Phase I Planning Closeout; Phase II & Cleanup Progress; Executive Order & Budget Considerations on the Horizon

IN AUGUST 2012, the Navy achieved a very significant environmental milestone. The 21 August signing of the Record of Decision on the environmental impact statement (EIS) for the Silver Strand Training Complex marked the end of the Navy's "Phase I" program for environmental planning, permitting and consultation for major training and testing areas at sea.

Phase I encompassed preparation of EISs, obtaining Marine Mammal Protection Act (MMPA) permits, and conducting Endangered Species Act (ESA) permits, for thirteen training and testing areas at sea. From west to east, these areas are the Marianas Island Training Complex, the Hawaii Range Complex, the Gulf of Alaska area, the Northwest Training Range Complex, the testing areas of Naval Undersea Warfare Center, Keyport, the Southern California Range Complex, the Silver Strand Training Complex, the Gulf of Mexico area, the testing areas of Naval Undersea Warfare Center Panama City, the Atlantic Fleet Active Sonar Training area, the Virginia Capes Range Complex, the Charleston Range Complex, and the Jacksonville Range Complex. An additional EIS was prepared covering construction of an Undersea Warfare Training Range off northern Florida.

in the early to mid-1990s, which equipped Navy ships to process metal, glass, cardboard and paper waste at sea, in response to stricter international and domestic requirements. The Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) environmental planning program, and the northern right whale ESA consultation program, both begun in earnest in 1996, were the harbingers of a new era of Navy environmental responsibility at sea. Other environmental initiatives yet in the offing, such as the Chesapeake Bay effort in response to Executive Order 13508, and the Coastal and Marine Spatial Planning effort as part of Executive Order 13547, have the potential to dramatically change the Navy environmental protection landscape.

No other environmental program, however, past, present or future, has had or is likely to have as profound an impact on the Navy as the Phase I environmental planning effort. The Phase I effort was begun in earnest in the early part of this century, in part as a result of recognition that litigation had the potential to interfere with ongoing Navy training and testing at sea. Rather than addressing environmental planning at sea through a patchwork of environmental documents prepared for particular events or exercises, the Navy undertook to cover most Fleet training in major training areas in a single EIS, covering a five-year period. In so doing, the Navy addressed squarely the challenge of ensuring that

Of Navy's major environmental initiatives over the years, the Phase I effort was not the broadest in scope, longest lasting, or most costly–but it may be the most consequential.

realistic Navy training would effectively protect marine life, including marine mammals, endangered turtles, fish and other species. The Phase I effort, carried out in the face of aggressive litigation brought by non-governmental organizations, for the first time attracted widespread attention to an environmental issue among the senior-most military and civilian leadership of the Navy. Commitments to environmental protection made by the Navy during this period have been incorporated into routine training and practice at sea, and spurred development of a Navy culture of environmental protection in all activities at sea.

Long before the Phase I effort was complete, in late 2009, Navy was hard at work on "Phase II" EISs that will support the next round of permits, after the Phase I permits expire. As all involved in this effort will attest, this is a gargantuan effort. Phase II will encompass not only Fleet training, but also research conducted by the Office of Naval Research and development and testing activities of the Systems Commands. Notice of intent to prepare the first of the Phase II EISs was published in the summer of 2010, and the first draft EISs for Phase II study

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The first of the Phase I EISs, and associated MMPA permits and ESA consultations, were completed in January 2009. Over the next three years, another nine EISs were completed, and renewals of year-long MMPA letters of authorizations were obtained as necessary. The National Marine Fisheries Service (NMFS), Navy's principal regulator for activities at sea, deserves considerable credit for the success of this effort. Led by Mr. Jim Lecky, head of the NMFS Office of Protected Resources (OPR), NMFS acted as both a cooperating agency on the EISs, and issuer of the MMPA permits and ESA biological opinions.

Navy's Phase I environmental permitting effort represented a substantial increase in the NMFS headquarters workload, but the OPR staff was invariably supportive of Navy timetables, while working cooperatively with Navy to develop appropriate protective measures. Mr. Lecky retired in April 2012. His contributions to the protection of marine species, while assisting federal agencies in accomplishing important national priorities at sea, cannot be underestimated. Ably filling in as Acting OPR Director since Mr. Lecky's retirement is Ms. Helen Golde, whose professionalism and dedication ensures that Navy and NMFS will continue to work cooperatively and effectively to achieve their mutual objectives.

areas were made public for review and comment in May 2012. U.S. Fleet Forces Command and Commander, Pacific Fleet will be the action proponents for most Phase II documents, assimilating and coordinating input from the various other Echelon II commands. The Phase II effort requires unprecedented cooperation among diverse Navy stakeholders—and the effort may well become much more difficult in the months ahead.

In mid-2012, it is impossible to predict where the nation and the Navy will be in early 2013 with regard to the budget. Substantial across-the-board decreases may be in the cards, even for the environmental program. Should this occur, difficult choices will be made. Given the direct and immediate connection between Fleet readiness and on-time completion of Phase II environmental planning requirements, substantial priority is likely to be put in this area. To the extent possible, environmental requirements directly supporting Fleet readiness will need to be met, in order to carry out the Navy Title 10 mission of providing ready forces to Combatant Commands in support of national objectives. ⚓

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