

# Draft Environmental Impact Statement Infrastructure Improvements at the Yap International Airport and the Yap Seaport

Yap State, Federated States of Micronesia

ID# EISX-007-USN-1775813621

APRIL 2026

Appendix A  
Standard Operating Procedures



**Environmental Compliance Standard Operating Procedure for Department of War Activities Conducted in Yap State, Federated States of Micronesia, that Rise to the Level of an Environmental Impact Statement, Pursuant to Article VI Section 161(a)(4) of the Compact of Free Association**

Introduction: In accordance with the Compact of Free Association Agreement between the United States of America (U.S.) and Federated States of Micronesia (FSM), as amended, (COFA), the FSM, the State of Yap, and the U.S. have agreed that the Government of the U.S. shall apply the National Environmental Policy Act of 1969, as amended, (NEPA) as if the Federated States of Micronesia were the U.S., to the military projects and training at the Yap State International Airport and the Yap State Seaport (hereinafter referred to as “Department of War (DoW) airport and seaport activities”). Furthermore, the U.S. shall also comply with standards substantively similar to those required by the Endangered Species Act of 1973, as amended; the Clean Air Act, as amended; the Clean Water Act, as amended (Federal Water Pollution Control Act); Title I of the Marine Protection, Research and Sanctuaries Act of 1972 (Ocean Dumping Act); the Toxic Substances Control Act, as amended; and the Solid Waste Disposal Act, as amended.

Prior to conducting any activity requiring the preparation of an Environmental Impact Statement under Article VI of the COFA, Section 161(a)(4) requires the U.S. to prepare written standards and procedures, as agreed with the FSM, to implement the substantive provisions of the laws made applicable to the U.S. activities in the FSM, pursuant to Section 161(a)(3). This Standard Operating Procedure (SOP) is intended to implement the U.S.’s obligations under Section 161(a)(4) for these DoW airport and seaport activities. This SOP is being prepared in coordination with FSM National and Yap State Officials through technical working group meetings to ensure a mutually agreeable process.

This SOP establishes the following:

- 1) COORDINATION PROCESS WITH FSM AND YAP STATE GOVERNMENTS
  - Protocols for coordination between the DoW, FSM National, and Yap State governments for DoW airport and seaport activities in Yap requiring the preparation of an EIS.
- 2) SUBSTANTIVE ENVIRONMENTAL REQUIREMENTS
  - Summary of substantive provisions of the regulations with which compliance is required.
- 3) PROCEDURES FOR ENSURING SUBSTANTIVE ENVIRONMENTAL COMPLIANCE

- Steps for DoW organizations to develop an environmental compliance plan for each site associated with the DoW airport and seaport activities in consultation with the FSM and Yap State governments to ensure compliance with substantive provisions of specified U.S. environmental laws and any more protective substantive requirements of similar FSM National or Yap State laws.

#### 4) AVAILABILITY OF FUNDS

- Funds are subject to availability of appropriations.

#### 5) ADJUDICATION OF CLAIMS

- Procedures for claims for damages due to DoW activities.

### 1) COORDINATION PROCESS WITH FSM AND YAP STATE GOVERNMENTS

- a) All Service components and other DoW organizations supporting the DoW airport and seaport activities must coordinate with the Senior Military Official (SMO) team for Yap. This coordination will include briefings, project details, and any anticipated environmental issues. The SMO team for Yap in turn will provide appropriate DoW leadership with summaries and regular updates of all DoW airport and seaport activities. The SMO Team will liaise with the U.S. Embassy staff to ensure thorough coordination with FSM National and Yap State environmental resource agencies. The SMO team's primary points of contact can be found Annex 1 of this SOP.
- b) For additional environmental coordination required in implementing the primary technical POC is the INDOPACOM J44 Yap Environmental Program Manager. For additional environmental coordination required during the construction and operation phases of the DoW airport and seaport activities, the primary technical POC is the Joint Region Marianas Environmental Program Manager. The primary points of contact for each organization can be found Annex 1.
- c) All DoW travelers to the FSM and Yap State are required to comply with all DoW foreign travel requirements, including submission of Aircraft and Personnel Automated Clearance System (APACS) travel requests.
- d) The U.S. Embassy has agreed to develop an updated notification process for construction-related visitors prior to start of construction. Coordination shall include any procedures developed between U.S. Embassy, DoW, FSM National, and Yap State governments at a future time.

- e) Service components and supported DoW organizations shall not engage in formal or informal discussions with FSM National or Yap State governments without prior coordination with the JTF-Micronesia staff.

2) SUBSTANTIVE ENVIRONMENTAL COMPLIANCE REQUIREMENTS

- a) The COFA requires that the U.S. comply with standards substantively similar to the provisions of U.S. Endangered Species Act (16 U.S.C. et. seq.), the Clean Air Act (42 U.S.C. 7401), the Clean Water Act (33 U.S.C. 1251 et. seq.), the Ocean Dumping Act (33 U.S.C. 1401 et. seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et S. seq.), and the Solid Waste Disposal Act (42 U.S.C. 6901 et. seq.) for DoW activities determined to require the preparation of an EIS. In addition, Section 402 of the National Historic Preservation Act (NHPA) is applicable to DoW activities outside the U.S. Section 161(b) of the COFA requires that FSM develop and implement standards and procedures to protect its environment. The U.S. recognizes that Yap State has adopted Yap State environmental regulations to protect its environment, and that FSM National and Yap State government agencies will expect compliance with substantive standards of FSM and Yap State law that are more protective than U.S. substantive standards and will request inclusion of such standards in any environmental compliance plan. Consistent with the preamble of Section 161 of the COFA and Article XIV of the SOFA, and recognizing that substantive provisions of FSM National or Yap State laws and regulations are likely to be reflected in the environmental compliance plan, to the extent that Yap State substantive environmental laws and regulations are more protective than the applicable U.S. standards, the substantive standards of Yap’s environmental laws and regulations shall also be considered during environmental planning and project design to the extent that any such substantive standards may be more environmentally protective than applicable U.S. standards.
- b) Table 1 is a summary crosswalk of U.S., FSM National, and Yap State environmental laws and regulations that are outlined in Section 161(a)(3) and will be considered during DoW airport and seaport activities requiring an EIS. This list may be amended if FSM National or Yap State governments identify additional relevant statutes and regulations. The summary is not intended to supersede the text of any statute or regulation. Planners and contractors are expected to review and incorporate the substantive provisions of the most current version of the U.S. statutes and regulations.

TABLE 1 Comparison of U.S., FSM National, and Yap State environmental laws that are outlined in Section 161(a)(3).

U.S. Law	Implementing U.S. CFR Regulations	Summary of Substantive U.S. Requirements	Identification of Related FSM and Yap Regulations	Comparison of U.S. Regulations and Yap Related Regulations
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<p>Endangered Species Act (ESA) 16 USC 1531-1544</p>	<p>50 CFR Part 402</p>	<p>Activities must avoid jeopardizing the existence of listed species or destruction of critical habitats</p>	<p>Regulations for the Conservation of Sea Turtles 2014-05. Title 18 Chapter 10 YSC</p>	<p>Unlike the U.S., Yap has no formal endangered species list or recovery plans; Under the Yap system species impacts are normally reviewed through an EIA with broad discretion by Yap EPA rather than through a separate biological consultation and even for specifically protected species such as sea turtle protections may be seasonal.</p>
<p>Clean Air Act (CAA) 42 <u>USC</u> 7401 -7675</p>	<p>40 CFR Parts 50–99</p>	<p>Requires protection of ambient air quality with limitations on concentrations of specific pollutants in ambient air; imposes technology-based standards for new sources (NSPS, MACT, emission standards for new mobile sources, and operating standards for stationary sources)</p>	<p>Yap State Air Quality Regulation 2015-01 Regulations For the Management of Fire Permits and Burning 2014-08</p>	<p>Ambient Air quality standards are similar; however, Yap standards may differ slightly, may use different units of measurement, and in some cases may be either more stringent or less stringent (i.e. NO<sub>x</sub> annual standard more stringent, PM<sub>2.5</sub> and PM<sub>10</sub> less stringent, sulfur dioxide more stringent). Unlike the U.S. standards, Yap does not impose technology-based restrictions (MACT, NSPS, Mobile Source emission standards and has</p>

				minimal standards for operating sources (i.e., visible emissions checks; enforcement for violation of ambient air quality standards).
Clean Water Act (CWA) 33 USC 1251-1389	40 CFR Parts 100–140, 230–233	Limits point source discharges to waters of the United States (NPDES), includes technology based effluent standards (BPT, BAT, BCT, and NSPS). Limits total maximum daily loads of pollutants some waters. Requires storm water control measures, limits discharges of dredge and fill materials)	Title X – Earthmoving Activities Chapter 1 – Earthmoving & Sedimentation Control Regulations For the Environmental Clearance of Marine Vessels 2014-06 Regulations For the Management of Fire Permits and Burning 2014-08 Regulations For Oil Spill Reporting 2014-09	Yap regulations focus on erosion/sediment control and marine impacts; no numeric limits or classifications of water bodies, no technology-based discharge limitations.
Title I of the Marine Protection, Research, and Sanctuaries Act ( <i>Ocean Dumping Act</i> ) 33 USC 1401-1445	40 CFR Parts 220–229	Regulates the disposal of materials in the ocean with the goal of preventing unreasonable degradation of marine environments. Prohibits dumping of certain materials and regulates other marine disposals.	Title X – Earthmoving Activities Chapter 1 – Earthmoving & Sedimentation Control	Unlike the U.S. regulatory system which imposes separate requirements for ocean disposal, Yap regulates underwater earthmoving under the same regulatory framework as land-based earthmoving.

<p>Toxic Substances Control Act (TSCA) 15 USC 2601—2695d</p>	<p>40 CFR Parts 700–799</p>	<p>Regulates manufacture, importation, testing, use, labeling, and record keeping related to chemical substances and Chemical substances to prevent unreasonable risk. Includes, but is not limited to, regulations dealing with treatment of lead-based paint, metal working fluids, water treatment chemicals, PCBs, methylene Chloride, TCE, dibenzodioxins (HDDs)/dibenzofurans (HDFs), Asbestos, and establish Formaldehyde Standards for Composite wood products.</p>	<p>Regulations For Persistent Organic Pollutants 2014-03  Hazardous Substance Regulations 2015-02</p>	<p>Yap regulatory system has a strong up-front disclosure requirement for specified chemical substances, generally prohibiting possession, manufacture, use, storage, transportation, and discarding or discharging “priority list” chemical substances without an approved disposal plan. Yap hazardous substance regulations generally impose limitations on import of hazardous substances (including substances/reportable quantities listed in US 40 CFR 302, but also including petroleum products in excess of 55 gallons) without a permit, include storage and accident prevention provisions including requirements for secondary containment, SPCC plans, and spill response materials and equipment as well as labeling and</p>
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				<p>recordkeeping requirements and requirements for maintaining Material Safety Data Sheets. However, Yap regulations generally lack quantitative requirements and substantive standards instead rely on broad regulatory discretion exercised through permits.</p>
<p>Solid Waste Disposal Act (SWDA) 42 USC 6901 – 6992k</p>	<p>40 CFR Parts 239–282</p>	<p>Regulates solid and hazardous waste disposal; seeks to protect human health and the environment by minimizing waste generation, promoting safe disposal practices, and conserving resources through recycling and recovery. Includes tracking requirements for hazardous waste from generation through disposal. Establishes standards for treatment, storage, and disposal facilities, and for Underground Storage Tank Systems. Differing regulatory requirements apply to different types of disposal facilities, i.e. Municipal Solid Waste, Construction</p>	<p>Solid Waste Management Regulations 2015-03 Hazardous Substance Regulations 2015-02 Recycling Program Regulations 2008-01</p>	<p>Yap solid Waste regulations generally limit where various types of waste may be disposed and regulate the operation of the Yap State Waste Management Center and Community Landfills but does not mirror U.S. classifications. Yap hazardous substance regulations generally impose limitations on import of hazardous substances (including substances/reportable quantities listed in US 40 CFR 302, but also including petroleum products in excess of 55 gallons) without a permit, include</p>

		<p>and Demolition Waste, Industrial Waste, Hazardous Waste.</p>	<p>storage and accident prevention provisions including requirements for secondary containment, SPCC plans, and spill response materials and equipment as well as labeling and recordkeeping requirements and requirements for maintaining Material Safety Data Sheets. However, Yap regulations generally lack quantitative requirements and substantive standards instead rely on broad regulatory discretion exercised through permits.</p>
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### 3) PROCEDURES FOR ENSURING SUBSTANTIVE ENVIRONMENTAL COMPLIANCE

All Service Components and other DoW organizations with airport and seaport activities requiring the preparation of an EIS in Yap must develop and implement an environmental compliance plan (ECP) to comply with substantive environmental requirements using the following steps.

- a) Initiate Environmental Compliance Plan Process with FSM/Yap State governments. JTF-Micronesia and INDOPACOM shall initiate preliminary coordination with the FSM National and Yap State governments, with the support of the action proponent, on the development of an ECP to identify key provisions to include. This coordination shall include a calendar of the ECP development and review process that shall be updated as milestones are reached. Initial coordination should parallel the review of the internal government version of the draft EIS and include the submission of an outline of the proposed draft ECP to facilitate discussion of appropriate provisions. The outline will include applicable substantive environmental laws and primary topic areas. DoW, FSM National and Yap State governments shall meet to discuss the outline within 7 days.

- b) The action proponent shall develop a draft ECP (DECP) with site specific breakouts detailing the relevant substantive environmental requirements and limitations by environmental subject area to each site. The DECP shall reflect the more protective of applicable U.S., FSM National, or Yap State substantive standards and required best management practices and mitigation measures. Examples of substantive standards include, but are not limited to, emission or discharge limits, technology requirements, reporting requirements, and/or methods and means requirements, and do not include approval or permitting requirements. In the early development phase of the DECP, the DoW shall provide a table of applicable standards to the FSM National and Yap State governments for review. DoW, FSM National and Yap State governments shall meet to discuss the table within 7 days and coordinate a meeting to discuss as necessary.

The action proponents for the DoW airport and seaport activities shall conduct cultural resources (NHPA Section 402) and biological resources (ESA) consultations with appropriate Yap and FSM agencies separately from the DECP process but shall include any resulting BMP's or mitigation measures as an attachment to the Final Environmental Compliance Plan (FECP). The cultural and biological resources consultations shall follow the cultural and biological SOPs.

- c) FSM/Yap State Draft Environmental Compliance Plan Review and Response. The action proponent shall route the DECP through JTF-Micronesia, INDOPACOM, and US Embassy to the FSM and Yap State governments through informal coordination for review and comment or concurrence. FSM and Yap State shall have 45 days after submittal to FSM and Yap State governments for one of the following:
- concurrence
  - conditional concurrence with explanation of why conditions are needed
  - request for revisions with explanations of why revisions are needed

Concurrence may be presumed if no response from FSM National and Yap State governments provide concurrence, conditional concurrence, or request for revisions is received within 45 days after submittal. If the FSM and Yap State concur with the DECP, it shall be finalized.

- d) U.S. DoW Review and Proposed Final Environmental Compliance Plan Issuance. If the FSM and Yap State do not concur with the DECP, the action proponent shall consider FSM/Yap State requests for revisions or conditions, consult further with the FSM or Yap State, if necessary, revise the DECP as appropriate, and submit a proposed final ECP (PFCEP) through JTF-Micronesia and DOS to the FSM and Yap State for review and comment or concurrence. Allow 21 days after submittal to FSM and Yap State for one of the following:

- concurrence
- conditional concurrence with explanation of why conditions are needed
- request for revisions with explanations of why revisions are needed

Concurrence may be presumed if no concurrence, conditional concurrence, or request for revisions is received within 21 days after submittal. If The FSM and Yap State concur with the PFECP, it shall be finalized.

- e) Final Environmental Compliance Plan Issuance and Contractor Compliance. If the FSM and Yap State do not concur with the PFECP, the action proponent shall consider FSM/Yap State requests for revisions or conditions to the PFECP, revise as appropriate, and submit a final ECP (FECP) through JTF-Micronesia and the U.S. Embassy to the FSM and Yap State. The FECP shall reflect the more protective of applicable U.S. substantive standards or Yap State substantive standards and required BMPs and mitigation measures. DoW components and United States Contractors shall be required to comply with any applicable FECP.
- f) Dispute Resolution. No action to implement a FECP may be taken until 15 days after submittal to FSM National and Yap State governments and no request for informal dispute resolution has been received. The FSM National Government, at its own initiative or at the request of Yap State Government, may propose informal dispute resolution and may request a meeting to discuss resolution of any outstanding dispute or issue. Upon this request, the parties shall attempt to resolve any outstanding issues within 14 days. If at the end of the 14 days the parties have not resolved the issue and have not agreed to an extension, the parties shall select a mutually agreeable mediation entity to support resolution of the conflict. The Udall Foundation's John S. McCain III National Center for Environmental Conflict Resolution shall be considered priority if available. If not available, the parties shall consider other mediation options such as the Department of Interior's Office of Collaborative Action and Dispute Resolution.
- g) Neither the U.S. nor its agents shall be required to obtain permits for actions subject to an FECP. The FECP constitutes documentation of DoW's obligations under the COFA to protect the environment of the FSM. All DoW components and contractors shall comply with the FECP.
- h) The U.S. takes no position on FSM compliance with applicable emissions treaties. The U.S. does not object to the emissions associated with the DoW airport and seaport activities being attributed to the U.S.
- i) Final Environmental Compliance Plan Modification Process. Minor modifications to an FECP may be made by mutual agreement of Yap EPA, FSM Department of

Environment, Climate Change and Emergency Management, and the JTF-Micronesia or INDOPACOM J44; any such modifications shall be documented, dated, and attached to FECP. For any modifications not mutually agreed to by the parties, the ECP process shall be used to resolve this matter.

- j) The DoW shall monitor contractor compliance with the FECP and take prompt action to require the contractor to correct any violations identified. Yap EPA may also monitor contractor performance and may request DoW to take appropriate action in response to any identified violations of the FECP. Yap EPA shall notify FSM Department of Environment, Climate Change, and Emergency Management as soon as possible after the request is made to DoW. As soon as practicable and no later than one business day following a request by Yap EPA for correction of a violation of an FECP, the DoW shall:

1) In the case of a violation which presents an immediate risk to public health, safety, or the environment, DoW shall issue a stop work order requiring the contractor to stop all work at the site of the violation other than work needed to stabilize the site and correct the environmental violation.

The stop work order shall not be lifted prior to contractor development of a reasonable plan to promptly correct the violation. The Contractor shall coordinate with DoW and Yap EPA to develop and implement a mutually agreeable plan to mitigate the damage.

2) In all other cases, the DoW shall investigate the alleged violation and consult with the Contractor and Yap EPA representatives within one business day regarding the alleged violation. Following such investigation and consultation, if a violation is confirmed, depending on the nature and severity of the violation and the contractors' proposed correction of such violation, the DoW shall either:

i) issue a stop work order requiring the contractor to take immediate action to stabilize the site and stop all work at the site of the violation other than work needed to stabilize the site and correct the environmental violation. The stop work order shall not be lifted prior to contractor development of a reasonable plan to promptly correct the violation and mitigate any environmental damage caused by the violation and United States consultation with Yap EPA regarding the plan.

ii) require the contractor to promptly correct the violation and take any appropriate measures mitigate any environmental damage caused by the violation within a reasonable fixed period of time. Failure to correct the violation within the designated period of time shall result in stop work

order unless the United States, after consultation with Yap EPA, extends the deadline for another fixed of time.

#### 4) AVAILABILITY OF FUNDS

All activities contemplated by this SOP are subject to availability of funds appropriated and authorized for such purposes. In the event of lack of funds, the DoW shall consult with the FSM National and Yap State governments on alternatives or changes to schedule that may be required.

#### 5) ADJUDICATION OF CLAIMS

- a) All claims against service components within DoW shall be administratively or otherwise remedied pursuant to Article XV of the Status of Forces Agreement.
- b) All other claims shall be made pursuant to Title One Article VII Section 174 (d) of the COFA.
- c) Nothing herein precludes a claim against a contractor for damages caused by a violation of the FECP by the contractor.
- d) Nothing herein shall be interpreted to foreclose any available remedies under Section 162 of the COFA.

**Endangered Species Act Standard Operating Procedure for Department of War Activities Conducted in Yap State, Federated States of Micronesia, that Rise to the Level of an Environmental Impact Statement, Pursuant to Article VI Section 161(a)(4) of the Compact of Free Association**

Introduction: In accordance with Section 161(a)(3) and (4) of the Compact of Free Association Agreement between the United States of America (U.S.) and Federated States of Micronesia (FSM), as amended, (COFA), the FSM, the State of Yap, and the U.S. have agreed that the Government of the U.S. shall comply with standards substantively similar to those required by the Endangered Species Act of 1973, as amended (ESA), to the military projects and training at the Yap State International Airport and the Yap State Seaport (hereinafter referred to as “Department of War (DoW) airport and seaport activities”).

Due to the primary focus of the U.S. DoW infrastructure investments in Yap State, this Standard Operating Procedure (SOP) has been prepared pursuant to Section 161(a)(4) of Article VI of the COFA which requires the U.S. to develop written standards and procedures for activities requiring compliance with standards substantively similar to those required by the ESA to ensure application of U.S. substantive environmental standards are conducted in a manner that is amenable to Yap’s unique cultural, traditional, and environmental landscape. This SOP is being prepared by the DoW in coordination with FSM National and Yap State Officials through technical working group meetings to ensure a mutually agreeable process for the DoW airport and seaport activities.

This SOP addresses ESA compliance only. Compliance with other applicable substantive environmental laws (Clean Air Act, Clean Water Act, etc.) will be addressed through separate Environmental Compliance Plans (ECP) developed pursuant to the Environmental Compliance SOP. The Biological Assessments and Opinions and ECP are independent documents, both of which are required before construction may commence. The ECP shall incorporate the Biological Assessment and Biological Opinion (BA/BO) by reference and shall state that all Terms and Conditions in the BA/BO are mandatory.

This SOP outlines the following:

- 1) COORDINATION PROCESS WITH FSM AND YAP STATE GOVERNMENTS
  - Protocols for coordination between the DoW, FSM National, and Yap State governments for the DoW airport and seaport activities requiring application of the standards substantively similar to those required by the ESA.
- 2) SUBSTANTIVE ESA REQUIREMENTS & KEY DEFINITIONS
  - Summary of substantive provisions of the ESA with which compliance is required and key definitions for those substantive provisions.

3) PROCEDURES FOR ENSURING COMPLIANCE WITH SUBSTANTIVE REQUIREMENTS OF ESA

- Steps for DoW organizations to develop a biological assessment and opinion for each project in consultation with the FSM and Yap State Governments to ensure compliance with substantive provisions of the ESA.

4) ESA CONSULTATION COMPLIANCE MONITORING AND REPORTING

- Steps for DoW organizations to ensure compliance with ESA consultation requirements throughout a project's lifecycle to protect listed species and their habitats.

5) POST-CONSULTATION REQUIREMENTS AND COMPLIANCE

- Ongoing monitoring, reporting, and review processes to ensure the effectiveness of conservation measures implemented to protect listed species and to outline the conditions under which reinitiation of ESA consultation is required.

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1) COORDINATION PROCESS WITH FSM AND YAP STATE GOVERNMENTS

- a) All Service components and other DoW organizations supporting the DoW airport and seaport activities must coordinate with the Senior Military Official (SMO) team for Yap. This coordination will include briefings, project details, and any anticipated environmental issues. The SMO team for Yap in turn will provide appropriate DoW leadership with summaries and regular updates of all DoW airport and seaport activities. The SMO Team will liaise with the U.S. Embassy staff to ensure thorough coordination with FSM National and Yap State environmental resource agencies. The SMO team's primary points of contact can be found Annex 1 of this SOP.
- b) For additional environmental coordination required in implementing the primary technical POC is the INDOPACOM J44 Yap Environmental Program Manager. For additional environmental coordination required during the construction and operation phases of the DoW airport and seaport activities, the primary technical POC is the Joint Region Marianas Environmental Program Manager. The primary points of contact for each organization can be found Annex 1.
- c) All DoW travelers to the FSM and Yap State are required to comply with all DoW foreign travel requirements, including submission of Aircraft and Personnel Automated Clearance System (APACS) travel requests.
- d) The U.S. Embassy has agreed to develop an updated notification process for construction-related visitors prior to start of construction. Coordination shall include any procedures developed between U.S. Embassy, DoW, FSM National, and Yap State governments at a future time.
- e) Service components and supported DoW organizations shall not engage in formal or informal discussions with FSM National or Yap State governments without prior coordination with the JTF-Micronesia staff.

2) SUBSTANTIVE ENDANGERED SPECIES ACT REQUIREMENTS & KEY DEFINITIONS

The following substantive requirements form the substantive requirements ESA statutory standards that must be applied to military projects at Yap State International Airport and Yap State Seaport that rise to the level of an EIS under the COFA environmental compliance framework.

- a) Section 3 Definitions (16 U.S.C. Section 1532, 50 CFR 402.2, 50 CFR 402.14)

- i. **Conservation Recommendation:** Suggestions regarding discretionary measures to minimize or avoid adverse effects of a proposed action on listed species or critical habitat or regarding the development of information.
- ii. **Critical Habitat:** The specific areas within the geographical area occupied by a threatened or endangered species, at the time it is listed by FSM National or Yap State law or regulation, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and specific areas outside the geographical area occupied by the species at the time it is listed by FSM National or Yap State law or regulation, upon a determination that such areas are essential for the conservation of the species.

Critical habitat may be established for those species now listed as threatened or endangered species for which no critical habitat has heretofore been established.

Except in those circumstances determined by FSM National or Yap State law or regulation, critical habitat shall not include the entire geographical area which can be occupied by the threatened or endangered species.

- iii. **Destruction or adverse modification:** A direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of a listed species.
- iv. **Effects of the action:** Consequences to listed species or critical habitat that are caused by the proposed action or are caused by the proposed action but that are not part of the action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action.
- v. **Endangered species:** Any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the FSM National or Yap State law or regulation to constitute a pest whose protection under the provisions of this chapter would present an overwhelming and overriding risk to man.
- vi. **Fish or wildlife:** Any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or

other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

- vii. **Incidental take:** refers to takings that result from, but are not the purpose of, carrying out an otherwise lawful activity.
  
- viii. **Incidental take statement:** a statement in a BA/BO where it is determined that an action (or the implementation of any reasonable and prudent alternatives) and the resultant incidental take of listed species will not result in jeopardy or in the destruction or adverse modification of critical habitat that:
  - 1. Specifies the impact of incidental taking as the amount or extent of such taking. A surrogate (e.g., similarly affected species or habitat or ecological conditions) may be used to express the amount or extent of anticipated take, provided that the biological opinion or incidental take statement: Describes the causal link between the surrogate and take of the listed species, explains why it is not practical to express the amount or extent of anticipated take or to monitor take-related impacts in terms of individuals of the listed species, and sets a clear standard for determining when the level of anticipated take has been exceeded;
  - 2. Specifies those reasonable and prudent measures that are considered necessary or appropriate to minimize such impact of incidental taking on the species;
  - 3. Sets forth the terms and conditions (including, but not limited to, reporting requirements) that must be complied with to implement the measures specified in (ii) of this section; and
  - 4. Specifies the procedures to be used to handle or dispose of any individuals of a species actually taken.
  
- ix. **Jeopardize the continued existence of:** to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.
  
- x. **Plant:** Any member of the plant kingdom, including seeds, roots and other parts thereof.

- xii. **Reasonable and Prudent Alternatives:** Alternative actions identified during formal consultation that can be implemented in a manner consistent with the intended purpose of the action, that can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that are believed to avoid the likelihood of jeopardizing the continued existence of listed species or resulting in the destruction or adverse modification of critical habitat.
  - xiii. **Species:** Any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.
  - xiv. **Take:** To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.
  - xv. **Threatened species:** Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.
- b) Section 7 Consultation Requirements (16 U.S.C. Section 1536)
- i. **Jeopardy Prohibition:** Federal actions may not jeopardize the continued existence of listed species. Federal actions may not destroy or adversely modify designated critical habitat.
  - ii. **Formal Consultation Standards:** Biological opinions must include jeopardy determination with supporting analysis and must provide reasonable and prudent alternatives if jeopardy finding made.
  - iii. **Biological Assessment Requirements:** Major construction activities affecting listed species require biological assessments, which must use best available scientific and commercial data.
  - iv. **Exemptions providing exception on taking of endangered species:** Notwithstanding general statutory and regulatory provision on take,
    - 1. Any action for which an exemption is granted by the FSM/Yap Consultation Core (FYCC) shall not be considered to be a taking of any endangered species or threatened species with respect to any activity which is necessary to carry out such action; and

2. Any taking that is in compliance with the terms and conditions specified in a written statement provided under a BA/BO shall not be considered to be a prohibited taking of the species concerned.

f) Section 9 Take Prohibition (16 U.S.C. Section 1538)

- i. With respect to any listed endangered species of fish or wildlife, it is unlawful for any person to:

1. Take any such species within the FSM or the territorial sea of the FSM or Yap State unless incidental to a lawful activity authorized in a BA/BO;
2. Violate any regulation pertaining to such species or to any listed threatened species of fish or wildlife unless incidental to a lawful activity authorized in a BA/BO.

- ii. With respect to any listed endangered species of plants, it is unlawful for any person to

1. Remove and reduce to possession any such species from areas within the defense sites; maliciously damage or destroy any such species on any such area; or remove, cut, dig up, or damage or destroy any such species on any other area in knowing violation of any FSM National or Yap State law or regulation or in the course of any violation of an FSM National or Yap State criminal trespass law; unless authorized in a BA/BO; or
2. Violate any regulation pertaining to such species or to any listed threatened species of plants unless authorized in a BA/BO.

c) Other terms and key concepts

- i. Reasonable and prudent measures. Measures that minimize such impact of incidental taking on the species. Reasonable and prudent measures, along with the terms and conditions that implement them, cannot alter the basic design, location, scope, duration, or timing of the action, may involve only minor changes, and may include measures implemented inside or outside of the action area that avoid, reduce, or offset the impact of incidental take. Priority should be given to developing reasonable and prudent measures and terms and conditions that avoid or reduce the amount or extent of incidental taking anticipated to occur within the action area. To the extent it is

anticipated that the action will cause incidental take that cannot feasibly be avoided or reduced in the action area, the Services may set forth additional reasonable and prudent measures and terms and conditions that serve to minimize the impact of such taking on the species inside or outside the action area.

- ii. Conservation Measures. are actions to benefit or promote the recovery of listed species that are included by the Federal agency as an integral part of the proposed action. These actions will be taken by the Federal agency or applicant, and serve to minimize or compensate for, project effects on the species under review. These may include actions taken prior to the initiation of consultation, or actions which the Federal agency or applicant have committed to complete in a biological assessment or similar document.
- iii. Best available Scientific and Commercial Data. To assure the quality of the biological, ecological, and other information used in the implementation of the Act, it is the policy of the Services to: (1) evaluate all scientific and other information used to ensure that it is reliable, credible, and represents the best scientific and commercial data available; (2) gather and impartially evaluate biological, ecological, and other information disputing official positions, decisions, and actions proposed or taken by the Services; (3) document their evaluation of comprehensive, technical information regarding the status and habitat requirements for a species throughout its range, whether it supports or does not support a position being proposed as an official agency position; (4) use primary and original sources of information as the basis for recommendations; (5) retain these sources referenced in the official document as part of the administrative record supporting an action; (6) collect, evaluate, and complete all reviews of biological, ecological, and other relevant information within the schedules established by the Act, appropriate regulations, and applicable policies; and (7) require management-level review of documents developed and drafted by Service biologists to verify and assure the quality of the science used to establish official positions, decisions, and actions taken by the Services during their implementation of the Act.

#### PROCEDURES FOR ENSURING COMPLIANCE WITH SUBSTANTIVE REQUIREMENTS OF ESA

All Service Components supporting the DoW airport and seaport activities requiring the preparation of an Environmental Impact Statement (EIS) must comply with standards substantively similar to those required by the ESA using the following steps.

- a) **Initiate ESA Consultation Process with FSM/Yap State Governments.** JTF-Micronesia and JPMO shall initiate preliminary coordination with the FSM National and Yap State Governments with the support of the action proponent to identify listed species and critical habitat. Initial coordination should occur in parallel with the NEPA process after a description of the project has been submitted.

DoW shall provide a preliminary list of species listed as , threatened, and endangered under the U.S. ESA, threatened and endangered under FSM National or Yap State law, and endangered and critically endangered under the International Union of Conservation of Nature known or thought to occur in the project area to the FYCC. The FYCC shall be comprised of the FSM National Secretary for the Department of Resources and Development, Deputy Assistant Secretary for Marine Resources, Assistant Secretary for Division of Agriculture, Secretary for the Department of Environment, Climate Change, and Emergency Management, Assistant Secretary for the Division of Environment and Sustainable Development, Director for the Yap State Department of Resources and Development, Chief of Division of Agriculture and Forestry (YDAF), Chief of Division of Marine Resources, and the Director of the Yap Environmental Protection Agency (EPA) or their designees. The FYCC shall consult with the Council of Pilung and other designated traditional knowledge advisors. The FYCC shall facilitate coordination with traditional leadership and shall confirm or amend the list taking into account traditional knowledge and expertise and provide information regarding any locations that are designated as critical habitat for each species. Any amendments shall accompany the FSM National or Yap State law indicating the protected status of the species and the designation of critical habitat.

- b) **Effects Determination.** DoW shall determine if proposed action may affect listed species or critical habitat through the documentation of an effects determination. In the effects determination, DoW determines if proposed action may affect listed species or critical habitat. If an effect is expected, DoW will determine if the effects will likely be adverse. If the effects are determined to not likely be adverse, DoW will enter into an informal consultation with the FYCC. If the effects are determined likely to be adverse, DoW will enter into a formal consultation with the FYCC. To summarize, the three possible outcomes are as follows:

- i. No Effects: DoW shall submit a no effects determination to the FSM National and Yap State Governments.
- ii. Effects, but not likely adverse: DoW will enter into an informal consultation with the FYCC.
- iii. Effects likely to be adverse: If the effects are determined likely to be adverse, DoW will enter into a formal consultation with the FYCC.

**c) Informal Consultation**

- i. If an effect is expected but determined not likely to be adverse, DoW will submit an Effects Determination Letter through JTF-Micronesia, JPMO, and US Embassy to the FYCC through informal coordination to the FYCC for a 30-day review period. If the FYCC agrees with the DoW's effects determination, it shall provide written concurrence by the end of the 30-day review period. If the FYCC does not agree with the DoW's effects determination, it shall provide written non-concurrence requesting formal consultation. FYCC concurrence with the DoW's effects determination shall be assumed if the FYCC does not issue any written response within 35 days of receiving the effects determination. To summarize, the three possible outcomes are as follows:
  1. FYCC agrees with the DoW's Effects Determination Letter and provides written concurrence by the end of the 35-day review period.
  2. FYCC does not agree with the DoW's Effects Determination Letter and provides written non-concurrence requesting formal consultation by the end of the 35-day review period.
  3. FYCC does not issue any written response within 35 days of receiving the Effects Determination Letter and concurrence is assumed.
- ii. Concurrence may be presumed if the FYCC does not provide concurrence, conditional concurrence, or request for revisions within their 35-day review period.
- iii. If the FYCC does not concur and formal consultation is required, the FYCC shall provide a written explanation of the basis for its non-concurrence and a list of reasonably foreseeable anticipated adverse effects within their 35-day review period.

**d) Formal Consultation**

- i. If an effect is expected and is determined likely to be adverse, DoW will request to enter into formal consultation with the FYCC. DoW shall develop a draft Biological Assessment and Biological Opinion (BA/BO) with site-specific analysis detailing potential effects on listed species and critical habitat for each project location. The BA/BO shall include species and habitat baseline conditions, direct and indirect effects analysis, cumulative effects

assessment, and proposed conservation measures, clear jeopardy determination, reasonable and prudent alternatives if there is a jeopardy finding, conservation recommendations, any incidental take authorization with mandatory terms and conditions. The BA/BO shall apply the best available scientific and commercial data standard and include analysis of species proposed for listing that may be affected by the action.

- ii. **Draft BA/BO:** DoW will route the draft BA/BO through JTF-Micronesia, JPMO, and US Embassy to the FYCC through informal coordination for review and comment or concurrence. The FYCC shall issue one of the following:

1. Concurrence.
2. Conditional concurrence with explanation of why conditions are needed.
3. Request for revisions or additional information and explanation of data gaps.

Concurrence may be presumed if the FYCC does not provide concurrence, conditional concurrence, or request for revisions within their 30-day review period.

If the FYCC provides concurrence, DoW will finalize the BA/BO and submit it through JTF-Micronesia, JPMO, and US Embassy via DIPNOTE to the FYCC. The consultation will be considered complete.

If DoW agrees with the conditional concurrence, DoW will incorporate requested conditions, finalize the BA/BO, and submit it through JTF-Micronesia, JPMO, and US Embassy via DIPNOTE to the FYCC. The consultation will be considered complete.

- iii. **Final BA/BO:** If the FYCC requests revisions or additional information and explanations of data gaps on the BA/BO, DoW will revise the BA/BO to consider and respond to the comments of the FYCC. DoW shall have 30 days to request clarification from FYCC and produce a final BA/BO for submission through JTF-Micronesia, JPMO, and US Embassy to the FYCC through informal coordination for review and concurrence. The FYCC shall have 30 days to review the final BA/BO after submittal for one of the following:

1. Concurrence.

2. Provide a revised version along with a separate explanation of changes and reasoning explaining why final BA/BO did not adequately prevent jeopardy. Included in the revised draft must be reasonable and prudent alternatives, conservation recommendations, and final list of incidental take authorization with mandatory terms and conditions. Changes to the final BA/BO shall be limited to those necessary to prevent jeopardy, reasonably minimize take, and prevent adverse modification of critical habitat.

Concurrence may be presumed if the FYCC does not provide concurrence or a revised version of the final BA/BO within their 30-day review period.

If the FYCC provides concurrence, DoW will finalize the BA/BO and submit it through JTF-Micronesia, JPMO, and US Embassy via DIPNOTE to the FYCC. The consultation will be considered complete.

If DoW agrees with the revised version of the final BA/BO submitted by the FYCC, DoW will submit written concurrence through JTF-Micronesia, JPMO, and US Embassy via DIPNOTE to the FYCC. The consultation will be considered complete. If DoW does not agree with the final BA/BO, it shall request dispute resolution.

- iv. No Action that may affect listed species or critical habitat may be taken until 15 days after Final BA/BO issuance and no request for informal dispute resolution has been received.
- e) **Dispute Resolution.** No action to implement a BA/BO may be taken until 15 days after submittal to FSM National and Yap State governments and no request for informal dispute resolution has been received. The FSM National Government, at its own initiative or at the request of Yap State Government, may propose informal dispute resolution and may request a meeting to discuss resolution of any outstanding dispute or issue. Upon this request, the parties shall attempt to resolve any outstanding issues within 14 days. If at the end of the 14 days the parties have not resolved the issue and have not agreed to an extension, the parties shall select a mutually agreeable mediation entity to support resolution of the conflict. The Udall Foundation's John S. McCain III National Center for Environmental Conflict Resolution shall be considered priority if available. If not available, the parties shall consider other mediation options such as the Department of Interior's Office of Collaborative Action and Dispute Resolution.

2) ESA CONSULTATION COMPLIANCE MONITORING AND REPORTING

- a) **Pre-Construction Compliance Verification.** Prior to initiating construction activities, the action proponent shall verify that all ESA consultation requirements have been completed, and Final BA/BO terms and conditions are incorporated into contractor requirements. The Final BA/BO shall be attached to the Final Environmental Compliance Document in accordance with the Yap Environmental Standard Operating Procedure.
- b) **Construction Phase Monitoring.** During construction, the action proponent shall implement monitoring protocols specified in the Final BA/BO and submit quarterly compliance reports to the FYCC documenting adherence to conservation measures and any incidental take that has occurred.
- c) **Adaptive Management and Compliance Adjustments.** If monitoring indicates that conservation measures are not achieving intended effectiveness or if unforeseen impacts to listed species occur, the action proponent shall immediately notify the FYCC and may request consultation modification or additional conservation measures through supplemental consultation procedures.

5) POST-CONSULTATION REQUIREMENTS AND COMPLIANCE

- a) **Annual Compliance Assessment.** The action proponent shall submit annual reports to the FYCC documenting BA/BOBA/BO long-term effectiveness of conservation measures, any incidental take that has occurred, and compliance with ongoing operational restrictions.

**Five-Year Consultation Review.** Every five years following project completion, the action proponent shall conduct a comprehensive review of conservation measure effectiveness and species status in coordination with FYCC to determine if consultation modification or additional protective measures are warranted.

- b) **Reinitiation Triggers.** Consultation must be reinitiated if:
  - i. New information reveals effects not previously considered;
  - ii. The action is modified in a manner that affects listed species;
  - iii. A new species is listed that may be affected;
  - iv. Incidental take levels specified in the incidental take statement are exceeded;

- v. Critical habitat is designated in the action area after the BA/BO is issued;
  - vi. The measures are not effective and adverse affects are occurring including, but not limited to, populations are declining, take is higher than predicted, habitat is degrading;
  - vii. Cumulative impacts show that multiple DoW projects together create jeopardy not identified in individual BA/BOs
  - viii. The action changes in a way that may change impacts, including changes in design, methods, or operations, expanded footprint, increased tempo (e.g., major increase in flights), new activities not previously analyzed; or schedule changes that create new seasonal impacts
- c) Consultation may be reinitiated if:
- d) Reinitiation procedure:

**National Environmental Policy Act Standard Operating Procedure for Department of War Activities Conducted in Yap State, Federated States of Micronesia, that Rise to the Level of an Environmental Impact Statement, Pursuant to Article VI Section 161(a)(2) of the Compact of Free Association**

Introduction: In accordance with the Compact of Free Association Agreement between the United States of America (U.S.) and Federated States of Micronesia (FSM), as amended, (COFA), the FSM, the State of Yap, and the U.S. have agreed that the Government of the U.S. shall apply the National Environmental Policy Act of 1969, as amended, (NEPA) as if the Federated States of Micronesia were the U.S., to the military projects and training at the Yap State International Airport and the Yap State Seaport (hereinafter referred to as “Department of War (DoW) airport and seaport activities”).

Due to the primary focus of the DoW airport and seaport activities in Yap State, this Standard Operating Procedure (SOP) was prepared to create the specific standards and procedures to ensure that efforts associated with U.S. NEPA process are conducted in a manner that is amenable to Yap’s unique cultural, traditional, and environmental landscape. This SOP has been prepared in consultation with FSM National and Yap State governments through technical working group meetings.

This SOP establishes the following:

1) COORDINATION PROCESS WITH FSM AND YAP STATE

- Protocols for coordination between the DoW, the FSM National, and Yap State governments for DoW airport and seaport activities for the implementation of NEPA requirements.

2) APPLICATION OF NEPA IN FSM AND YAP STATE

- Specific procedures for conducting the critical NEPA elements of an EIS or EA within FSM and Yap State and any consultations required in conjunction with the NEPA process.

3) AVAILABILITY OF FUNDS

- Funds are subject to availability of appropriations.

1) COORDINATION PROCESS INTO FSM AND YAP STATE

- a) All Service components and other DoW organizations supporting the DoW airport and seaport activities must coordinate with the Senior Military Official (SMO) team for Yap.

This coordination will include briefings, project details, and any anticipated environmental issues. The SMO team for Yap in turn will provide appropriate DoW leadership with summaries and regular updates of all DoW airport and seaport activities. The SMO Team will liaise with the U.S. Embassy staff to ensure thorough coordination with FSM National and Yap State environmental resource agencies. The SMO team's primary points of contact can be found Annex 1 of this SOP.

- b) For additional environmental coordination required in implementing the primary technical POC is the INDOPACOM J44 Yap Environmental Program Manager. For additional environmental coordination required during the construction and operation phases of the DoW airport and seaport activities, the primary technical POC is the Joint Region Marianas Environmental Program Manager. The primary points of contact for each organization can be found Annex 1.
- c) All DoW travelers to the FSM and Yap State are required to comply with all DoW foreign travel requirements, including submission of Aircraft and Personnel Automated Clearance System (APACS) travel requests.
- d) The U.S. Embassy has agreed to develop an updated notification process for construction-related visitors prior to start of construction. Coordination shall include any procedures developed between U.S. Embassy, DoW, FSM National, and Yap State governments at a future time.
- e) Service components and supported DoW organizations shall not engage in formal or informal discussions with FSM National or Yap State governments without prior coordination with the Joint Task Force-Micronesia (JTF-Micronesia) staff.

## 2) APPLICATION OF NEPA IN FSM

- a) The intention of this SOP is to ensure that the Service Components apply a uniform approach to the NEPA process. Each Service Component shall work within their chain of command and coordinate with INDOPACOM J44, JTF-Micronesia, and U.S. Embassy to expeditiously process these documents and ensure that NEPA documentation is prepared in a manner that is consistent with the Department of Defense NEPA Implementing Guidelines (DoD NEPA Procedures) published on June 30, 2025, and any future guidance issued by DoW.

Adherence to this SOP and the processes described within is necessary to ensure that the DoW meets its obligations to adequately analyze the environmental and social impacts of its actions as required by NEPA under the COFA. Nothing contained within these procedures is intended or should be construed to limit DoW's other authorities or legal responsibilities.

- b) For each proposed DoW project within FSM, each component shall utilize the DoD NEPA Procedures to determine the appropriate level of NEPA documentation (Categorical Exclusion [CATEX], Environmental Assessment [EA], or Environmental Impact Statement [EIS]). The following sections will outline specific processes that will apply to each of the NEPA levels.

i) Categorical Exclusions (CATEX):

- (1) Each component shall submit their CATEX document to INDOPACOM J44 and JTF-Micronesia. INDOPACOM J44 and JTF-Micronesia shall coordinate directly with the U.S. Embassy staff in FSM. The CATEX should include appropriate diagrams, drawings, or illustrations or be accompanied by explanatory slides containing such information. If INDOPACOM J44 and JTF-Micronesia determine that applicability for the CATEX is adequately documented, JTF-Micronesia will submit the CATEX to the U.S. Embassy for distribution to appropriate FSM National and Yap State governments to demonstrate compliance. No action will be taken to implement the CATEX until authorized by JTF-Micronesia. Components shall not plan on being able to implement the CATEX until at least thirty (30) days after the U.S. Embassy submittal to the FSM National and Yap State governments.

ii) Environmental Assessments (EA) and Environmental Impact Statements (EIS):

- (1) Prior to any public release of information for EAs and EISs:

- (a) Components will coordinate with JTF-Micronesia to conduct coordination briefs to FSM National and Yap State governments prior to any information going to the public or holding public meetings. This will allow FSM National and Yap State governments to fully understand the information that the public will be receiving. The briefs will be conducted virtually to the maximum extent practical. Components shall lead the briefing and support all meetings with the necessary project information, slides, briefs, and handouts.

- (b) The following FSM National and Yap State government officials will be invited to the briefing(s):

- (i) FSM National Defense Site Working Group
- (ii) Yap-U.S. Military Operations (YUMO) Task Force
- (iii) Yap State Leadership

(2) NEPA Public Notifications

- (a) The following public notification methods are to be used for projects in Yap State, FSM. This includes the Notice of Intent (NOI) to prepare an EIS, any draft EA/EIS public meetings, and any Notices of Availability (NOAs) of draft and final EA/EIS documents.
  - (i) Formal DIPNOTE submission via JTF-Micronesia to U.S. Embassy, Kolonia Pohnpei, FSM
  - (ii) Publication in the FSM newspaper “The Kaselehlie Press” and the Pacific Daily News
  - (iii) Submission of 30 one-page flyers to the Yap State government for posting at public and government buildings within Yap State
  - (iv) Electronic copy of the flyer to be provided to the FSM for posting on the FSM National government website [www.fsmgov.org/press.html](http://www.fsmgov.org/press.html) and social media platforms
  - (v) Electronic copy of the flyer to be provided to the Yap State government for posting on the Yap State government official website [www.yapstate.gov.fm](http://www.yapstate.gov.fm) and social media platforms
  - (vi) Coordination and assistance to the Yap State government for public radio announcements on radio station “V6AI Radio Yap”
- (b) For EAs and EISs, the component, in coordination with INDOPACOM J44 and JTF-Micronesia, shall post all notices of draft and final EAs and EISs and related notices of public comment periods on a publicly accessible website.

(3) Public Meeting Schedule and Format

- (a) Public meetings for EIS scoping and draft EIS review shall be conducted in Yap State by INDOPACOM J44, JTF-Micronesia, and the components supporting the proposed action. INDOPACOM J44 and JTF-Micronesia will normally require coordination with the FSM National and Yap State governments at least 30 days in advance of the public meeting to establish location, dates, and times. Public Meetings shall occur no sooner than 15 calendar days after notice is provided to the YUMO Task Force. It is expected that the Yap State government will make good-faith efforts to support

reasonable and timely logistical requests by INDOPACOM J44 and JTF-Micronesia.

Yap State government has requested that public meetings occur in the following sequence:

- (i) YUMO Task Force
  - (ii) Yap Leadership (e.g., Yap State Governor’s Office and Legislature, traditional chiefs as requested)
  - (iii) Affected Municipalities (it is expected that a separate briefing may be required for each municipality)
  - (iv) General Public
- (b) The format for the public meetings will be comprised of an “open-house” forum with poster boards and subject matter experts. INDOPACOM J44, JTF-Micronesia, and the components will coordinate with the FSM National and Yap State governments to maximize public engagement. During the public meetings, INDOPACOM J44, JTF-Micronesia, and the components shall provide a short brief on the overall project as well as subject matter experts for key resources (identified in consultation with YUMO Task Force) with poster stations to present details on the project and opportunity for the public to ask questions and receive answers. As EA and EIS documents and associated public engagements may be new to the Yap community and DoW projects can be technically complicated, components shall work to accommodate public communication and public participation. Service components shall support a flexible approach to ensure successful public participation and input into DoW proposed projects.

Components shall have at least forty (40) hard copies of project fact sheets available at each public meeting. Components shall share an electronic copy of the fact sheets with the FSM National and Yap State governments. Components shall provide electronic copies of any slide decks or audio-visual products used during the public meetings to the YUMO Task Force or uploaded to the publicly available website.

#### (4) NEPA Document Review Duration and Deliverables

- (a) In discussion with Yap State government officials, the EA and EIS documents will require minimum review times to allow the public, National/State

agencies, and elected government officials adequate time to provide thorough review. Therefore, components shall use the following review times for their respective NEPA documents to the maximum extent practicable:

(i) EA

1. Internal FSM, Yap, and U.S. government Review of Draft EA – 15 calendar days
2. Public Review of Draft EA – 30 calendar days

(ii) EIS:

1. Internal FSM, Yap, and U.S. government Review of Draft EIS – 30 calendar days
2. Public Review of Draft EIS – 45 calendar days
3. Internal FSM, Yap, and U.S. government review of Pre-Final EIS – 15 calendar days

(b) Public Draft and final EA/EIS document quantities and distribution locations:

- (i) Electronic copies of EA/EIS documents will be placed on a publicly accessible website dedicated to the EA/EIS.
- (ii) JTF-Micronesia, INDOPACOM J44, and service components to provide website link to FSM National and Yap State governments for use on the respective government websites.
- (iii) Up to five (5) hard copies of the full EIS with appendices, five (5) hard copies of the main body of the EIS without appendices, and five (5) electronic copies on removable storage media will be provided to YUMO Task Force for distribution to the appropriate offices and agencies.
- (iv) Up to three (3) hard copies of the full EIS with appendices and three (3) electronic copies on removable storage media will be provided to FSM National Government Defense Site Working Group for distribution to the appropriate offices and agencies.

(c) Methods for receiving official public comments:

(i) Oral comments may be submitted:

1. Via the official EIS recording device during public scoping and draft EA/EIS meetings.
2. Via email with an audio attachment in WAVE or MP4 format to the designated address or online form submitted on the project website during public comment periods.

(ii) Written comment forms submitted

1. During public scoping and draft EA/EIS meetings
2. Via mail to the designated address during public comment periods

(iii) Electronic submission of comments through designated email address or online form posted on the project website during public comment periods.

(5) Document Format:

- (a) To ensure consistency of product delivery to FSM National and Yap State governments, all components and other DoW organizations with construction projects requiring an EA or EIS shall format the document in accordance with the DoD NEPA Procedures. Any EIS documents shall use the INDOPACOM template provided in Appendix A.

(b) The documents must also adhere to the following requirements:

(i) Plain Language

1. Use clear, non-technical language whenever possible.
2. Avoid jargon; define technical terms if they must be used.
3. Limit the use of acronyms and spell them out at first use in each chapter.
4. Write for both decision-makers and the general public.

(ii) Conciseness

1. Focus analysis on relevant and significant issues. For resources not carried forward for analysis, include a brief statement explaining why further analysis is not required.
2. Place technical details in appendices.

(iii) Transparency & Documentation

1. Clearly state assumptions, data sources, and methodologies.
2. Include summary tables for alternatives and impacts.
3. Use figures, flow charts, and images where it reduces long and complicated descriptive text.
4. Ensure that readers can understand the analysis.

(iv) Accessibility

1. Include executive summaries and impact comparisons.
2. Write with public understanding and review efficiency in mind.
3. Prepare a slide show brief to summarize the information in the document.

(6) Translation and Language Accessibility

(a) While the English version of documents remains the legally binding version, the following materials or sections shall be translated into Yapese to the greatest extent practicable.

- (i) Public meeting notices
- (ii) The public versions of the EA/EIS executive summary
- (iii) Public scoping meeting posters
- (iv) Public scoping fact sheets
- (v) Draft EIS public meeting posters

(vi) Draft EIS public meeting fact sheets

- (b) All comments submitted in Yapese will be translated to English and given the same level of attention and analysis as those submitted in English. To ensure accuracy, the Yap State government or relevant municipality will provide a list of qualified individuals to assist in translation. While every effort will be made to provide a comprehensive response, if verification of the DoW's translation proves impossible, the response will be based on the best available understanding of the translated material. This may impact the precision and completeness of the response.
- (c) DoW will attempt to secure individuals fluent in both Yapese and English from a list provided by Yap State government to ensure to the maximum extent practicable facilitation of communication at public scoping and draft EA/EIS meetings for those who are more comfortable speaking in Yapese.
- (d) Informal discussions in Yapese shall be accepted and encouraged during public scoping and draft EA/EIS meetings. These discussions, whether in English or Yapese, shall not be considered official comments.

3) AVAILABILITY OF FUNDS

All activities contemplated by this SOP are subject to availability of funds appropriated and authorized for such purposes. In the event of lack of funds, the DoW shall consult with the FSM National and Yap State governments on alternatives or changes to schedule that may be required.

**Cultural Resources Consultation Standard Operating Procedure for  
Department of War Activities Conducted in Yap State, Federated States of  
Micronesia, Pursuant to Title 54 USC § 307101(e) of the United States National  
Historic Preservation Act**

**Introduction:** This Standard Operating Procedure (SOP) provides uniform guidelines for cultural resource consultation during the course of United States (U.S.) military projects and activities at the Yap State International Airport and the Yap State Seaport that require an EIS and have the potential to directly and adversely affect cultural resources.

In addition to consultation guidelines, this SOP also covers cultural resources identification and survey activities that may include cultural resource documentation and assessments including but not limited to archaeological and ethnographic studies, and field investigations that require access to areas that may contain cultural resources of archaeological, historical, and cultural/anthropological significance.

The U.S. military and stakeholders recognize the importance of protecting and preserving Yapese cultural heritage and the importance of providing notice to the government of Yap State, traditional leaders, and affected communities, which will include properties surveyed and other areas determined to be located within the Area of Potential Effects (APE) which may include neighboring properties.

This SOP is intended to be a framework to facilitate consultation and does not dictate specific outcomes; however, the Department of War (DoW), the FSM National Government Defense Site Working Group (FSM NGDSWG), and the Yap-U.S. Military Operations Task Force (YUMO TF) acknowledge and expect full compliance with the terms of this SOP except when mutually agreed to by DoW, FSM NGDSWG, and the YUMO TF. The results of the consultation process guided by this SOP will be memorialized via an exchange of Diplomatic Notes between the U.S. and FSM governments; finding of effects and measures resolving adverse effects will also be reflected in the EIS Record of Decision (ROD) issued by DoW.

**REFERENCE:** DoW has committed to comply with the National Historic Preservation Act (NHPA) Title 54 USC § 307101(e) and follow the framework of 36 CFR 800. This SOP provides implementation guidance incorporating existing laws and regulations that apply to U.S. federal actions and undertakings that occur abroad at overseas locations and commits compliance with NHPA, Title 54 USC § 307101(e) [Formerly Section 402]; the requirements in the Compact of Free Association as well as incorporating substantive portions of FSM and Yap specific cultural resource laws including Yap State Code Title 5 Chapter 4 and FSM Code Title 26 relating to concepts of culture and preservation of cultural heritage.

**RESPONSIBILITY:** Primary responsibility for carrying out this SOP lies with DoW Project Proponents. These procedures should be briefed to all on-site managers and supervisors who are carrying out work that could result in impacts on cultural resources during U.S. military projects and activities at the Yap State International Airport and the Yap State Seaport. Contracts for carrying out such works will include enforceable terms and conditions reflecting the results of the consultations guided by this SOP including, in particular, relevant avoidance, minimization, and mitigation measures.

## **STEP I      COORDINATION POINT OF CONTACTS AND STAKEHOLDERS**

The YUMO TF has been identified as the primary point of contact (POC) for US military requests. The YUMO TF will follow up with the appropriate entity or individual based on the type of request. The following stakeholders have been identified in a collaborative process with the YUMO TF as potential entities or individuals who may be supporting as directed by the YUMO TF:

1. Yap Historic Preservation Office (HPO)
2. Council of Pilung (CoP)
3. Mayor of Rull
4. Affected Communities
5. Current private property owners within the Area of Potential Effects (APE) or their representatives identified by the YUMO TF.

## **STEP II      PRELIMINARY COODINATION AND NOTIFICATION**

1. DoW shall provide formal notification through diplomatic channels of proposed cultural resource survey work, as follows:
  - a. A Diplomatic Note will be sent from the U.S. Embassy to the FSM National Government before any future surveys commence. Absent emergency or other unforeseen circumstances, the Diplomatic Note shall be sent at least 30 calendar days before field work commences. The U.S. Embassy shall copy the YUMO TF on the email transmission of the Diplomatic Note.
  - b. YUMO TF will disseminate the information contained in the Diplomatic Note to the Yap HPO, CoP, and any other appropriate entity or individual. The Diplomatic Note shall include the following information if utilized during the proposed survey:
    - i. Personnel: Survey team members and their roles
    - ii. Purpose and goal of the surveys
    - iii. Duration: Start/end dates, daily schedules if available, and expected timeline for each location
    - iv. Equipment: Description of specialized equipment to be used in the survey:
      - Transportation: vehicles (cars, aircraft)
      - Drones or other types of aerial equipment
      - Marine equipment (for surveys that occur in water)
      - Other specialized survey instruments
    - v. Access: Routes, staging areas, or temporary facilities needed for the survey

2. The Indo-Pacific Command (INDOPACOM) J44 and Joint Task Force – Micronesia (JTF-M) will submit a follow-up notice to the YUMO TF approximately 14 calendar days before the survey team conducts field work.
3. Depending on the location of the survey or study, notification to stakeholders will be given through appropriate cultural channels once they are defined based on consultation between DoW and YUMO TF.
4. The scope of the project shall be disseminated to the public via public scoping and EIS meetings. Comments on cultural resources concerns shall be solicited via these meetings in addition to cultural resources studies and the consultation process described herein.
5. Concurrently with EIS meetings, the U.S. military project proponent cultural resources Subject Matter Experts (CR SMEs) through INDOPACOM J44 and JTF-M, will continue to meet and coordinate with the YUMO TF under NHPA - 54 USC § 307101(e) [commonly referred by its previous location as Section 402 of NHPA].
6. U.S. military project proponents CR SMEs through INDOPACOM J44 and JTF-M, will meet with the YUMO TF to request identification of an appropriate agency/organization to represent private landowners as the parties acknowledge the importance of community-based consultation that respects traditional ownership patterns and cultural protocols.
7. U.S. military project proponents CR SMEs through INDOPACOM J44 and JTF-M shall request the YUMO TF to facilitate coordination with the CoP for advice on how to appropriately communicate with the community for respectful and culturally appropriate survey activities.

### **STEP III DATA GATHERING**

1. Public Lands: Prior to cultural resources survey work on any public land, U.S. military project proponents CR SMEs, through INDOPACOM J44 and JTF-M, shall coordinate with the YUMO TF and secure any necessary approvals.
2. Private Lands: Prior to cultural resources survey work on private land, U.S. military project proponents CR SMEs, through INDOPACOM J44 and JTF-M, shall coordinate through the YUMO TF. The YUMO TF will provide directions for coordination with the CoP, the respective village chief and through the village chief, the landowner. The village chief will identify community representatives to act as liaisons while in the field and coordinate access. These community liaisons will help assist in protocols associated with cultural sensitivities.
3. Access restrictions and limitations identified by traditional leaders and individual knowledge holders shall be respected, incorporated into survey planning, and enforced through contractual requirements. This recognizes the importance of community-based consultation that respects traditional ownership patterns and cultural protocols.

4. Surveys may include:
  - a. Ethnographic/Community data gathering protocols which will be determined through consultation with YUMO TF.
  - b. Archival and Literature Research
  - c. Archaeological and Historic Structure and Objects Surveys
5. Field work for surveys will be conducted by qualified professionals in coordination with entities or individuals identified by the YUMO TF and assigned community liaisons or traditional knowledge holders depending on the type of cultural resource identified or area that is surveyed. Contractors conducting surveys on behalf of the DoW shall be required to provide reasonable monetary compensation to assigned community liaisons or field assistants.

#### **STEP IV IDENTIFICATION OF CULTURAL RESOURCES**

1. Identification of cultural resources located within the Area of Potential Effects (APE) will be based on data gathering efforts outlined in STEP III. For the purposes of this SOP, the Area of Potential Effects means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist. The area is influenced by the scale and nature of the undertaking and may be different for different kinds of effects caused by the undertaking. DoW, FSM NGDSWG, and YUMO TF will consult to determine the APE.
2. Cultural resource categories/types are defined based on the following laws and regulations. Each of the categories/types below are considered historic properties for the purpose of this SOP:
  - a. NHPA - 54 USC § 307101(e)
    - i. Cultural resources on the World Heritage List
    - ii. Cultural Resources located on the applicable country's equivalent of the National Register of Historic Places
  - b. FSM and Yap State definitions, which provide that cultural resources may include:
    - i. Tangible Resources – Historic and Cultural Significance
      - Sites
      - Structures
      - Buildings
      - Objects
      - Areas

ii. Intangible Resources – Traditional Culture

- Traditions
- Arts, Crafts
- Myths, Stories, Legends
- Chants and Songs
- Indigenous Technology

iii. Burials/Graves/Cemeteries

- Ancient (unknown connections to living population)
- Historic with family connections
- Modern with family connections
- Historic/Modern (unknown connection to living population)

**STEP V RESULTS OF SURVEYS AND STUDIES**

1. Draft reports. Draft reports consisting of a reasonable précis of work shall be submitted to the YUMO TF within six months of the completion of the fieldwork and data gathering procedures. YUMO TF will be responsible for providing draft reports to HPO, CoP, and any other appropriate Yap entities. Reports shall be in English and in ‘layman's terms’ consistent with the Federated States of Micronesia and Yap State Research Policies.
2. Survey findings shall be documented according to professional archaeological and historical standards.
3. Ethnographic Studies:
  - a. The ethnographic studies shall be designed and carried out by a professionally qualified professional ethnographer that is approved by the Yap HPO in advance.
  - b. The specific stakeholders will be dependent upon the location, jurisdiction, and sensitivity of the information, and protections regarding dissemination of traditional cultural knowledge and shall be identified in consultation with YUMO TF.
  - c. Interviewees will be informed of the results of the survey and studies and given the opportunity for a 30-day review and comment period.
  - d. Traditional knowledge shared during surveys shall be protected according to community cultural protocols and particularly sensitive information shall not be disseminated without permission of the interviewee. Subject to the consent of the interviewees, the YUMO TF shall also be provided a copy of the unredacted information. If a portion of the report contains sensitive information, then those portions may be redacted in order to abide by the request for non-dissemination by the interviewee who imparted that information.

4. Final survey reports shall be provided to the YUMO TF for review and concurrence by the relevant stakeholders including the CoP prior to publication, distribution..
5. The results of the assessment will be incorporated into:
  - a. The draft EIS (if available at the time of publication) and the final EIS except to the extent precluded by Step V.3.c.
  - b. Shared with the public in the next round of public meetings associated with the proposed project with the exception of any information that is subject to STEP V.3.c.

## **STEP VI ASSESSMENT OF PROJECT EFFECTS ON CULTURAL RESOURCES**

1. The DoW project proponent CR SMEs will identify in coordination with the YUMO TF and the FSM NGDSWG the effects of the undertaking upon the cultural resources located within the Area of Potential Effects. The YUMO TF shall be responsible for coordination with the Yap HPO and CoP as appropriate.
2. Effects determinations are based upon:
  - a. The information gathered about the cultural resources including type, size, location, function and sensitivity of the cultural resource that may be affected.
  - b. The proposed action in the specific area.
3. An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a cultural resource that qualifies the resource for inclusion on the FSM's National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.
4. Effects include:
  - a. Direct effects (from construction footprint, staging areas, access routes)
    - i. Physical destruction, damage, alteration
    - ii. Removal
    - iii. Change in character of cultural resources use or of physical features within the property's setting that contribute to its historic significance.
  - b. Indirect effects
    - i. Visual
    - ii. Auditory
    - iii. Access (restricting traditional or ceremonial practices or limiting availability of culturally important places or resources)
  - c. Cumulative effects (combined effects from associated actions)
5. The following organizations and entities will be informed of this analysis:
  - a. Governor
  - b. Yap HPO

- c. Director of Department of Youth and Civic Affairs
  - d. CoP
6. If DoW proposes a finding of no adverse effect to historic properties or no historic properties affected, that proposed finding and supporting information will be provided to the YUMO TF (as the primary POC under STEP I) for review and concurrence. The YUMO TF shall have 30 calendar days to respond to the DoW.
7. If an adverse effect is found, or if there is disagreement regarding a proposed finding of no adverse effect, the DoW and parties identified in STEP I and STEP VII.2 through the YUMO TF shall continue to consult to resolve the adverse effect pursuant to STEP VII.

## **STEP VII RESOLUTION OF ADVERSE EFFECTS ON CULTURAL RESOURCES**

1. If it is determined that there will be adverse effects, DoW will further consult with FSM NGDSWG and YUMO TF (which will coordinate with Yap HPO and CoP) to resolve the adverse effects. Adverse effects should be resolved through treatment measures in order of the following preference:
- a. Avoidance: Redesign project to avoid adverse effect.
  - b. Minimization: Reduce adverse effect through protective measures, buffers, timing restrictions or similar measures.
  - c. Mitigation: Examples of mitigation include, but are not limited to data recovery, documentation, oral history, ethnographic studies, compensation, and support of cultural programs, or similar measures.
2. Through meetings, discussions, coordination and consultations with the following Stakeholders, the DoW project proponent will make a good faith effort to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects to cultural resources within the APE.
- a. Yap HPO
  - b. Governor
  - c. Director of Department of Youth and Civic Affairs
  - d. YUMO TF
  - e. CoP
2. DoW will draft a document detailing the proposed avoidance, minimization, and mitigation measures based on consultation with the stakeholders, to include, but not be limited to the following agencies and entities:
- a. YUMO TF
  - b. Yap HPO
  - c. CoP

3. Measures to resolve adverse effects, including avoidance, minimization, and mitigation measures, resulting from the consultation process will be incorporated into the following documents and shared with the public through public meetings associated with proposed project or through supporting documents that will be part of the EIS administrative record.

These include the following:

- a. The draft EIS, if available at the time of publication
- b. The final EIS
- c. The final EIS ROD
- d. Historic Property Treatment Plan (Mitigation Plan)
- e. Any other documents that reference the mutually agreed-upon mitigations

### **STEP VIII CURATION AND ARCHIVES**

Intellectual property rights remain the property of Yap State and shall be reflected on all the final materials produced. The U.S. shall retain the rights to use the material for future U.S. projects in the FSM.

At the end of the project:

1. Written Materials (manuscripts, theses, publications, maps and diagrams). Published materials must be deposited upon completion or publication with Yap HPO and FSM National Office for Archives, Culture, and Historical Preservation. One hard copy and one digital copy of written published material shall be provided to the Yap HPO and FSM National Office for Archives, Culture, and Historical Preservation.
2. Film and video. Digital copies of all footage taken, including unedited portions and final products in broadcast-quality, must be deposited with the Yap HPO and FSM National Office for Archives, Culture, and Historical Preservation. Details to be included with the footage should include the dates, subject matter, filmmaker and institutional sponsor (if any). Two copies of edited final versions of films and videos are to be provided to the Yap HPO and FSM National Office for Archives, Culture, and Historical Preservation, one for public screening and the other for deposit in the archives.
3. Photographs (photographs of key individuals, ceremonies, manufacturing processes, important places, etc.). Copies of all photographs of documentary significance accompanied by explanatory information must be deposited with the Yap HPO and FSM National Office for Archives, Culture, and Historical Preservation.
4. Artifacts.
  - a. No artifacts will be permanently removed from FSM and Yap.
  - b. No artifacts or specimens will be collected during the initial field surveys or ethnographic interviews unless in imminent danger of loss by natural causes.
  - c. If such artifacts are collected, then they will be submitted to the Yap HPO for

curation.

- d. Artifacts and specimens may be temporarily taken out of the country for overseas study and analysis with conditions determined by the Yap HPO. Examples of such items: charcoal for radiocarbon C14 dating, geoarchaeology sediment samples, paleobotanical samples. Artifacts remain the property of Yap State or the individual stakeholder and shall be deemed to remain in the public domain for the purposes of study and analysis. Upon completion of analysis, the artifact will be promptly returned to Yap State.

## **STEP IX INADVERTENT DISCOVERY**

1. For any activity with the potential to disturb subsurface historic or cultural resources, including, but not limited to burials, the following plans (either separate or combined) shall be prepared by DoW and coordinated with FSM NGDSWG and YUMO TF prior to ground disturbing activities. The plans may be attachments or exhibits to the Historic Property Treatment Plan.
  - a. Archaeological Monitoring and Data Recovery Plan
  - b. Inadvertent Discovery Plan
  - c. Burial Treatment Plan
2. The Archaeological Monitoring and Data Recovery Plan, Inadvertent Discovery Plan, and Burial Treatment Plan, with the understanding that requirements are identified in time for inclusion in the construction contract, will incorporate the following requirements:
  1. Ground disturbing activity with the potential to disturb subsurface resources will be appropriately monitored by trained personnel identified in consultation with the Yap HPO and CoP.
  2. There will be an immediate work stoppage involving ground disturbing activities within the vicinity of any discovery. The specific work stoppage area will be determined by the type of cultural resource and the activity involved that uncovered the resource and the environmental conditions of the area. The area will be secured to prevent damage.
  3. Procedures for notifications as well as timing of those notifications will be included in each Plan which may include, but not be limited to notifications to the following persons if applicable to the circumstances:
    - a. Project Associated:
      - i. Project Manager or Field Supervisor
      - ii. Archaeologist and/or Cultural Resource Monitor
      - iii. Contracting Officer (KO) or Contracting Officer Representative (COR)
      - iv. Proponent CR SME (Cultural Resource Manager)
    - b. Yap Officials

- i. YUMO TF
  - ii. Yap HPO
  - iii. CoP
  - ii. Other affected traditional authorities
4. Each plan will have procedures to:
- a. Assess the inadvertent discovery
  - b. Determine its significance
  - c. Treatment options

DRAFT

## **Yap, Federated States of Micronesia (FSM) Pre-Engineered Buildings (PEB) Troop Labor Project – Biosecurity (Cleanliness) Requirements for the Import of Equipment and Materiel to the FSM**

Early detection and rapid response are critical components of the U.S. Department of War’s (DoW) biosecurity strategy. All organizations and personnel involved in the movement of U.S. DoW-sponsored cargo must prevent the spread of agricultural pests and invasive species. The Armed Forces Pest Management Board Technical Guide 31 (AFPMB-TG31): *Operational Washdown and Agricultural Inspection Preparation for Military Conveyances and Equipment*, provides the cleanliness standards and protocols for the U.S. DoW, as required by the Defense Transportation Regulation (DTR) 4500.9-R-Part V. All construction equipment and materials, heavy equipment, and personal gear are required to be free of soil, foreign debris, plant pests, animal pests, and prohibited agricultural items. All personnel shall comply with the references above and with the procedures in this SOP and to the extent that there is a conflict, with the more stringent requirement. Personnel are required to report cargo contaminated with soil or biological material detected at any time during onload, transportation, offload, or during unpacking. The assigned Naval Construction Battalion and their contractors will receive regional biosecurity awareness training. If hitchhiking pests are detected on U.S. DoW cargo within the Federated States of Micronesia (FSM), eradication efforts will begin immediately. In coordination with FSM, the U.S. DoW will prepare a phone tree for notification and emergency response initiation. The U.S. DoW and their contractors will cooperate with the FSM Quarantine Services border inspections. FSM Quarantine Services inspects non-sovereign commercial vessels and their cargo. Military vessels may not be boarded for inspection, in order to maintain sovereign immunity pre-arrival self-inspection in accordance with Technical Guide 31 may occur and upon offload inspection of cargo from military ships will be coordinated. Procedures are described in sections 3.2.b and 4.A.2.a.

Sections 1-4 of this document outlines proposed equipment and cargo requirements for materiel entering the FSM for the Yap Pre-Engineered Buildings Troop Labor Project. Section 5 lists ballast water requirements. Section 6 outlines special requirements if transit through Guam is required in a contingency, and Section 7 lists policy and regulatory requirements.

### **1. Importing Aggregates and Sand**

**Proposed action:** The Naval Construction Battalion assigned will import granular fill and subbase aggregate using a contractor for procurement and shipment following procedures outlined below. Aggregates must not contain soil, organic debris, or pests. The Naval Construction Battalion is working to source sand locally. If sand import is required, the substantive standards and procedures outlined below will be followed.

#### **A. Certificate of Hold Cleanliness**

The contractor must mandate an independent inspection and certification of hold cleanliness before loading aggregate. This includes certifying that the hold was cleaned after last use and free of soil, organic debris, pests, and standing water.

<b>B. Aggregates imported to the Federated States of Micronesia (FSM) by U.S. Department of War (DoW) contractors (similar to the Aggregate Entry Permit 19 March 2024 example and <i>Conditions for importing Gravel into the FSM 10 October 2025</i>)</b>
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<b>1. Documentation:</b>
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For the importation of aggregate, the following documents must be provided at least seventy-two (72) hours prior to arrival of the shipment in Yap:
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- (a) chemical composition report- a third-party laboratory analyzes and reports the composition of aggregate.
- (b) pest-free certification- a third-party contractor or government agency may inspect quarry pest/weed management and aggregate processing. Soil, seeds, plant propagules, and invertebrates [e.g., ants, snails] are high-risk contaminants.
- (c) certificate of origin- designated government agencies, or other authorized bodies, in the exporting country issue certificates of origin. They include exporter and importer details, a description of the goods, the country of origin, and verification from the issuing authority.
- (d) photographic and written treatment record, date- and time- stamped.
- (e) cleanliness declaration confirming the holds cleaned and inspected.
- (f) The contractor shall be required to document procedures to prevent re-contamination following inspection.

## **2. Wash Treatment**

Aggregates shall be processed to be free of soil and biological material prior to loading. At minimum, the contractor shall (i) conduct a wash process sufficient to remove fines/soil and organic debris; (ii) demonstrate that post wash treatment material is not detectably contaminated with soil/organic matter; and (iii) document wash treatment with date/time-stamped photos/video, and wash treatment method description.

Following wash treatment, the material shall be handled and stored to prevent recontamination (e.g., covered storage, clean conveyances/holds, controls to prevent contact with soil/vegetation, and documented sanitation of cargo holds/handling equipment). Any exposure to soil/vegetation triggers re-treatment or rejection.

At the expense of the importer, a U.S. government biosecurity subject matter expert (SME), a contractor representative, and an FSM Quarantine Officer may supervise and verify the treatment of aggregates at the point of origin, the first time a foreign quarry is used. Should a different quarry be required to obtain aggregate after start of the project, the same courtesy will be extended.

## **3. Inspection and Testing**

On arrival in FSM all aggregates shall be visually inspected by an FSM Quarantine Officer before offload. The FSM Quarantine Officer will inspect aggregates for soil and biological material such as plant debris, seeds, invertebrates (e.g., insects, spiders, snails, slugs, etc.), and small vertebrates (e.g., rodents, shrews, skinks, frogs, geckos, etc.).

The FSM Quarantine Services may conduct randomized visual sampling of aggregate shipments prior to offload, including sampling from multiple depths or locations within the hold of the vessel, to confirm compliance.

If contaminated with soil or decomposing organic material or if improper processing is detected, FSM will collect and send samples to the University of Guam or a certified laboratory for chemical composition, soil, and nematode testing, prior to release from quarantine. FSM will obtain any permits required for the export of the samples.

## **4. Deposition of contaminated aggregates<sup>1</sup>**

Aggregates found to be contaminated shall be rejected and refused entry into FSM. If contaminated aggregates are detected after partial offload, all equipment, surfaces, or materials that came into

contact with the shipment shall be subject to decontamination or removal as directed by FSM Quarantine Services, at the importer's expense.

Decontamination response will be informed by the contaminant, and may include but is not limited to treatment with pesticides, tarping, placement of insecticidal baits, barrier sprays, soapy sprays, and/or traps to limit the movement of mobile hitchhikers.

If contaminated aggregate has moved beyond the port before discovery of the contamination, the detachment officer-in-charge, in coordination with the U.S. Embassy team, must immediately inform the Yap-FSM Quarantine Officer in Charge, the Main (Pohnpei) FSM Quarantine Services Plant & Animal Quarantine Specialist, and the Yap State Division of Agriculture and Forestry Chief (serving as the Yap State Invasive Species Coordinator) in order to initiate a rapid response.

The U.S. DoW shall coordinate with FSM prior to importing materials to ensure rapid response materials are staged on Yap to implement rapid response procedures.

#### **5. Notification**

The U.S. DoW will notify the FSM Quarantine Service on the day that aggregate shipments depart the port of embarkation for the FSM. To the extent practicable, the U.S. DoW will notify the FSM Quarantine Service again within 72 hours prior to arrival to coordinate inspection at the port of entry.

#### **6. Inspection coordination**

The detachment officer-in-charge, in coordination to the U.S. Embassy team, must send pest-free certifications, treatment reports, departure and arrival notifications to the following FSM Quarantine Services Staff:

- Mr. John Wichep, Plant & Animal Quarantine Specialist, [jwichep@rd.gov.fm](mailto:jwichep@rd.gov.fm)
- Mr. Jason Louis, Agriculture Data & Information Management Specialist, [jlouis@rd.gov.fm](mailto:jlouis@rd.gov.fm)
- Mr. Andrew Fagolur, FSM Quarantine, OIC Yap Field Office, [andrewfagolur@gmail.com](mailto:andrewfagolur@gmail.com) and [afagolur@rd.gov.fm](mailto:afagolur@rd.gov.fm)

<sup>1</sup>The U.S. DoW will require that the contractor develop a contingency/mitigation plan for implementation if aggregate arrives contaminated and is rejected and refused entry into FSM.

### **C. Sand imported to the Federated States of Micronesia (FSM) by U.S. DoW contractors (similar to the *Conditions for Importing Sand into the FSM 10 October 2025*)**

#### **1. Documentation**

An authorized governmental official from the country of origin must provide a Certificate of Origin and certify that the sand has been inspected and fumigated using methyl bromide or treated with a chlorinated solution.

#### **2. Treatment**

Sand must be fumigated using methyl bromide, or treated with a chlorinated solution using the following method:

- a. Sand must be sprayed or immersed in a chlorinated solution with a minimum concentration of 500 ppm of sodium hypochlorite or calcium hypochlorite.
- b. After disinfection, the sand must be covered to prevent contamination during shipment.
- c. A "certificate of treatment" must be available for inspection by FSM Quarantine, signed by a certified entity.

### **3. Verification**

Contractor will provide dated, written description and photographs of sand treatment.

At the expense of the importer, a U.S. government biosecurity subject matter expert (SME), a contractor representative, and an FSM Quarantine Officer may supervise and verify the treatment of sand at the point of origin, the first time a foreign mine/quarry is used. Should a different mine/quarry be required to obtain aggregate after start of the project, the same courtesy will be extended.

### **4. Inspection and Testing**

On arrival in FSM all sand shall be visually inspected by an FSM Quarantine Officer before offload. The FSM Quarantine Officer will inspect sand for soil and biological material such as plant debris, seeds, invertebrates (e.g., insects, spiders, snails, slugs, etc.), and small vertebrates (e.g., rodents, shrews, skinks, frogs, geckos, etc.).

The FSM Quarantine Services may conduct randomized visual sampling of aggregate shipments prior to offload, including sampling from multiple depths or locations within the hold, to confirm compliance.

If contaminated with soil or decomposing organic material or if improper processing is detected, FSM will collect and send samples to the University of Guam or a certified laboratory for chemical composition, soil, and nematode testing, prior to release from quarantine. FSM will obtain any permits required for the export of the samples.

### **5. Deposition of contaminated sand<sup>2</sup>**

Sand found to be contaminated, and that cannot be remediated onsite, shall be rejected and refused entry into FSM. If contaminated sands are detected after partial offload, all equipment, surfaces, or materials that came into contact with the shipment shall be subject to decontamination or removal as directed by FSM Quarantine, at the importer's expense.

Decontamination response will be informed by the contaminant, and may include but is not limited to treatment with pesticides, tarping, placement of insecticidal baits, barrier sprays, soapy sprays, and/or traps to limit the movement of mobile hitchhikers.

If contaminated sand has moved beyond the port before discovery of the contamination, the detachment officer-in-charge, in coordination with the U.S. Embassy team, must immediately inform the Yap-FSM Quarantine Officer in Charge, the Main (Pohnpei) FSM Quarantine Services Plant & Animal Quarantine Specialist, and the Yap State Division of Agriculture and Forestry Chief (serving as the Yap State Invasive Species Coordinator) in order to initiate a rapid response.

The U.S. DoW shall coordinate with FSM prior to importing materials to ensure rapid response materials are staged on Yap to implement rapid response procedures.

### **6. Notification**

The U.S. DoW will notify the FSM Quarantine Services on the day that sand shipments depart the port of embarkation for the FSM. To the extent practicable, the U.S. DoW will notify the FSM Quarantine Services again within 72 hours prior to arrival to coordinate inspection at the port of entry.

### **7. Inspection coordination**

The detachment officer-in-charge, in coordination to the U.S. Embassy team, must send inspection and treatment reports, departure and arrival notifications to the following FSM Quarantine Services Staff:

- Mr. John Wichep, Plant & Animal Quarantine Specialist, [jwichep@rd.gov.fm](mailto:jwichep@rd.gov.fm)
- Mr. Jason Louis, Agriculture Data & Information Management Specialist, [jlouis@rd.gov.fm](mailto:jlouis@rd.gov.fm)
- Mr. Andrew Fagolur, FSM Quarantine, OIC Yap Field Office, [andrewfagolur@gmail.com](mailto:andrewfagolur@gmail.com) and [afagolur@rd.gov.fm](mailto:afagolur@rd.gov.fm)

<sup>2</sup> The U.S. DoW will require that the contractor develop a contingency/mitigation plan for implementation if sand arrives contaminated and is rejected and refused entry into FSM.

## 2. **Importing Lumber and Plywood**

**Proposed action:** The Naval Construction Battalion will utilize a contractor to source and procure plywood and treated lumber. As of 9 November 2025, it is likely that the purchase of plywood and treated lumber will come through local hardware stores within Yap State. The U.S. DoW proposes the following requirements and process if the U.S. DoW contractor sources plywood/treated lumber from outside of the local economy.

### **A. Lumber and Plywood imported to the Federated States of Micronesia (FSM) by U.S. DoW contractors (similar to the [Conditions for importing Lumber and Plywood into the FSM 10 October 2025](#))**

1. A Phytosanitary Certificate<sup>3</sup> must accompany the shipment, certifying that:

- a. The shipment has been inspected and is free from quarantine pests and substantially free from other harmful pests.
- b. The lumber is predominantly free of bark.
- c. The lumber has been graded and treated with preservatives according to United States Department of Agriculture (USDA)-specifications to prevent insect infestation; or  
The lumber has been graded and treated with timber preservatives so as to immunize the timber against insect infestation according to the country of origin National Plant Protection Organization (NPPO) specifications;
- d. The lumber has been treated with an approved fumigant, with an official treatment certificate from the USDA accompanying the shipment; or  
The lumber has been graded and treated with an approved fumigant at an internationally accepted rate and an official treatment certificate endorsed by the concerned NPPO accompanies the consignments.

2. All lumber is subject to inspection and any necessary treatment upon arrival in the FSM.

3. Plywood and treated timber<sup>4</sup> products are exempt from requirements for lumber entry condition 1 (b), (c), and (d) but are subject to inspection for insect infestation upon arrival.

#### **4. Inspection coordination**

The detachment officer-in-charge, in coordination to the U.S. Embassy team, must send Phytosanitary Certificate and arrival notifications to the following FSM Quarantine Services Staff:

- Mr. John Wichep, Plant & Animal Quarantine Specialist, [jwichep@rd.gov.fm](mailto:jwichep@rd.gov.fm)
- Mr. Jason Louis, Agriculture Data & Information Management Specialist, [jlouis@rd.gov.fm](mailto:jlouis@rd.gov.fm)
- Mr. Andrew Fagolur, FSM Quarantine, OIC Yap Field Office, [andrewfagolur@gmail.com](mailto:andrewfagolur@gmail.com) and [afagolur@rd.gov.fm](mailto:afagolur@rd.gov.fm)

<sup>3</sup> [USDA- APHIS- PPQ Form 577, Phytosanitary Certificate](#), see Figure 2 of this SOP or equivalent from exporting country. A certificate will be obtained when practicable. Limitations may exist if issuing country requires proof of FSM import permit. Per SOFA, import permits will not be obtained by the U.S. Armed Forces or its agents or contractors.

<sup>4</sup> The Yap, FSM PEB Troop Labor Project will only use plywood and treated timber products.

### **3. Transporting Construction Cargo including Equipment and Materials**

**Proposed action:** The Naval Construction Battalion will procure construction equipment and materials (e.g., pre-engineered warehouses, wattles, hand tools, tires, spare parts, specialty equipment, etc.). These materials may be packed by the military or contractors and may be shipped on commercial or military vessels.

#### **1) Pre-Departure Inspections:**

a. Contractor packed and shipped: The contractor will require that U.S. DoW agriculture cleaning and inspection requirements are met by shippers. Shippers will follow detailed cleaning and inspection procedures found in the Armed Forces Pest Management Board Technical Guide No. 31 (AFPMB TG-31). All wood packaging material (WPM) must meet the requirements set forth in DoD Manual 4140.65- Issue, Use, And Disposal of Wood Packaging Material.

All container interiors/exterior (including bottoms) must meet AFPMB TG-31 cleanliness standards prior to packing. Cargo must be staged indoors or on hardstand prior to shipping.

The contractor must certify that the cargo and conveyance meet the AFPMB TG-31 cleanliness standards and any Federated States of Micronesia border clearance requirements (as outlined in the Defense Transportation Regulation (DTR) 4500.9-R-Part V Chapter 511 and the U.S. DoD Foreign Clearance Guide), and will include a cargo / container inspection and documentation from a third-party inspector.

b. Military packed and shipped: Cargo (palletized cargo, containers, rolling stock, breakbulk) originating from outside of Yap, FSM will meet the AFPMB TG-31 cleanliness standard. Wood packaging materials (WPM) will meet U.S. DoW treatment requirements in accordance with DoD Manual 4140.65 and must be visually inspected for signs of pest infestation prior to loading.

All container interiors/exterior (including bottoms) must meet AFPMB TG-31 cleanliness standards prior to packing. Cargo must be staged indoors or on hardstand prior to shipping. Support from pest control at the originating installation is required to ensure pest-free areas at storage, packing, laydown, and staging areas.

Units will coordinate inspections by U.S. DoW Certified Senior Agriculture Agents or Customs Inspection Technicians, who are trained to conduct agriculture inspections of unit cargo/equipment prior to departure to certify that conveyance meets the AFPMB TG-31 cleanliness standards. U.S. DoW Certified Senior Agriculture Agents will affix DD Form 2855 forms to cargo that has cleared their inspection.

#### **2) Arrival Cleanliness Inspections on Yap, FSM:**

a. Commercial vessels:

- i. The contractor will coordinate arrival cleanliness inspections with the FSM Quarantine Services.
- ii. Any required disposition, quarantine, and/or remediation will be at the expense of the contractor.

b. Military vessels:

- i. All items will be systematically inspected on the ship, before offload, by U.S. DoW Certified Senior Agriculture Agents. The Officer in Charge of the Naval Construction Battalion will self-certify that the equipment meets the AFPMB TG-31 cleanliness standard and is free of pests and contaminants before offload to a designated quarantine area. Cargo will have DD Form 2855 visible.
- ii. U.S. DoW will offload to a designated quarantine area for FSM Quarantine Services inspections.
- iii. Cargo/equipment, pallets, containers, and rolling stock not meeting the cleanliness standards will be quarantined until necessary mitigation (e.g., washing with secondary containment, pesticide treatment\*, etc.) is arranged. \* All military shipboard pest control of equipment or cargo intended to be offloaded is conducted by U.S. DoW with pre-approved pesticides. There will be no non-U.S. DoW entity access to treat equipment or cargo inside military vessels. Treatment of offloaded cargo must use U.S. Environmental Protection Agency (EPA) registered products.
- iv. No on-island wash treatment of any materials, cargo, and equipment not meeting the cleanliness standard shall occur except as directed by FSM Quarantine with Yap State concurrence.

#### **4. Heavy Construction Equipment and Personal Gear**

**Proposed action:** The Naval Construction Battalion will transport heavy equipment via surface vessels to Yap, FSM. They may use commercial (Surface Deployment and Distribution Command) or U.S. military vessels to move heavy construction equipment. Naval Construction Battalion personnel working on this project intend to travel to the FSM via commercial flights with personal gear. Personnel are expected to be on the Yap Main Islands prior to arrival of shipped heavy construction equipment.

Units will coordinate inspections by U.S. DoW Certified Senior Agriculture Agents or Customs Inspection Technicians, who are trained to conduct agriculture inspections of unit cargo/equipment prior to departure to certify that conveyance meets the AFPMB TG-31 cleanliness standards in order to fulfill the FSM border clearance requirements.

#### **A. Earthmoving/ heavy equipment**

Once offloaded into an area that FSM identifies for “quarantine,” earthmoving/ heavy equipment can be subject to inspection by FSM Quarantine Services. The project site has an area where this equipment would be stored and could be a designed “quarantine” area if agreed to by FSM and Yap.

1) **Pre-Departure Inspections:** All heavy construction equipment cargo (palletized cargo, containers, rolling stock, breakbulk) originating from outside of Yap, FSM will meet the Armed Forces Pest

Management Board Technical Guide No. 31 (AFPMB TG-31) cleanliness standard. Basic wheeled vehicle inspection checklist from AFPMB TG-31 will be utilized when DoW (not contractors) are shipping equipment. (see Enclosure 1 for example). Wood packaging materials (WPM) will meet U.S. DoW treatment requirements in accordance with DoD Manual 4140.65 and must be visually inspected for signs of pest infestation prior to loading.

Units will coordinate inspections by U.S. DoW Certified Senior Agriculture Agents or Customs Inspection Technicians, who are trained to conduct agriculture inspections of unit cargo/equipment prior to departure to certify that conveyance meets the AFPMB TG-31 cleanliness standards in order to fulfill the FSM border clearance requirements. U.S. DoW Certified Senior Agriculture Agents will affix DD Form 2855 forms to cargo that has cleared their inspection.

## **2) Arrival Cleanliness Inspections on Yap, FSM:**

The unit will coordinate the use of cleaning equipment (e.g., portable washracks/ secondary containment, pressure washers, water pumps, brooms, vacuums, power supply, buckets/drums for debris, oil absorbent pads, etc.) at the Yap Sea Port. As heavy equipment is offloaded, the unit will coordinate pest control support from the Navy's vector control contractor and/or preventive medicine technicians, as necessary.

### **a. Military Vessels**

- i. All items will be systematically inspected on the ship, before offload, by U.S. DoW Certified Senior Agriculture Agents. The Officer in Charge of the Naval Construction Battalion will self-certify that the equipment meets the AFPMB TG-31 cleanliness standard and is free of pests and contaminants before offload to a designated quarantine area. Cargo will have DD Form 2855 visible.
- ii. U.S. DoW will offload to a designated quarantine area for FSM Quarantine Services inspections.
- iii. Cargo/equipment, pallets, containers, and rolling stock not meeting the cleanliness standards will be quarantined until necessary mitigation (e.g., washing with secondary containment, pesticide treatment\*, etc.) is arranged. \* All military shipboard pest control of equipment or cargo intended to be offloaded is conducted by U.S. DoW with pre-approved pesticides. There will be no non-U.S. DoW entity access to treat equipment or cargo inside military vessels. Treatment of offloaded cargo must use U.S. Environmental Protection Agency (EPA) registered products.
- iv. No on-island wash treatment of any materials, cargo, and equipment not meeting the cleanliness standard shall occur except as directed by FSM Quarantine with Yap State concurrence.

### **b. Commercial Vessels**

- i. All items will be systematically inspected on the ship, before offload, by U.S. DoW Certified Senior Agriculture Agents and the Officer in Charge of the Naval Construction Battalion to verify that AFPMB TG-31 cleanliness standards are met and that cargo is free of pests and contaminants. FSM Quarantine Services inspectors may inspect cargo on the commercial vessel before offload or accept self-certification.

- ii. U.S. DoW will offload to a designated quarantine area for FSM Quarantine Services inspection, as required.
- iii. Cargo/equipment, pallets, containers, and rolling stock not meeting the cleanliness standards will be quarantined until necessary mitigation (e.g., washing with secondary containment, pesticide treatment, etc.) is arranged.
- iv. No on-island wash treatment of any materials, cargo, and equipment not meeting the cleanliness standard shall occur except as directed by FSM Quarantine with Yap State concurrence.

### **3) Pre-FSM Departure Cleanliness of any Equipment or Materials on Yap, FSM:**

- a. All cargo/equipment, pallets, containers, and rolling stock to be loaded onto aircraft or vessels on Yap, FSM are required to meet AFPMB TG-31 cleanliness standards prior to departure. All wood packaging materials (WPMs) must be free of pests, including wood-boring pests (e.g., beetles, termites, carpenter ants).
- b. All items will be systematically inspected by U.S. DoW Certified Senior Agriculture Agent to self-certify cleanliness prior to loading on to aircraft or vessels to ensure no soil, weed seeds, vegetation, spider webs, invertebrates (e.g., insects, spiders, snails, slugs, etc.), and small vertebrates (e.g., rodents, skinks, frogs, geckos, etc.) are present on any items.
- c. All container interiors/exterior (including bottoms) must be clean and inspected by U.S. DoW Certified Senior Agriculture Agents prior to packing and equipment must be clean and inspected prior to packing to ensure AFPMB TG-31 standards are met.

### **4) Secondary Pre-FSM Departure Cleanliness Inspections**

All items staged for several days (>3 days) prior to scheduled departure, will receive additional secondary pre-departure inspection(s) for invasive species just prior to departure/retrograde.

### **Personal Gear Self-Inspections**

All construction participants whether contractor or Naval Construction Battalion personnel shall conduct self-inspections of all personal gear/clothing and hand carried equipment for the removal of soil accumulation, seeds, vegetation, invertebrates, and small vertebrates prior to departing to FSM and before leaving FSM.

### **5. Ballast Water**

Contracted vessels must meet the requirements of the International Maritime Organization (IMO) International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention). U.S. DoW vessels will follow U.S. DoW/Navy ballast water and hull maintenance requirements.

### **6. Special Requirements for Cargo Departing/Transiting from Guam**

As of 24 March 2026, there are no plans to ship cargo from, or transit through, Guam in support of the Yap, FSM PEB Troop Labor Project. There are special brown treesnake and invasive species inspection requirements for cargo/conveyance departing Guam that are coordinated through the U.S. Navy Regional Biosecurity Program Manager (Mr. Stephen Mosher). These requirements include the following:

All aircraft, small vessels (< 100 ft), and cargo with movements from Guam to the Federated States of Micronesia (FSM) must have two separate pre-departure brown treesnake canine inspections implemented by United States Department of Agriculture (USDA)-Wildlife Services (WS) on Guam prior to upload to aircraft and/or vessels for departure, pending USDA-WS canine capacity.

All cargo (palletized cargo, containers, rolling stock, breakbulk) must meet the AFPMB TG-31 standards. All cargo will be systematically inspected by third-party contractor biosecurity inspectors prior to loading on to aircraft or vessels to ensure no soil, weed seeds, vegetation, spider webs, invertebrates (e.g., insects [including coconut rhinoceros beetles], spiders, snails, slugs, etc.), or small vertebrates (e.g., rodents, shrews, skinks, frogs, geckos, etc.) are present on any items.

All container interiors/exteriors (including bottoms) must meet AFPMB TG-31 cleanliness standards prior to packing on Guam. Third-party contractor biosecurity inspectors will conduct pre-departure biosecurity cleanliness inspections to ensure AFPMB TG-31 standards are met.

Cargo must be staged indoors or on hardstand prior to shipping. Pest control support is required to ensure pest-free areas at storage, packing, laydown, and staging areas.

## **7. Reference List of Applicable Regulations and Policies Governing Biosecurity in Yap, FSM**

<u>International Regulation</u>
<ol style="list-style-type: none"> <li>1. International Maritime Organization (IMO) International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention)</li> <li>2. World Health Organization, International Health-Regulations, Article 39 Ship sanitation certificates</li> </ol>
<u>U.S. DoW Regulations, Policies, and Technical Guidance</u>
<ol style="list-style-type: none"> <li>1. Defense Transportation Regulation (DTR) 4500.9-R-Part V Chapters 505, 506, and 511</li> <li>2. Armed Forces Pest Management Board Technical Guide 31 (AFPMB-TG31): <i>Operational Washdown and Agricultural Inspection Preparation for Military Conveyances and Equipment</i></li> <li>3. DoD Directive 4500.54E DoD Foreign Clearance Program and DoD Electronic Foreign Clearance Guide</li> <li>4. DoD Manual 4715.06, Volume 3, Regulations on Vessels Owned or Operated by the Department of Defense: Ballast Water</li> <li>5. DoD Manual 4715.06, Volume 4, Regulations on Vessels Owned or Operated by the Department of Defense: Discharges Incidental to Normal Operations</li> <li>6. DoD Instruction 4150.07 DoD Pest Management Program</li> <li>7. DoD Manual 4150.07, Volume 1, DoD Pest Management Program Elements and Implementation: Structure and Operations</li> <li>8. DoD Manual 4140.65, Issue, Use, And Disposal of Wood Packaging Material</li> </ol>
<u>Navy-Specific Policies</u>
<ol style="list-style-type: none"> <li>1. NAVMED P-5052-26 United States Navy Shipboard Pest Management Manual</li> <li>2. NAVMED P-5010-8 Chapter 8 Manual of Naval Preventive Medicine Navy Entomology and Pest Control Technology</li> <li>3. OPNAV Instruction 6210.2B Quarantine Regulations of the Navy</li> <li>4. BUMEDINST 6210.4 Ship Sanitation Certificate Program</li> <li>5. OPNAV Instruction 6250.4C Navy Pest Management Programs</li> <li>6. OPNAV Manual 5090.1 Chapter 35</li> <li>7. JTREGMARIANASINST 5090.10B Brown Treesnake Control and Interdiction Plan</li> <li>8. NAVADMIN 165/21 Sovereign Immunity Policy</li> </ol>
<u>Federated States of Micronesia Regulations and Invasive Species Plans</u>

1. Title 22 of the Code of the Federated States of Micronesia, Chapter 4, Biosecurity Act (2017)
2. Executive Order No 10-16 Regarding Coconut Rhinoceros Beetle (CRB)
3. Plant & Animal Quarantine Regulations (2000)
4. Yap Invasive Species Taskforce Adaptive Strategic Management Plan (2025-2034)
5. FSM National Invasive Species Strategy and Action Plan (2016-2021)

## **8. Adjudication of Claims**

Notwithstanding Article V of the SOFA which exempts cargo consigned or shipped by the Armed Forces of the United States or its U.S. contractors from customs inspection but requires inspection of animal and plant imports by U.S. personnel under FSM law; this plan recognizes responsibility of the United States and the Federated States of Micronesia to promote efforts to prevent damage to the environment under the COFA. The plan recognizes the responsibility of U.S. DoW, in cooperation with the FSM, to take appropriate measures including inspection to prevent the importation of contraband. Application of the procedures herein shall not be interpreted to foreclose the adjudication of claims under the COFA and its subsidiary documents as follows:

- a. All claims against service components within U.S. DoW shall be administratively or otherwise remedied pursuant to Article XV of the Status of Forces Agreement.
- b. All other claims shall be made pursuant to Title One Article VII Section 174 (d) of the COFA.
- c. Nothing herein precludes a claim against a contractor for damages to extent permitted under established agreements between U.S. and FSM.
- d. Nothing herein shall be interpreted to foreclose any available remedies under Section 162 of the COFA.

## **9. Example Forms**

Figure 1 is an example of cargo inspection form on any container to be shipped to FSM. Third party may use similar form. This form applies to U.S. DoW inspected shipped cargo and equipment.

<b>U.S. MILITARY AGRICULTURE INSPECTION FORM</b> Authorized use only in accordance with DoD 4500.9-R, Part V Chapters 505 and 506.	
<b>The U.S. Government property to which this label has been affixed was inspected in accordance with requirements listed in DoD 4500.9-R, Part V, Chapters 505 and 506, and Armed Forces Pest Management Board Technical Guide 31, <i>Operational Washdown and Agricultural Inspection Preparation of Military Conveyances and Equipment.</i></b>	
1. INSPECTOR'S PRINTED/TYPED RANK and NAME ( <i>Last, First, MI.</i> ):	2. DATE (YYYYMMDD):
3. ORIGIN:	4. DESTINATION:
5. INSPECTOR'S SIGNATURE AND/OR STAMP:	6. REMARKS:

Figure 1. U.S. Military Agriculture Inspection DD Form 2855



UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE PLANT PROTECTION AND QUARANTINE  <b>PHYTOSANITARY CERTIFICATE</b>  <b>TO: THE PLANT PROTECTION ORGANIZATION(S) OF</b> <b>SAMPLE</b>		FOR OFFICIAL USE ONLY PLACE OF ISSUE <b>SAMPLE</b> NO. <b>FPC XXXXXXXX</b> DATE INSPECTED	
<b>CERTIFICATION</b> This is to certify that the plants, plant product or other regulated articles described herein have been inspected and/or tested according to appropriate official procedures and are considered to be free from the quarantine pests, specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party including those for regulated non-quarantine pests.			
<b>DISINFESTATION AND/OR DISINFECTION TREATMENT</b>			
1. DATE		2. TREATMENT	
3. CHEMICAL (active ingredient)		4. DURATION AND TEMPERATURE	
5. CONCENTRATION		6. ADDITIONAL INFORMATION	
<b>DESCRIPTION OF THE CONSIGNMENT</b>			
7. NAME AND ADDRESS OF EXPORTER <b>SAMPLE</b>		8. DECLARED NAME AND ADDRESS OF THE CONSIGNEE <b>SAMPLE</b>	
9. NAME OF PRODUCE AND QUANTITY DECLARED <b>SAMPLE</b>		10. BOTANICAL NAME OF PLANTS <b>SAMPLE</b>	
11. NUMBER AND DESCRIPTION OF PACKAGES <b>SAMPLE</b>		12. DISTINGUISHING MARKS <b>SAMPLE</b>	
13. PLACE OF ORIGIN <b>SAMPLE</b>		14. DECLARED MEANS OF CONVEYANCE <b>SAMPLE</b>	
		15. DECLARED POINT OF ENTRY	
<b>WARNING:</b> Any alteration, forgery, or unauthorized use of this phytosanitary certificate is subject to civil penalties of up to \$250,000 (7 U.S.C. Section 7734(b)) or punishable by a fine of not more than \$10,000, or imprisonment of not more than 5 years, or both (18 U.S.C. Section 1001).			
<b>ADDITIONAL DECLARATION</b>			
<b>SAMPLE</b>			
		<b>SAMPLE</b>	
Page 1 of 1			
16. DATE ISSUED	17. NAME OF AUTHORIZED OFFICER (Type or Print)	18. SIGNATURE OF AUTHORIZED OFFICER	
No liability shall attach to the United States Department of Agriculture or to any officer or representative of the Department with respect to this certificate.			

Figure 2. USDA- APHIS- PPQ Form 577