and Wildlife Service and the appropriate State agency. It 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.

(d) Specific habitat improvement projects and related activities and adequate protection for species of fish, wildlife, and plants considered threatened or endangered.

*Critical Habitat.* A specific designated area declared essential for the survival of a protected species under authority of the Endangered Species Act.

*Endangered or Threatened Species.* A species of fauna or flora that has been

designated by the U.S. Fish and Wildlife Service for special protection and management pursuant to the Endangered Species Act.

*Forest Products.* All plan materials in wooded areas that have commercial value.

*Game Species.* Fish and Wildlife that may be harvested in accordance with Federal and State laws.

*Grounds.* All land areas not occupied by buildings, structures, pavements, and railroads.

*Habitat.* An area where a plant or animal species lives, grows, and reproduces, and the environment that satisfies any of their life requirements.

*Multiple-Use.* The use of natural resources for the best combination of purposes to meet the needs of the military and the public.

*Natural Resources.* Land, water, and their associated flora and fauna.

*Natural Resources Management Professional.* Individual with an undergraduate or graduate degree in a natural resources-related science and who has responsibility for managing natural resources on a regular basis.

*Nongame Species.* Species not harvested for recreation or subsistence purposes.

*Noxious Weeds.* Plant species identified by Federal or State Agencies as requiring control or eradication.

*Off-road Vehicle.* A vehicle designed for travel on natural terrain. The term excludes a registered motorboat confined to use on open water and a military, emergency, or law enforcement vehicle during use by an employee or agent of the Government or one of its contractors in the course of employment or agency representation.

*Outdoor Recreation.* Program, activity, or opportunity dependent on the natural environment. Examples are hunting, fishing, trapping, picnicking, birdwatching, off-road vehicle use, hiking and interpretive trails, wild and scenic river use, and underdeveloped camping areas. Developed or constructed facilities such as golf courses, tennis courts, riding stables, lodging facilities, boat launching ramps, and marinas are not included.

*Sustained Yield.* Production of renewable natural resources at a level when

harvest or consumptive use does not exceed net growth.

**§ 190.4 Policy.**

(a) The Department of Defense shall act responsibly in the public interest in managing its lands and natural resources. There shall be a conscious and active concern for the inherent value of natural resources in all DoD plans, actions, and programs.

(b) Natural resources under control of the Department of Defense shall be managed to support the military mission, while practicing the principles of multiple use and sustained yield, using scientific methods and an interdisciplinary approach. The conservation of natural resources and the military mission need not and shall not be mutually exclusive.

(c) Watersheds and natural landscapes, soils, forests, fish and wildlife, and protected species shall be conserved and managed as vital elements of DoD's natural resources program.

(d) DoD actions that affect natural resources in the United States shall comply with the policy and requirements of 32 CFR part 188 and the more stringent of applicable Federal or local laws. DoD actions that influence natural resources in foreign countries or global commons shall conform to requirements of 32 CFR part 187 applicable laws, treaties, and agreements.

(e) Integrated natural resources management plans that incorporate applicable provisions of the Appendix to this part shall be maintained for DoD lands.

(f) DoD decisionmakers and commanders shall keep informed of the conditions of natural resources, the objectives of natural resources management plans, and potential or actual conflicts between DoD actions and management plans and the policies and procedures herein.

(g) DoD lands shall be available to the public and DoD employees for enjoyment and use of natural resources, except when a specific determination has been made that a military mission prevents such access for safety or security reasons or that the natural resources will not support such usage. The determination shall be addressed in the applicable natural resources

management plan. To assist in the management, study, or monitoring of natural resources, Federal, State and local officials and natural resources management professionals shall be permitted access to natural resources after proper safety and security measures are taken.

(h) The management and conservation of natural resources under DoD stewardship is an inherently governmental function. Therefore, 32 CFR part 169 does not apply to the management, implementation, planning, or enforcement of DoD natural resources programs. However, support to the natural resources program when it is severable from management of natural resources may be subject to 32 CFR part 169.

(i) If natural resources under DoD control are damaged by a hazardous substance released by another party, that party is potentially liable. The funds recovered by the Department of Defense as a result of natural resources damage claims shall be used for restoration, replacement, or acquisition of equivalent natural resources.

(j) Enforcement of laws primarily aimed at protecting natural resources and recreation activities that depend on natural resources is an integral part of a natural resources program and shall be coordinated with or under the direction of the natural resources manager for the affected area.

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**§ 190.5 Responsibilities.**

(a) The *Assistant Secretary of Defense (Production and Logistics)* (ASD(P&L)) shall:

(1) Establish and monitor implementation of natural resources management policies for DoD properties and actions.

(2) Coordinate the DoD natural resources program with other Federal Agencies.

(3) Maintain the Secretary of Defense Natural Resources Conservation Awards Program established herein