

## 8.0 COMPLIANCE AND LAW ENFORCEMENT

### 8.1 Compliance Awareness

Educational and training programs will continue at MCAS Miramar as proactive measures to prevent violations of natural resource-related laws and regulations. Natural resource compliance and conservation awareness efforts include educating Station personnel about natural resources (briefings, presentations, all-hands e-mail messages, information on the Natural Resources Division website regarding sensitive biological resources on the Station, and the MCAS Miramar Environmental Management System [EMS] “Welcome Aboard” Environmental Awareness video from the EMS website) and use of this INRMP. To support all of these efforts, an informational brochure providing “*Natural and Cultural Resources Protection Guidelines*” has been produced and printed in large quantities for distribution.

Within the Flightline Area, fencing and signs are not always feasible due to clear zone requirements and concerns about creating Foreign Object Debris (FOD) hazards near operating aircraft. Vehicle operator awareness is emphasized, such as inclusion of specially designated warning instruction slides in the Airfield Drivers Course, which is required of all persons authorized to drive within the Flightline Area. The importance of remaining on paved roads is regularly mentioned by Environmental Management staff at Environmental Coordinator Update meetings given during the rainy season.

Information on the Natural Resources Program is available to MCAS personnel and the public on the natural resources page of the MCAS Miramar Environmental Management System portion of the MCAS Miramar website (see “Natural Resources Division” tab under “Programs”) at [www.MiramarEMS.com](http://www.MiramarEMS.com). This page also provides a natural resources awareness slide show/brief, a vernal pool seasonal change slide show, plant and animal species lists, Sensitive Resources Map, and other information related to natural resource conservation and protection. A current copy of the MCAS Miramar Sensitive Resources map is also available on this site.

MCAS Miramar has developed Marine Station Order 5090.4, *Environmental Compliance Program Standard Operating Procedures (ECPSOP)*, to provide a clear and concise document, in the form of environmental compliance and protection standard operating procedures, to assist Station activities and tenant commands/units in complying with pertinent environmental programs so that they may perform their missions in an environmentally sound manner and in accordance with installation-unique requirements. Chapter 10 addresses natural resources management.

MCAS Miramar Station Order 5090.4 states that persons operating aboard MCAS Miramar have a responsibility to protect and conserve natural resources by observing the following restrictions and reporting violations to the Director, Natural Resources Division or higher level in the Station chain of command:

- a. Reference the Environmental Management Department Sensitive Resources Map prior to conducting activities outside of developed areas of the Station.
- b. Units conducting military training shall comply with the MCAS Miramar Training Regulations.
- c. Do not dig, alter, fill or contaminate wetlands or stream channels without Environmental Management Department approval and applicable CWA permits.
- d. Restrict vehicular traffic to maintained roadways (dirt or paved) and fuel breaks as much as possible in East Miramar. Avoid driving off of improved road surfaces, particularly during periods when the ground is wet or saturated.
- e. Submit plans for any facility or grounds alterations to the Environmental Management Department

- for review and approval.
- f. Ensure proper planning so that all necessary ESA consultations and CWA permits are completed prior to undertaking an action that may affect threatened and/or endangered species, wetlands, or other waterways (including ephemeral and intermittent stream channels).
  - g. Ensure that any commitments made by the Section 7, ESA consultations and/or CWA permits are included and funded as a part of any applicable proposed actions (projects, maintenance, real estate agreement, etc).
  - h. Incorporate locally adapted, native plants or other climatically adapted species into landscaping plans to reduce maintenance and watering requirements and prohibit use of invasive plant species. Incorporate removal of invasive species with project plans, where feasible.
  - i. Do not harm or damage native species of plants or wildlife. Harassment of threatened, endangered, or other wildlife is prohibited except when presenting an imminent danger to the safety of personnel.
  - j. Contact the Public Works Trouble Desk for assistance with removal of rattlesnakes, pests, and injured wildlife.
  - k. Coordinate with the Station Wildlife Biologist regarding bird nesting problems and methods to discourage or exclude nesting in problematic areas. Focused harassment and or relocation of birds in problem areas may be authorized by the Station Wildlife Biologist.
  - l. An SOP for Dead and Injured Large Wildlife is posted on the Natural Resources Program page of the MCAS Miramar EMS website.
  - m. Do not dispose of green waste or surplus soil in undeveloped lands of the Station.
  - n. Report vandalism or habitat destruction to the Director, Natural Resources Division.

## **8.2 Environmental Compliance and Natural Resources-related Enforcement**

Violations documented by the Station organization responsible for compliance are referred to the Station Commanding Officer for determination regarding reporting, investigation, adjudication, and corrective and/or punitive actions. Law enforcement associated with individual actions beyond official federal duties, including poaching, will be the responsibility of the Provost Marshal's Office, or other entity as directed by the Commanding Officer, with technical assistance from the Environmental Management Department, Natural Resources Division.

Fishing at the MCAS Miramar Fish Pond is operated under a CDFW Aquaculture permit, which allows the Station to permit fishing by authorized personnel without any requirement for a state fishing license. Regulations applicable to the Fish Pond were jointly developed by the Marine Corps Community Services Department, which manages all recreational aspects, and the Environmental Management Department to conserve the fishery for the enjoyment of authorized MCCS patrons. MCCS, working with the military police, oversee enforcement of the Fish Pond regulations. The Environmental Management Department maintains the CDFW Aquaculture Permit for the Fish Pond.

Occasionally, the services of state and federal fish and wildlife agency enforcement personnel may be used where their technical expertise or extra manpower is needed. Marine Corps policy is to permit access to installation lands by federal and state conservation personnel for official purposes after proper safety and security measures are taken (MCO 5090.2, para. 11104.1d). A Memorandum of Agreement also exists between the U.S. Fish and Wildlife Service and the U.S. Marine Corps allowing U.S. Fish and Wildlife Service enforcement personnel to utilize Marine Corps enforcement personnel to assist in enforcement of Federal conservation laws (MC 5090.4A, *Conservation Law Enforcement Program*, Appendix A). Finally, MC 5090.4A also encourages installations to utilize dedicated Conservation Law Enforcement Officers from other installations where necessary, such as from MCB Camp Pendleton.

The Ground Training Office enforces the training instructions relative to military operational activity.

Station Order P3500.2, *Training Area Regulations*, has been prepared to govern military ground training on MCAS Miramar. Chapter 2 of this order outlines environmental requirements that are designed to conserve and protect natural resources on MCAS Miramar.

The Environmental Management Department provides technical support to plan for and address environmental compliance for all Station activities. Compliance for project implementation and maintenance activities is achieved through the Public Works Division site approval process, including compliance with NEPA, ESA, Migratory Bird Treaty Act, National Historic Preservation Act, and the Archaeological Resources Protection Act. Compliance with natural and cultural resources laws and regulations needed for accidental or unintentional impacts will be achieved through the Environmental Management Department, in coordination with the responsible parties, legal counsel, and the Provost Marshal's Office, as appropriate.

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