

**CHALLENGES TO NATIONAL SECURITY:
CONSTRAINTS ON MILITARY TRAINING**

HEARING
BEFORE THE
**COMMITTEE ON
GOVERNMENT REFORM**
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTH CONGRESS
FIRST SESSION
MAY 9, 2001
Serial No. 107-3

Printed for the use of the Committee on Government Reform



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CHALLENGES TO NATIONAL SECURITY: CONSTRAINTS ON MILITARY TRAINING

WEDNESDAY, MAY 9, 2001

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 11:45 a.m., in room 2154, Rayburn House Office Building, Hon. Dan Burton (chairman of the committee) presiding.

Present: Representatives Burton, Gilman, Morella, Horn, Davis of Virginia, Barr, Ose, Lewis, Davis, Putnam, Otter, Schrock, Hansen, Mink, Maloney, Cummings, Kucinich, Tierney, and Clay.

Staff present: Kevin Binger, staff director; David A. Kass, deputy chief counsel; Grace Washbourne, professional staff member; Thomas Bowman, senior counsel; Lawrence Halloran, staff director, Subcommittee on National Security, Veterans Affairs and International Relations; Gil Macklin, senior investigator; Nicholas Palarino, senior policy analyst, Subcommittee on National Security, Veterans Affairs and International Relations; Mark Corallo, director of communications; Andre Hollis, counsel; Sarah Anderson, staff assistant; Robert A. Briggs, chief clerk; Robin Butler, office manager; Michael Canty, legislative assistant; Josie Duckett, deputy communications director; John Sare, deputy chief clerk; Danleigh Halfast, assistant to chief counsel; Corinne Zaccagnini, systems administrator; and Jean Gosa and Earley Green, minority assistant clerks.

Mr. BURTON. The committee will come to order.

I ask unanimous consent that all Members' and witnesses' opening statements be included in the record and without objection, so ordered.

I ask unanimous consent that all articles, exhibits, extraneous and tabular material referred to be included in the record and without objection, so ordered.

I ask unanimous consent that Chairman Hansen and Delahunt who are not members of the committee be allowed to participate in today's hearing, and without objection, so ordered.

I will defer my opening statement in deference to the youthful, vigorous Ben Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

You are very kind to allow me to precede the regular order. I do have an important hearing on Iran in subcommittee.

I want to commend you for conducting this hearing on challenges to national security and the constraints on our military training. I want to commend all of our officers who are here today, who are

willing to give the best of their experience and ability to our committee as we examine this issue.

Our Nation continues progress in science and technology that makes us the envy of peoples around the globe. These advances facilitate development and renewal in our Nation fostering a better quality of life for us all. With the new possibilities in communications and growth in the technology, leadership has to cope with these changes which affect training and exercise programs.

These shifts in technology and the quality of life expectations, some we can anticipate and some we may not, must be accommodated in a way that keeps our military second to none as we facilitate advances in our technology and the growing expectations that improve all of our lives. Our hearings today are a part of that process.

I look forward to learning from our distinguished military commanders and working with you, Mr. Chairman, to find ways to protect our national interest in all of these issues.

Thank you for allowing me to precede the normal order.

[The prepared statement of Hon. Benjamin A. Gilman follows:]

STATEMENT OF CONGRESSMAN BENJAMIN A. GILMAN
FULL COMMITTEE HEARING
“CHALLENGES TO NATIONAL SECURITY – CONSTRAINTS ON
MILITARY TRAINING”
COMMITTEE ON GOVERNMENT REFORM
MAY 9, 2001

MR. CHAIRMAN:

OUR NATION CONTINUES PROGRESS IN SCIENCE AND
TECHNOLOGY THAT MAKES US THE ENVY OF PEOPLE
AROUND THE GLOBE. THESE ADVANCES FACILITATE
DEVELOPMENT AND RENEWAL IN THE UNITED STATES,
FOSTERING A BETTER QUALITY OF LIFE FOR US ALL.

NEW POSSIBILITIES IN COMMUNICATIONS, GROWTH OF
COMMUNITIES AND STEWARDSHIP OF THE
ENVIRONMENT TODAY PRESENT CHALLENGES TO
TRADITIONAL OPERATIONS FOR SOME OF OUR MOST
IMPORTANT INSTITUTIONS. OUR NATION’S MILITARY

LEADERSHIP HAS TO COPE WITH THESE CHANGES WHICH AFFECT THEIR TRAINING AND EXERCISE PROGRAMS.

RESIDENTS OF NEW COMMUNITIES ADJACENT TO ESTABLISHED MILITARY BASES OFTEN ARE NOT PREPARED FOR THE DISTURBANCE OF MILITARY TRAINING AT ODD HOURS—OR ANY HOUR.

THE GROWTH OF THE AIRLINE INDUSTRY MAY BEGIN TO INTRUDE ON THE AIRSPACE RESERVED FOR MILITARY TRAINING FLIGHTS. WORLD-WIDE COMPATIBILITY OF FAST-GROWING WIRELESS SYSTEMS MAY NEED CHANGES IN RADIO FREQUENCY BAND WIDTH ASSIGNED TO THE FEDERAL GOVERNMENT, INCLUDING

THE MILITARY, TO ACHIEVE ITS GOALS.

THESE SHIFTS IN TECHNOLOGY AND IN THE QUALITY OF LIFE EXPECTATIONS—SOME WE CAN ANTICIPATE AND SOME WE MAY NOT—MUST BE ACCOMMODATED IN A WAY THAT KEEPS OUR MILITARY SECOND TO NONE AS WE FACILITATE ADVANCES IN TECHNOLOGY AND THE GROWING EXPECTATIONS THAT IMPROVE OUR LIVES.

OUR HEARINGS TODAY ARE PART OF THIS PROCESS. I LOOK FORWARD TO LEARNING FROM OUR DISTINGUISHED MILITARY COMMANDERS AND WORKING WITH YOU, MR. CHAIRMAN, TO FIND WAYS TO PROTECT OUR NATIONAL INTEREST ON ALL OF THESE ISSUES.

Mr. BURTON. Thank you, Chairman Gilman. You are excused. When you get a chance, come back.

First of all, let me say I was a private in the Army. I don't want to hear any hisses from the Marines, the Air Force or the Navy. I haven't seen this many stars, unless I was out at night looking up at the sky. I am very impressed with all the military personnel, the admirals, the generals, and the colonels and other personnel who are here today. We appreciate your being here. We think this is a very important hearing.

Let me start by saying to perform a growing number of missions from peacekeeping to assaulting and keeping a hostile beachhead, the men and women of our Armed Forces must train as they would fight. They must train under conditions as much like the real thing as possible. More than anything else, military readiness depends on realistic training.

Sending units into unfamiliar terrain increases mission risks. Combining air, sea and ground forces for the first time in battle will invite disaster. Dropping dummy bombs and firing inert ordnance cannot replace live fire drills. Commanders must be sure both men and machines are mission capable, but the availability of realistic training is eroding. Defense Department training ranges here and overseas are under siege from the land, the water, the air and the airways. From Vieques to San Clemente Island, from Norfolk, VA to Camp Pendleton, CA, combat training is being hemmed in. It is being hemmed in by commercial development, environmental regulations, air space restrictions and conflicts over use of the radio frequency spectrum.

Urban development has marched literally to the front gates of the once remote training installations. War is a noisy business, so is training for war. Noise restrictions that are often demanded by a base's new neighbors limit the use of artillery ranges and force important low altitude maneuvers to unrealistically high altitudes.

As development consumes open space around training ranges, compliance with State and Federal environmental regulations becomes more complex and more costly. Some Defense Department land has become a haven for endangered species, a habit of last resort. The burden of protecting wildlife and habitat may be overwhelming the primary training mission as the amount of land in the Defense Department set aside to protect species like the fairy shrimp, the gnat-catcher and the checker-spot butterfly expands, training lanes become artificially narrow. Drills become predictable and repetitive. Readiness declines which is something we cannot tolerate because we don't know what the future holds and we have to have the military prepared to deal with any eventuality.

The vast growing demand for commercial air travel means less air space for military pilots and already overcrowded skies. The explosion of wireless technologies threatens to push military equipment off the prime radio frequencies just as we are spending billions to link our forces on the digital battlefield.

Today we are convening the first in a series of hearings on this group of issues known as encroachment. The term encroachment is used because these developments gradually operate to crowd out the large scale, realistic training indispensable to force readiness.

For the most part, the military's answer to encroachment challenges has been to work around the immediate problems while attempting to minimize the impact on the quality and quantity of training but the cumulative impact of this stop gap approach is not being addressed. The previous administration studied these issues but made no real proposals for long term solutions. These problems are affecting the ability of our forces to fight and this administration needs to tackle this problem before it gets out of control.

We will be reporting what is said at this hearing to the President and the administration to make sure they are aware of all the concerns of the people who are in the military who are leading our fighting forces.

In 1999 at the Citadel, President Bush said, "The military must improve the quality of training. Shortfalls on the proving ground become disasters on the battlefield." The people sitting before us today do not need to be told that, so today we invite the Army, the Navy, the Marines and the Air Force to describe the unique encroachment challenges facing each service. I will ask them to discuss the operational difficulties faced by those whose job it is to make American soldiers, sailors, airmen and Marines ready for war.

Just like professionals everywhere, the members of our Armed Services need to continually practice their skills in the most realistic settings. They are the heart of this hearing. We want to know in detail how military readiness and national security are being affected by limitations and constraints on the size, shape and amount of training.

In future hearings, we will hear from the other Federal agencies involved with the Defense Department in addressing these issues, the U.S. Fish and Wildlife Service, the Environmental Protection Agency, the Federal Aviation Administration, and the National Telecommunications and Information Administration.

In my view, the issue is not readiness versus the environment or readiness versus development, or readiness versus commercial aviation. We should not have to choose. The central question before us in these hearings is how all these important national interests can be advanced in a balanced and cooperative way.

Foreign military leaders often ask how it is possible for us to assign major combat responsibilities to non-commissioned officers and enlisted personnel, responsibilities that would only be entrusted to high-ranking officers in their countries. The answer is training. In an amphibious assault, our most advanced, over the horizon craft is a \$23 million per copy landing craft air cushion. It is operated entirely by a crew of five enlisted sailors.

When we call upon our military, active duty reservists and National Guard to go into harm's way, we should do so only with the complete confidence that they are ready. They will only be ready if they are thoroughly trained and they have the right to expect training that is going to be thorough. We as a Nation have an obligation to provide it.

We have a number of very senior officers from all four of the branches of our Armed Services here to testify today. It is a very distinguished group. As an enlisted man, I have difficulty talking.

When I was in the Army, when a Second Lieutenant, the lowest form of officer life, would walk by, I would get the quivers, I would shake and say, yes, sir. So when four star generals come before this committee, I can't hardly stand it but I have to tell you, it is a real honor to have you all here. Thank you for being here and I look forward to hearing your testimony.

We have Mr. Hansen here and I am pleased to welcome him to today's hearing. As chairman of the House Committee on Resources and a senior member of the Armed Services Committee, Congressman Hansen has been a leader in ensuring our military personnel receive the best possible training and particular, he has been a leader in focusing us all on the encroachment issues we are addressing here today. It was largely as a result of his efforts that the Pentagon began to focus on encroachment. I really appreciate your being here today.

We don't see any of our Democratic colleagues here yet, but I am sure they will be here. Let me start with Congresswoman Morella for an opening statement if you choose.

[The prepared statement of Hon. Dan Burton follows:]

**OPENING STATEMENT FOR
CHAIRMAN DAN BURTON
“CHALLENGES TO NATIONAL SECURITY:
CONSTRAINTS ON MILITARY TRAINING”
COMMITTEE ON GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
MAY 9, 2001**

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butterfly expands, training lanes become artificially narrow. Drills become predictable and repetitive. Readiness declines.

Fast-growing demand for commercial air travel means less safe airspace for military pilots in already crowded skies.

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long-term solutions. These problems are affecting the ability of our forces to fight and this Administration needs to tackle this problem before it gets out of control. In 1999 at the Citadel, President Bush said the military must improve the quality of training. "Shortfalls on the proving ground become disasters on the battlefield." The people sitting before us today do not need to be told that.

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Aviation Administration, the National Telecommunications and Information Administration. In my view, the issue is not readiness versus the environment, or readiness versus development, or readiness versus commercial aviation. We should not have to choose. The central question before us in these hearing is how all these important national interests can be advanced in a balanced, cooperative way.

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When we call upon our military -- active duty, reservists and National Guard to go into harm's way, we should do so only with complete confidence they are ready. They will only be ready if they are thoroughly trained. They have a right to expect that training, and we as a nation have an obligation to provide it.

Mrs. MORELLA. I don't have any opening statement except I am also in awe and want to thank those who are going to be testifying and also those who serve us in our Armed Forces who are here today.

Thank you.

Mr. BURTON. Mr. Shays.

Mr. SHAYS. I do have a statement given our National Security Committee has jurisdiction over this issue as well.

From the wreckage of Desert One, the site of the failed hostage rescue mission to Iran in 1980, an iron rule of military readiness was forged, trained personnel and test equipment under combat mission conditions. Adherence to that doctrine meant U.S. forces were ready to lead the coalition to victory in the Gulf war and it has sustained a skilled, technologically superior military through an accelerated pace of regional actions and peacekeeping operations.

Now as the administration begins to explore the expanding strategic landscape into which we will be sending our forces in the future, the training platform they need to prepare for those missions is shrinking. Here at home and abroad, the land, sea lanes, air space and frequency spectrum once used for indispensable, realistic military training are being put to other uses. Readiness is being compromised.

Last year a Navy battle group sailed for the Middle East without having completed the combined air, sea, land firing exercises required for the deployment. Denied access to the training ranges on Vieques Island, Puerto Rico, separate parts of the battle group had to go begging for access to foreign ranges on the way to be sure their guns fired properly before they took their post in that volatile part of the world.

The Subcommittee on National Security, Veterans Affairs, and International Relations, which I chair, has held numerous hearings on how the Federal Government should be organized and prepared to combat terrorism. Just as the Department of Defense, the Environmental Protection Agency, the Federal Aviation Administration, the Federal Communications Commission and other agencies have a role to play in meeting the national security threat, they have a responsibility to help sustain military readiness against all threats. Our hearings on challenges to readiness will explore those shared responsibilities.

We begin today with the military service branches charged by law to provide trained and ready forces. It is too easy and ultimately unproductive to cast this issue solely in terms of military readiness versus environmental compliance. If all questions of environmental compliance could be resolved tomorrow, training space would still be shrinking under the accumulated weight of other challenges.

To be sure, we will hear a good deal today about the loss of training ground and about the cost and inconvenience of environmental stewardship on training ranges. In this and in future hearings, we may well also hear about some notable and regrettable lapses in DOD natural resource management. Neither point of view justifies succumbing to the false choice between national security and environmental security.

As one Army study put it, "Reconciling these interests is not a question of black and white, but a more complex and subtle matter requiring appreciation of many shades of green." A lighter more mobile Army, an expeditionary Air Force, a global Navy, unmanned aerial vehicles, space-based assets supporting a linked digital battle space all will extend the reach of U.S. forces.

The hard lessons learned in Desert One compel us to be sure realistic training will be available to the men and women called upon to fight and win those future battles.

Thank you, Mr. Chairman.

[The prepared statement of Hon. Christopher Shays follows:]

DAN BURTON, INDIANA
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ONE HUNDRED SEVENTH CONGRESS

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House of Representatives

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Statement of Rep. Christopher Shays
May 9, 2001

From the wreckage at Desert One, the site of the failed hostage rescue mission to Iran in 1980, an iron rule of military readiness was forged: train personnel and test equipment under combat mission conditions. Adherence to that doctrine meant U.S. forces were ready to lead the coalition to victory in the Gulf War, and it has sustained a skilled, technologically superior military through an accelerated pace of regional actions and peacekeeping operations.

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Statement of Rep. Christopher Shays
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A lighter, more mobile Army, an expeditionary Air Force, a global Navy, unmanned aerial vehicles, space-based assets supporting a linked, digital battle space all will extend the reach of U.S. forces. The hard lessons learned at Desert One compel us to be sure realistic training will be available to the men and women called upon to fight, and win, those future battles.

Mr. BURTON. Mr. Lewis.
Mr. LEWIS. No statement.
Mr. BURTON. Mr. Davis.
Mr. Davis. I will be brief.

I want to thank you and your staff for holding this hearing today and I believe today's subject matter is critical as we determine the constraints our military faces in training and how these restrictions might affect our readiness.

This hearing will bring to light many issues relating to encroachment on training ranges which presents a serious and growing challenge to force readiness.

I want to thank all the witnesses for taking time from their busy schedules to be here today. The United States has the best and most prepared military in the world today and our military is the envy of every nation. Our forces continue to demonstrate their effectiveness whenever they are called to duty. Our U.S. Marines, soldiers, sailors and airmen work together to protect our national interests around the world and our freedom here at home. The men and women in uniform are the key to our strength and the source of our pride.

Congress has become increasingly concerned about the state of our military readiness, not only in terms of modernization but also training and preparation, especially in this global and ever-changing environment. It is undeniable that technology has pushed the edge on what we can do and increased the need for speed, stealth and accuracy. This is especially true when it comes to educating, coordinating and training Marines, soldiers, sailors and airmen. Military training is unique, difficult and extensive.

I have heard from our men and women in uniform who have expressed serious concerns about the limitations and restrictions which have been imposed on training due to such challenges as noise complaints, competition of air space, loss of spectrum frequency and most commonly, rapid and expanding suburban growth around military bases.

I look forward to hearing our witnesses testify and having the opportunity to listen to their firsthand experience working on these complicated issues while focusing on training and readiness.

Thank you.

Mr. BURTON. Mr. Schrock.

Mr. SCHROCK. I want to thank you for holding these hearings today. As a retired Navy captain and a representative of a district that is home to the world's largest naval base and 6 other major military commands and 138 small commands, the status of military readiness and training is a very important issue to me.

Today, this committee will hear testimony regarding the Naval Air Station Oceana located in the center of Virginia Beach, VA's largest city. Oceana is home to various fighter aircraft, specifically the F-18 Hornet and Super Hornet and the F-14 Tomcat. These aircraft are deployed with the aircraft battle groups from the Hampton Roads area.

To prepare for deployment, a first tour pilot is required to successfully perform approximately 180 to 200 takeoffs and landings at Oceana and nearby naval auxiliary landing field, Fentress in Chesapeake, VA.

Over the past two decades, residential and commercial development has expanded in the Virginia Beach and Chesapeake areas. Today, the two airfields are completely surrounded by residential development. In response to citizen concerns about excessive jet noise, the Navy has modified the flight patterns by increasing the normal carrier landing pattern altitude of 600 feet to 800 feet and 1,000 feet for Fentress and Oceana respectively. The Navy has further modified their standard flight pattern to avoid two new housing subdivisions that were constructed while Fentress was closed for runway repairs.

The cumulative effect of these modifications is that Navy pilots do not practice in a realistic training environment in what many say is the most crucial phase of a flight for a naval aviator, landing on an aircraft carrier.

Last month, nine families from Virginia Beach and Chesapeake filed a class action lawsuit against the Navy for inverse condemnation. They claim that the noise from military aircraft has reduced the value of their homes resulting in a Federal taking of private property without just compensation by the Navy or the Federal Government.

The Navy has been working in good faith with the local government bodies, civic leagues and other groups on military aircraft noise issues. The Navy is spending millions of dollars to construct a hush house for ground level aircraft engine testing and is committed to building a new outlying field in a remote area where naval aviators can practice their maneuvers while preventing disturbances in residential areas.

We need to face the facts, military aircraft make a lot of noise and this noise disturbs the people living in the areas surrounding military airfields. Expectations for the commercial air transportation system are primarily related to quality of life issues. The public's demand for reductions in aircraft related noise is justified and will continue until the public's expectations are met.

Evidence that concerns over aircraft noise is growing is the dramatic growth in local noise-related restrictions at commercial airfields which have grown from 257 ordinances in 1980 to over 832 in 2000. The military operates under different but critical guidelines. Our Nation's military aircraft are designed to be the best in the world. Because of this, military aircraft are optimized for performance with virtually no significant discussion of military jet noise. Unfortunately, with optimal performance comes more noise.

However, current technologies that have led to the reduction of noise by commercial aircraft can apply to military aircraft as well. Today, I am submitting an appropriations request for \$30 million to be provided to the National Aeronautics and Space Administration, Langley Research Facility, Hampton, VA for military aircraft noise reduction research. It is important to insert here that no one is suggesting that we negotiate on our military aircraft performance, speed or maneuvering abilities.

NASA has developed noise reduction technologies for commercial aircraft which has reduced the 1997 noise footprint baseline by 40 percent. Historically, NASA has developed technological solutions for tomorrow's community noise impact issues for commercial air transportation. In this role, NASA is the technological broker be-

tween the FAA, industry and citizens groups. NASA is unique in its expertise, facilities and inherent government role to lead the technology development to meet military aircraft noise related issues.

It is critical that Navy pilots are provided realistic training prior to deployment. It is also critical that the military do whatever they can to address the quality of life issues for both the communities and our pilots.

I am looking forward to hearing from the members of the military here to testify today.

Thank you again for holding this hearing.

Mr. BURTON. Thank you.

Mr. Clay.

Mr. CLAY. I welcome the opportunity to meet with the committee today and I also welcome the military leaders who are testifying today.

I do understand that your job is not an easy one. On the one hand, you have the training mission of your respective branch of service to implement and on the other hand, you have the responsibility to not adversely impact the lives of the inhabitants of areas in which you train. Some adverse impacts occur that are almost unavoidable. They happen because certain agents are used and the accumulated residue of their use becomes a hazard. Some occur because of accidents, carelessness and other causes. Whatever the reasons, remedies must be used to quickly and efficiently eliminate hazards caused by training.

The health of the communities impacted by training should not be compromised. I am sure we all agree on this. This is not a forum to bash the men who serve our Nation's flag. I salute all of you knowing that you individually would not be here were you not a top soldier.

I too advocate a strong military and in doing so realize that to be strong necessitates training. I also advocate making repairs of damages that may result as a byproduct of that training.

I represent the First District of Missouri. It is located in St. Louis, MO. In my district, we have problems that have existed for several years. The Army closed the Aviation and Troop Command as required by the 1995 Base Realignment and Closing Initiative. Across the street, the Army closed the St. Louis Ordnance Plant beginning in the early 1990's and completed the closing in 1998. The communities affected by the process were eligible for assistance through DOD funds channeled through the Economic Development Administration to help replace the loss of jobs and related economic activity.

Unfortunately, in St. Louis this was not the case. The Army did not own the ADCOM or the SLAP sites. The sites were leased from GSA. Consequently, St. Louis has been ineligible to receive any share of the hundreds of millions of dollars granted to other communities for infrastructure improvement associated with economic development and job replacement strategies.

Closure of ADCOM and SLAP has cost the St. Louis community in excess of 4,700 well paying jobs. The loss has been devastating to the local economy, yet the city has received only limited plan-

ning dollars from DOD's Office of Economic Adjustment and no assistance in the form of land or infrastructure improvement dollars.

I have some questions I will ask the panels regarding this matter. I ask unanimous consent to submit my statement.

[The prepared statement of Hon. Wm. Lacy Clay follows:]

Wm. Lacy Clay

OPENING STATEMENT-REP Wm Lacy Clay
Hearing on the Subcommittee on National Security,
Veterans Affairs and International Relations

THANK YOU MR. CHAIRMAN. I WELCOME THE OPPORTUNITY TO MEET WITH THE COMMITTEE TODAY. I WELCOME THE MILITARY LEADERS WHO ARE TESTIFYING HERE TODAY.

TO YOU, I DO UNDERSTAND THAT YOUR JOB IS NOT AN EASY ONE. ON THE ONE HAND, YOU HAVE THE TRAINING MISSION OF YOUR RESPECTIVE BRANCH OF SERVICE TO IMPLEMENT. ON THE OTHER HAND, YOU HAVE THE RESPONSIBILITY TO NOT ADVERSELY IMPACT THE LIVES OF THE INHABITANTS OF AREAS IN WHICH YOU TRAIN. SOME ADVERSE IMPACTS OCCUR THAT ARE ALMOST UNAVOIDABLE, THEY HAPPEN BECAUSE CERTAIN AGENTS ARE USED AND THE ACCUMULATED RESIDUE OF THEIR USE BECOMES A HAZARD. SOME OCCUR BECAUSE OF ACCIDENTS, CARELESSNESS, AND OTHER CAUSES. WHATEVER THE REASONS, REMEDIES MUST BE USED TO QUICKLY AND EFFICIENTLY ELIMINATE HAZARDS CAUSED BY TRAINING. THE HEALTH OF THE COMMUNITIES IMPACTED BY TRAINING SHOULD NOT BE COMPROMISED. I AM SURE THAT WE ALL AGREE ON THIS.

THIS IS NOT A FORUM TO BASH THE MEN WHO SERVE OUR NATION'S FLAG. I SALUTE ALL OF YOU KNOWING THAT YOU, INDIVIDUALLY, WOULD NOT BE HERE WERE YOU NOT A TOP SOLDIER. I TOO ADVOCATE A STRONG MILITARY AND IN DOING SO REALIZE THAT TO BE STRONG NECESSITATES TRAINING. I ALSO ADVOCATE MAKING REPAIRS OF DAMAGES THAT MAY RESULT AS A BYPRODUCT OF THAT TRAINING.

I REPRESENT THE FIRST DISTRICT OF MISSOURI. IT IS LOCATED IN ST. LOUIS, MISSOURI. IN MY DISTRICT, WE HAVE PROBLEMS THAT HAVE EXISTED FOR SEVERAL YEARS. THE ARMY CLOSED THE AVIATION AND TROOP COMMAND (ATCOM) AS REQUIRED BY THE 1995 BASE REALIGNMENT AND CLOSING (BRAC) INITIATIVE. ACROSS THE STREET, THE ARMY CLOSED THE ST, LOUIS ORDNANCE PLANT (SLAAP) BEGINNING IN THE EARLY 1990'S AND COMPLETING THE CLOSING IN 1998.

THE COMMUNITIES AFFECTED BY THE BRAC PROCESS WERE ELIGIBLE FOR ASSISTANCE THROUGH DOD FUNDS CHANNELED THROUGH THE ECONOMIC DEVELOPMENT ADMINISTRATION TO HELP REPLACE THE LOSS OF JOBS AND RELATED ECONOMIC ACTIVITY. UNFORTUNATELY, IN ST. LOUIS THIS WAS NOT THE CASE. THE ARMY DID

NOT OWN THE ATCOM OR THE SLAAP SITES. THE SITES WERE LEASED FROM GSA. CONSEQUENTLY, ST. LOUIS HAS BEEN INELIGIBLE TO RECEIVE ANY SHARE OF THE HUNDREDS OF MILLIONS OF DOLLARS GRANTED TO OTHER COMMUNITIES FOR INFRASTRUCTURE IMPROVEMENT ASSOCIATED WITH ECONOMIC REDEVELOPMENT AND JOB REPLACEMENT STRATEGIES.

CLOSURE OF ATCOM AND SLAAP HAS COST THE ST LOUIS COMMUNITY IN EXCESS OF 4700 WELL PAYING JOBS. THIS LOSS HAS BEEN DEVASTATING TO THE LOCAL ECONOMY, YET THE CITY HAS RECEIVED ONLY LIMITED PLANNING DOLLARS FROM DOD'S OFFICE OF ECONOMIC ADJUSTMENT, AND NO ASSISTANCE IN THE FORM OF LAND OR INFRASTRUCTURE IMPROVEMENT DOLLARS.

I HAVE SOME QUESTIONS THAT I WILL ASK THE PANELS REGARDING THIS MATTER.

MR. CHAIRMAN, I ASK UNANIMOUS CONSENT TO SUBMIT MY STATEMENT FOR THE RECORD.

THANK YOU.

Mr. BURTON. Mr. Otter.

Mr. OTTER. Let me associate myself with your earlier comments about being an enlisted man in front of all the stars. Coming from the armored cab at Ft. Knox, KY, I too was always in absolute fright whenever I would see those stars come around.

Thank you for the opportunity to address this issue and thank you to the soldiers in uniform who have taken the time out of their busy schedules to be here today.

Military readiness and training is essential to national security. In George Washington's first annual address to Congress, he underscored the importance of a strong military by stating, "To be prepared for war is the most effectual means of preserving the peace." What he said over 200 years ago still rings true today. However, no one in Washington's day could have envisioned the onslaught of Federal regulations and rules and red tape that have threatened the national security and our military readiness.

Our military is increasingly faced with defending more lawsuits than they are defending our Nation and is forced to comply with scientifically baseless regulations which severely restrain its ability to train new recruits. Truly a national tragedy is that years ago when the Army Corps of Engineers built the roads and the bridges to advance these same corps, they now build barriers to halt them in their tracks. This trend must come to an end.

We simply should not have to tell the parents of a downed American soldier that their son or daughter wasn't ready for war potentially because we couldn't prepare them. We should not have to explain to American parents that instead of training their sons and daughters for battle, we had to spend time and money focusing on the red tape and the bureaucracies.

In recent years, millions of acres have been set aside and designed for land and wildlife protection and preservation. These lands are regulated and managed by the National Park Service, the U.S. Fish and Wildlife, the U.S. Forest Service and the Bureau of Land Management. While no one disputes the value of setting aside certain lands for certain species in certain areas, land set-aside for military training must be protected from frivolous lawsuits. Without the national security of this Nation to protect the sage brush, the crickets, rats, bugs and other creatures will be meaningless. We cannot let these lawsuits compromise our military training.

Let me give you an example of how a few people can compromise readiness and tie the hands of our men and women in the military. In Idaho, Mountain Home Air Force Base has been tied up by several environmental lawsuits from the Wilderness Society, Committee on Idaho's High Desert, the Idaho Conservation League and the Idaho Rivers United amongst many, many others. One of these lawsuits was filed because the Air Force wanted to build a bridge for maneuvering exercises. However, a small wetland at a potential bridge site may have been suitable habitat for spotted frogs, northern leopard frogs and western toads. Even though none of these species were found at the site, the project was halted for a temporary period of time.

In the international world, the United States will face many greater enemies. Among those 82 nations I have had an oppor-

tunity to travel to I have found the seeds of greater armies and greater strength than we have ever faced before. As such, we must ensure that our men and women are prepared to fight for freedom, that needed equipment and supplies do not receive lower priority than environmental studies and the military readiness will be at an all time high.

Aside from those most distinguished who appear before us today, I am hopeful we will also invite airmen and airwomen, sailors and soldiers who have firsthand experience having been in harms way and having not had sufficient training as a result of some environmental overload so that they can come before us and give us a firsthand story of what happened to them.

Again, thank you for bringing these important issues to the attention of our committee. I hope through investigation and testimony, we can restore common sense and bring the importance of national security and military training back into focus.

Mr. BURTON. I will say that is something we had not considered but will consider, talking to some enlisted personnel whose training was cut short or affected by some of these frivolous suits. We will take a look at that.

Ms. Davis.

Ms. DAVIS. I have submitted a statement for the record.
[The prepared statement of Hon. Jo Ann Davis follows:]



Statement May 9, 2001
Government Reform Committee

I would like to first take this opportunity to thank you, Mr. Chairman, for holding this hearing today. I look forward to continuing to serve you and this committee in our oversight duties as we work together in an effort to rid our government of fraud and abuse, making it more efficient and effective.

I firmly believe that the issues you have brought before us today are of critical importance to our national security. Our forces are finding it difficult to operate and train with the environmental, federal and population issues that have increasingly arisen. While these matters are also important to the quality of life we hold so dear, I believe that we must sacrifice to maintain our cherished freedoms.

Mr. Chairman, I am delighted to have the opportunity today to find out from our military exactly where we stand on these matters. And in this light I am honored and privileged to introduce to this Committee, General John Jumper, Commander of the Command Headquarters at Langley Air Force Base in my First District of Virginia. General Jumper is a man of high integrity and one of our Armed Force's finest leaders. I have had the pleasure of meeting with General Jumper several times, and I consider him a friend.

As Commander of the Air Combat Command Headquarters at Langley Air Force Base, General Jumper holds the awesome responsibility of overseeing the organization, training and

maintenance of combat-ready forces for rapid deployment and employment while ensuring that our strategic air defense forces are prepared to meet the challenges of peacetime air sovereignty and wartime defense.

Originally from Paris, Texas, the general earned his commission as a distinguished graduate of the Virginia Military Institute, class of 1966. He has commanded a fighter squadron and two fighter wings. The general also served in the Pentagon as deputy chief of staff for air and space operations, as the senior military assistant to two secretaries of defense, and as a special assistant to the chief of staff for roles and missions. Before assuming his current duties, the general was the commander of US Air Forces in Europe, and commander, Allied Air Forces Central Europe where he served as the chief air component commander during Operation Allied Force.

I look forward to hearing General Jumper's testimony concerning the impact of restrictions on training ranges and military readiness. With his knowledge of military affairs and his extensive experience, I am certain that the General will provide valuable insight into this matter.

Mr. Chairman, I am grateful that you are holding this hearing. I look forward to hearing from our guests.

Mr. BURTON. Mr. Horn. Let me say the last hearing we had, you had a number of questions and for some reason, we didn't get to you in a timely fashion and I want to apologize for that.

Mr. HORN. Thank you.

I have in front of me this paper, "Military Installations by Congressional District." There are a number of errors in it and whoever handled it, I would be glad to tell them where the errors are. Jane Harmon is not a Republican, she is a Democratic. I must say if there is anything left of the Long Beach Naval Station where there was some 30 vessels and thousands of people starting in 1991, there is probably one little brick left.

The Long Beach Naval Shipyard, which was put out of business because of Portsmouth is still around and yet they didn't have 10 percent of the record, that has been completely leveled except for the 1,000 foot long dock. There are some training operations there by the Coast Guard, the Marines and the Army. That is about it. We would love to have more training.

We were sorry to see the Navy close up the pharmacy and I think it was moved to Seal Beach which is a few miles down the road.

I did this in another hearing yesterday. We just haven't had the expertise of the Pentagon in getting rid of some of the contamination and that kind of thing and that is what we need in most of these barracks when they are closed. There are real problems. You need to get a brownfield there where you can have something industrial and that is what we have done. We have put it to the Port of Long Beach to use that property.

Thank you.

Mr. BURTON. Mr. Cummings, do you have an opening statement?

Mr. CUMMINGS. No, I don't, Mr. Chairman. I am looking forward to hearing from the witnesses.

Mr. BURTON. Chairman Hansen, we saved the best for last. Do you have an opening statement?

Mr. HANSEN. I appreciate the opportunity to meet with this committee today.

As I have been listening to the opening statements, they have covered almost everything I would like to say but if I may hit a few things I would appreciate it.

I find it interesting every time we have the President of the United States here because one of the things they always say in their remarks is we have the best equipped and best trained military. That is nice to say but I almost think that promise we have given all our people is somewhat in jeopardy right now because I don't know how the training will go.

I don't think there is any question in anybody's mind if you want to have the casualties go up, just stop training. I think that is the thing that is going to happen. We find ourselves in a situation on the Armed Services Committee and the Resource Committee of trying to say where is all this encroachment coming from? Frankly, it is like a slow moving cancer, every time I turn around there is another fire to put out on another range somewhere whether it is done for political reasons as I think some have been, or done because of commercial reasons, or environmental reasons, I don't

know but every time I turn around there is another staring me in the face.

As I take a very active part as chairman of the Resource Committee and one of the old dogs on the Armed Services Committee, I find myself in that position but I think there are a few things we have to look at.

First and foremost is the fact that national defense benefits all Americans, it is not a luxury. The economic well being of our Nation depends on the security provided by the Armed Forces and far too often this is taken for granted.

The second issue is the ability of the military to accomplish its assigned mission that is tied directly to readiness and the readiness of our military men and women requires access to realistic training. Therefore, our military ranges must be treated as the national asset they are and must be preserved for the security of the Nation.

The third fact is training saves lives. It bothers me if I may say so as we look for what these Navy and Marine folks have on the East Coast, the thing that has always been a great asset to them has been Vieques. I have been there a couple of times and I am somewhat amazed that we are now going through this exercise of whether or not they will train there.

I don't know if I will have this opportunity later but I would be very curious to know where you Navy folks, Marine people think you are going to go on the East Coast. I have heard everything from Jordan—have fun going up the Suez Canal, folks. I think that will be very interesting. I have heard Scotland, Italy and other areas. I really seriously doubt if any of those are going to work.

The Air Force people as I look at the 33 areas we have in which we have live fire in the United States in the lower 48, every one of those we have now made an inventory and have gone through a certain amount of problems they have.

The Utah Testing Training Range, in my district, is a huge district, zero to 58,000 feet of clear air space. Where do you find that. Where else do you find clear air space like that? Everyone says a few F-16s fly over there, they don't understand that.

We have the Navy coming in from Fallon, the Air Force coming up from Nellis, the Air Force coming from Mountain Home, and I use that as an example. I could talk about all of them but I know I don't have that time. As I look at that, we now have a huge encroachment from the environmental community because they found a slimy slug or the "ring-tailed ruperts" or something out there that they want to work on and it comes down to the idea that some of these things you have to balance one between the other. We now finally after 4 years put the desert big horn sheep on it and that was after we looked at it in great detail to make sure the Newfoundland mountains were safe for them and safe for everyone and would not encroach upon the range.

I hope some hot rod kid in an F-16 doesn't find those an easy target after all the work we went through. I say that respectfully. Don't take that any other way.

We also get down to the idea of Goshan Indians want to put in the high level nuclear waste in that area. Fine. What do I hear from the Commander of the 388th, we don't want to fly there if

there is an infinitesimal chance of something occurring. That may cut the range back 30 to 40 percent all by itself.

The list goes on and on. Overflights, last year a very big environmental community or club you would all recognize filed a lawsuit right here in Washington before a very liberal judge that said you can't fly military aircraft over public land under 2,000 feet. Tell me how you are going to train?

I put an amendment in the Armed Services bill that grandfathered that. Strangely enough when we finally got up to conference what did we find, we find the Secretary of Defense wrote over and said please take the Hansen language out because the environmental community would find it offensive. I can't believe that. We left it in. It comes down to the idea that negated that lawsuit.

Then I find people who say we can't train on BLM ground, the environmentalists don't want us there. We have been training, the Army and the Marines, on BLM ground for years and probably can continue to do it. I personally have gone to some of those sites. They are in good shape, they reclaim them. They do a fine job doing it. In fact, some are better than when they went in there. Yet every year we are challenged with lawsuits in areas like that.

Someone has to get their grips on this thing and come up to the realistic fact that we have to train our people. If we don't, I think we are in great jeopardy.

As far as a senior member of the Armed Services Committee, I think Chairman Stump is going to hold similar meetings to yours and I compliment you for doing this.

Thank you.

Mr. BURTON. We will be contacting the administration as I am sure the Armed Services Committee will, giving them a full report on what the panel said and what the members of the military say.

We would like you to stand to be sworn in if you don't mind.

[Witnesses sworn.]

Mr. BURTON. Mr. Schrock, I think you have an introduction you would like to make?

Mr. SCHROCK. It is my distinct pleasure to introduce to you and the members of the Government Reform Committee Admiral William Fox Fallon. Admiral Fallon currently serves as the Vice Chief of Naval Operations, the Navy's second highest position.

For our topic of discussion today, Admiral Fallon brings a wealth of experience, wisdom and knowledge he has received from a very distinguished career. Admiral Fallon began his career flying combat missions in Vietnam. He has logged over 1,300 carrier landings and has flown over 4,800 hours in tactical jet aircraft. He was in charge of the Air Wing on the aircraft carrier Theodore Roosevelt during Operation Desert Storm. As an Admiral, he commanded the entire Roosevelt Battle Group during combat operations in Bosnia.

More recently, then Vice Admiral Fallon was the Commander of the Second Fleet. During that assignment, Admiral Fallon became the Navy's foremost expert on training and ranges. Along with General Pete Pace, then the Commanding General of all Marine forces in the Atlantic, Admiral Fallon authored the July 1999 study on "National Security Needs for Vieques," an effort that included an exhaustive investigation of alternative training sites.

Last October, Admiral Fallon received his fourth star and became the 31st Vice Chief of Naval Operations. As the Navy's second highest ranking officer, Admiral Fallon remains the point man and principal advocate for the absolutely critical training that our naval forces require to ensure they are prepared to go at a moment's notice into harms way.

Mr. Chairman, it is my pleasure to present to you and the members of the committee, Admiral Bill Fox Fallon.

Mr. BURTON. How did you get the nickname of Fox?

Admiral FALLON. If I can respectfully request to defer that question.

Mr. BURTON. We will let that go.

Do you have an opening statement?

STATEMENTS OF ADMIRAL WILLIAM J. FALLON, VICE CHIEF, NAVAL OPERATIONS, U.S. NAVY; GENERAL JOHN P. JUMPER, COMMANDING COMMANDER, HEADQUARTERS AIR COMBAT COMMAND, U.S. AIR FORCE, LANGLEY AIR FORCE BASE; LIEUTENANT GENERAL LARRY R. ELLIS, DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS, U.S. ARMY; AND MAJOR GENERAL EDWARD HANLON, JR., COMMANDING GENERAL, U.S. MARINES CORPS, CAMP PENDLETON

Admiral FALLON. Members of the committee, it is a great honor to be invited here to offer some thoughts to you on this most important topic. I have a written statement which I would enter for the record. I would like to make a couple of points.

The fundamental issue today is without realistic combat training, particularly training with live ordnance, we are unable to adequately prepare our young men and women for the operations and potential combat service which they may be required to perform in service to this Nation. That is the real issue.

Increasingly we are having difficulty in attaining and maintaining the required readiness standards for our people in view of encroachment of all kinds throughout the world but particularly the training sites where we find it essential to have our people train before they go forward to their rotational deployments around the world.

Navy and Marine Corps forces in their rotational scheme of deployment need to be fully trained before they leave the United States for a very important reason, the vast majority of our carrier battle groups that have left the United States from both the Atlantic and Pacific Coast in the last several years have been in combat operations over southern Iraq or in the Balkans and in some cases, immediately upon departure within a couple of weeks of leaving the States. It is imperative that we make sure this training is done correctly and to the fullest extent possible before they get in position where they have to go overseas because there is no telling how quickly they may have to. The opportunity to use foreign ranges, although welcome, there is no guarantee and it is not something we ought to plan on.

We are finding that we are challenged particularly at sea these days in complying with the appropriate regulations which we fully do to the full extent, both in the spirit and letter of the legislation that is currently enacted but we are finding it a real challenge. We

are having to modify our training operations to accommodate the regulations to the extent that our commanders must consult an often and growing lengthy list of rules and requirements as a prerequisite to training or planning any training exercise. That is increasingly a challenge for our people.

Without live combat training, realistic combat training, not a patchwork workaround but the things they have to execute in the operational world must be training in advance. Without that, we can't send them forward in good conscience to take up this burden they so generously volunteered to perform on our behalf.

I thank you for the opportunity to appear and answer your questions. We solicit your support in helping us with these issues. I stand ready to answer any of your questions.

Thank you.

[The prepared statement of Admiral Fallon follows:]

NOT FOR PUBLICATION UNTIL
RELEASED BY THE HOUSE
COMMITTEE ON GOVERNMENT
REFORM

STATEMENT OF
ADMIRAL WILLIAM J. FALLON
VICE CHIEF OF NAVAL OPERATIONS
BEFORE THE
HOUSE COMMITTEE ON GOVERNMENT REFORM
ON
CONSTRAINTS ON MILITARY TRAINING
9 MAY 2001

NOT FOR PUBLICATION UNTIL
RELEASED BY THE HOUSE
COMMITTEE ON GOVERNMENT
REFORM

Mr. Chairman, members of the Committee, thank you for the opportunity to discuss the increasing challenge of maintaining readiness in the context of broad legal requirements and commercial and urban encroachment on our training facilities and ranges. As your Navy, we must provide credible, combat-ready naval forces that sail anywhere, anytime, as powerful representatives of American sovereignty. We demonstrate that capability today through our forward-deployed forces operating in the Mediterranean Sea, the Arabian Gulf and the Western Pacific, ready to directly and decisively influence events ashore from the sea.

Yet the combat readiness we require to fight and win is now seriously threatened, the result of cumulative encroachment and regulatory issues. Ironically, the Navy is often actually penalized for the good stewardship of the environment we are currently practicing.

I. INTRODUCTION

The combat capability of our forward-deployed forces is founded on training, most of it accomplished in the waters off America's East and West Coasts and the Caribbean Sea. No amount of technology, hardware, personnel, or leadership can achieve the required level of combat readiness without access to quality facilities and ranges that afford our Sailors and Marines the realistic training needed to execute their missions. Our ranges and operating areas provide the space necessary to conduct controlled and safe training scenarios representative of those that our men and women would have to face in actual combat. The live-fire phase of training facilitates assessment of our ability to place weapons on target with the required level of precision and under a stressful environment. There is a direct relationship between training and successful performance in combat.

The challenge to achieve acceptable mission readiness stems in part from increasing environmental laws and regulations and commercial and urban encroachment. Since 1970 there has been significant growth in environmental legislation at both the Federal and State level. The most challenging legal requirements to Navy readiness are the Marine Mammal Protection Act, Endangered Species Act, Migratory Bird Treaty Act, and the Clean Air Act. Increasing pressure to develop available real estate further undercuts our ability to protect endangered species. Over the past twenty-five years undeveloped land has been subjected to large-scale urban growth and attendant encroachment. Too often this has transformed our once isolated facilities into sanctuaries for endangered species.

II. CRITICAL TRAINING CONSTRAINT ISSUES

One of the most difficult challenges we face is to comply with the Endangered Species Act and the Migratory Bird Treaty Act without reducing our ability to "train as we fight" on our ranges. I will discuss these and other challenges and successes as they relate to four of our vital

training facilities: Vieques Island (Puerto Rico), San Clemente Island (California), the Farallon De Medinilla (near Guam), and Naval Amphibious Base Coronado Beaches (California).

A. Vieques Island

The Vieques Inner Range has been used for combined and coordinated (air, ground, and sea) training for approximately 40 years and is the only range available to forces stationed on the Atlantic and Gulf Coast where combined arms live fire, tactically realistic air-to-ground and naval surface fire support can be conducted. During our stewardship of the Inner Range, we have experienced unique environmental challenges and successes. In compliance with the Endangered Species Act, the Navy has successfully protected Hawkbill and Leatherback sea turtles nesting on the Inner Range beaches. Our practice has been to relocate turtle eggs prior to amphibious landings and other exercises. In 1991, the Navy built a sea turtle hatchery on Vieques to incubate relocated eggs. As a result, over 17,000 sea turtle eggs have been successfully introduced into the environment.

The Navy has also implemented precautionary measures during pre-deployment battle group exercises to obtain a favorable biological opinion from the Fish and Wildlife Service and National Oceanic and Atmospheric Administration Fisheries. These precautionary measures include:

- Limiting night-time use of inert ordnance on the range to 60 minutes total or only ten percent of total Naval Surface Fire Support
- Discontinuing use of illumination rounds after 11:00 p.m. with a 60-minute maximum total time of illumination per night
- Requiring regular aerial surveillance of the range and surrounding waters by certified biologists (\$300,000 per exercise)
- Suspending the training exercise if a sea turtle is observed either on the range or within 1,000 yards of shore

The success of our conservation program is underscored by the fact that despite being located on our beaches the sea turtle population has grown at a faster rate than sea turtle populations inhabiting other Puerto Rican coastal areas. Although our efforts proved successful at protecting the turtles, adoption of these measures in compliance with the Endangered Species Act has led to an increased turtle population, which has further constrained our ability to train as we fight.

B. San Clemente Island

The range and operations area on San Clemente Island is owned entirely by the Navy and accommodates naval surface fire support, air-to-ground ordnance delivery operations, and special operations. Its location near San Diego is critical for efficient use of training dollars. It is the only surface fire support range on the West Coast.

It is also home to the San Clemente Island Loggerhead Shrike, which is listed as an endangered species pursuant to the Endangered Species Act. Due in part to our successful conservation efforts, the population has grown from 13 to 42 birds in the wild and 64 birds in a captive breeding population at a cost of \$2.5 million annually.

Our successful stewardship of the Loggerhead Shrike has had a direct impact on training. To protect the Shrike from fires during the seven-month fire season and to comply with the Endangered Species Act, we have decreased one live round impact area by 90 percent and another by 67 percent, reducing the types of missions for which our forces can train. We have also eliminated use of illumination rounds and all surface fire support training at night. Moreover, during Shrike breeding season, the shore bombardment range is closed four days a week to permit biologists to surveil the Shrike. As the Shrike population recovers, nesting areas are expanding into the only two fire-impact areas.

C. Faralon de Medinilla

The Faralon de Medinilla Target Range is the Pacific Fleet's only U.S.-controlled range available for live-fire training for forward deployed naval forces. It is located near Guam and is leased from the Government of the Commonwealth of the Northern Marianas Islands. Faralon de Medinilla enables our forward-deployed airwing and surface units in Japan to conduct two and three unit level training evolutions and one large-scale exercise per year. Without this range, live-fire training would be contingent upon access to non U.S.-controlled ranges and airwing and surface unit readiness would decline to "not ready" status within six months.

Our Pacific Fleet's ability to conduct essential training on Faralon de Medinilla is presently subject to litigation brought by an environmental group seeking to stop live-fire training on the grounds that some migratory, but not necessarily endangered or threatened, birds are harmed in violation of the 1918 Migratory Bird Treaty Act. This lawsuit was filed in December 2000 following a decision by Federal Court in the District of Columbia which declined to follow precedent and applied the 85-year-old act to Federal agencies.

D. Naval Amphibious Base Coronado Beaches

Naval Amphibious Base Coronado and its adjacent beaches provide training for Navy SEALs, amphibious insertion and other small units. The beach was recently designated a critical habitat pursuant to the Endangered Species Act for the Western Snowy Plover and the California Least Tern. To support the recovery of these species, we now physically mark nesting areas and reschedule training to other areas during nesting season. We also conduct an active predator control program on Coronado's beaches to protect nesting birds. Population counts are increasing for both species to the extent that last year 40-50% of the beach area normally available for training was lost to nesting.

III. NAVAL TRAINING EQUIPMENT, OPERATIONS, AND EXERCISES IMPACTED BY COMMERCIAL ENCROACHMENT OR REGULATORY IMPLEMENTATION

Commercial encroachment and regulatory implementation have degraded our training and delayed weapons development in a variety of areas.

A. Use of Sonar and Explosive Sound Devices

The threat posed by quiet, hostile submarines makes it essential for us to conduct anti-submarine warfare training operations. Active sonar, which is used to locate and counter this threat, is under increasing environmental scrutiny. We are investing \$18 million in research over the next three years to better understand whether these sonars affect marine mammals.

1. Delayed Deployment of Weapons Systems

Meeting the requirements of the Marine Mammal Protection Act and Endangered Species Act can be an expensive, time-consuming process. For example, the \$350 million Surveillance Towed Array Sensor System Low Frequency Active Sonar has not been deployed despite having completed a two-year, \$10 million Navy-funded research project and Environmental Impact Statement that has demonstrate the environmental compliance of the system. Its deployment is still uncertain because of the likelihood of lawsuits and the non-concurrence of the California Coastal Commission.

2. Mitigation Measures

We have often implemented mitigation measures proposed by regulators in an effort to address concerns resident in the "precautionary approach". This approach's central contention is that in the absence of scientific information to the contrary, the regulators must assess that the proposed training is harmful to the environment.

For example, Navy conducts visual monitoring for marine mammals when acoustic operations are conducted during daylight. We do so at the request of regulators, even though there is scientific uncertainty over whether, and to what extent, active sonar affect marine mammals. Visual monitoring is not effective at night, however, and as a consequence, regulators have required that we agree to not conduct acoustic training after dark.

In another example, regardless of size, the use of explosives in test or training activities is viewed as an opportunity for an animal to be injured or killed. During the Littoral Warfare Advanced Development 00-2 Sea Test in May 2000, a regional office of the National Marine Fisheries Service applied precautionary restrictions to deny the Navy use of Signals Underwater

Sound charges containing approximately two pounds net explosive weight. These charges, an important element of the planned test program, are routinely employed in collecting environmental data and release relatively negligible sound in the water. Regional offices have concluded that the mere presence of whales during this test required the cancellation of all active acoustic transmissions. We fully expect that weapons systems employing larger net weight explosives will face similar challenges during future training operations.

On a final note, although some environmental laws contain a national security exemption, such an exemption is, historically, rarely used.

B. Regional Air Quality Requirements

Regional air quality requirements have threatened to negatively impact access to our ranges. In Southern California, federal and state regulators proposed moving the commercial shipping channel farther offshore to reduce onshore emissions from commercial shipping activity. This proposed offshore route would have routed 5,000 commercial ships per year through the middle of our Point Mugu sea range. This sea range is our principal test and evaluation facility for airborne and naval surface weapons systems and is one of the most extensively instrumented large-scale sea ranges in the world.

To avoid losing the capabilities of this valuable resource, the Navy initiated a multi-year scientific study effort. It concluded that moving the offshore commercial shipping route would not significantly reduce emissions in the onshore areas of concern and identified other reduction initiatives, such as slowing commercial vessels in the existing channel, which would provide better solutions for improving air quality. While the regulatory decision making process is still ongoing, we are optimistic that a final resolution preserving the Point Mugu Sea Range can be reached.

Additionally, the Clean Air Act General Conformity Rule has impacted Navy training and readiness. This was a significant challenge when the F/A-18E/F Super Hornet was introduced into the fleet at Naval Air Station Lemoore, California, in 1998. The aircraft would not have been allowed to operate at Lemoore without an offset of over 300 tons of nitrogen oxide emissions. We were finally able to obtain the necessary offsets from the Federal Aviation Administration, but these necessary offsets only existed due to the closure of Castle Air Force Base within the same air district.

Conformity was also a challenge in the realignment of F/A-18C/D fighter aircraft from Naval Air Station Cecil Field, Florida, to Naval Air Station Oceana, Virginia, in 1998. Only after the Commonwealth of Virginia provided an increase in the emission budget for Oceana were the F/A-18C/Ds permitted to relocate.

C. Noise

Airborne noise is one of the most noticeable consequences of military readiness. The public's perception of the issue of noise can dramatically influence how we use our training areas. Noise has long been reality at military installations but as homes and businesses have migrated toward and around our bases, the issue has increased in import and public concern.

In April 2001, property owners in Virginia Beach and Chesapeake, Virginia, filed a class action lawsuit alleging that Navy F/A-18C/D Hornets flying over their homes have adversely impacted the value of their property and resulted in "taking" of the property without just compensation in violation of the Fifth Amendment of the U.S. Constitution. The "inverse condemnation" lawsuit was prompted by the transfer of 156 F/A-18 C/Ds to Oceana from Cecil Field in 1998, which was earmarked for closure as the result of the 1995 BRAC process. If this lawsuit is successful it potentially could involve \$500 million dollars in damage payments to the owners of some 20,000 homes surrounding the Naval Air Station Oceana and outlying fields.

D. Airspace

The Navy recognizes that new weapons and platforms require larger areas of Special Use Airspace for testing and training. We continue to work closely with the Federal Aviation Administration and have received a commitment from the Airspace Manager to include the Department of Defense in all discussions that deal with Special Use Airspace. The Navy will continue to work closely with the Federal Aviation Administration in the establishment of the Free Flight Program to ensure it does not affect our mission readiness.

IV. THE ROLE OF THE ISLAND OF VIEQUES FOR JOINT AND LIVE-FIRE TRAINING

The Inner Range of the Atlantic Fleet Weapons Training Facility at Vieques is critical for pre-deployment training and preparation of our Atlantic and Gulf Coast stationed forces. This unique facility affords realistic multi-dimensional combat training that:

- Affords strike aircraft use of air-to-ground ordnance with tactically realistic and challenging targets and airspace allowing high altitude flight profiles
- Accommodates amphibious landings supported by naval surface fire, air-to-ground close air support, air-to-surface mine delivery, and artillery ordnance
- Permits warships to achieve naval surface fire support qualifications

Vieques is the centerpiece of a premier Navy training facility, reflecting more than a half-century of investment and development. It is essential for our combat readiness. On April 27, 2001, we resumed training at Vieques. In keeping with the limitations established in the Presidential Directives of January 31, 2000 we used only non-explosive ordnance on the range. Elements of the USS ENTERPRISE and USS THEODORE ROOSEVELT Battle Groups conducted naval surface fire support and air-to-ground ordnance training from April 27 through May 1, 2001. The training was conducted after Federal Courts in Puerto Rico and the District of Columbia refused to issue temporary restraining orders against the Navy.

The Commonwealth of Puerto Rico recently enacted a Noise Prohibition Act and filed suit in the Federal District Court for the District of Columbia in an attempt to prevent the Navy from conducting Naval Surface Fire Support training at Vieques. The legislative history and express language of the Noise Prohibition Act make clear that the Government of Puerto Rico is attempting to apply its limited maritime natural resources jurisdiction and authority in an attempt to prohibit a lawful federal activity----the conduct of Navy training. These actions are inconsistent with the specific written commitment made by Governor Rosello on January 31, 2000, that the Commonwealth would not initiate litigation in an attempt to constrain use of the range, provided that the training activities were conducted in accordance with the limitations established in the Presidential Directives of January 31, 2000. The Navy, of course, has conducted its training in full compliance with those Presidential Directives.

The Navy will continue to train at Vieques and will ensure that its activities are conducted without creating a significant risk to the health of the citizens of Vieques or the environment. Regarding health concerns raised by the Governor, the Navy has called on the Governor to provide full and complete access to the data and studies upon which she has based her allegations. To date, she has provided the Navy and the Department of Defense only summarized and partial data sets. Navy medical personnel and experts from the Johns Hopkins School of Public Health and School of Medicine have conducted reviews of these partial data sets and have concluded that the data presented do not show that Navy training activities constitute a significant risk to the health of the citizens of Vieques. The Navy will continue to support independent reviews of all health allegations raised but we have no reason to believe that our activities pose a health hazard.

We remain very concerned about increasing acts of violence against Navy personnel at Vieques. These acts are typically committed by persons within the criminal jurisdiction of the Commonwealth of Puerto Rico and municipality of Vieques, and it will require greater support from the Police of Puerto Rico to prevent these acts from occurring.

V. COSTS IN NAVY RESOURCES AND OPTEMPO TO PERFORM TRAINING "WORK AROUNDS"

Restricted or temporary loss of access to a range and the subsequent requirement to seek alternatives or workarounds often leads to an increase of operations at alternate Navy or service ranges. When training areas at Vieques were unavailable we undertook a less-than-optimal approach to completing multi-functional carrier battle group training at Eglin Air Force Base and Pinecastle and Pamlico Sound ranges.

In addition to unsuitability to achieve required readiness standards, the "work around" training scheme presented additional problems. While Eglin is the only East Coast live impact area that provides some level of support to complete advanced air-to-ground bombing training,

flight profile and range control restrictions limited the full range of tactical maneuvering of strike formations. These restrictions, including the inability to conduct multi-axis attacks, inhibited our ability to train as we would fight. In terms of additional costs, the Navy incurred charges of \$65,000 to \$90,000 per day (as much as \$800,000 per battle group) to train at Eglin.

The loss of Vieques also led to increased operations in North Carolina's Pamlico Sound and Florida's Pinecastle Military Live Fire Range. Subsequently, the Navy received written requests from regulators to stop using Pamlico Sound until further environmental studies and consultations could be completed, and local groups near Pinecastle requested that the Navy cease all bombing operations.

As these examples indicate, there are no quick-fix alternatives to traditional Navy ranges such as the unique facilities found at Vieques. When the best facilities are not available, the Navy is forced to operate in areas that may not be particularly well-suited for the kind of intense, realistic combined arms training that is required by our Title 10 responsibilities to train, equip and provide the force required by our nation's national command authority.

VI. LONG-TERM MARITIME SUSTAINABILITY STRATEGY

The Senior Readiness Oversight Council identified nine areas where Department of Defense organizations should focus resources to mitigate the effects of encroachment through sustainable action plans and an active outreach program. The Navy and Marine Corps have adopted this approach and have completed most elements of a coherent and comprehensive strategy that identifies core ranges and operations areas and initiatives to sustain access to them. The strategy consists of a roadmap that links range requirements and capabilities to readiness, determines readiness impacts and alternatives should a range become unavailable, minimizes encroachment impacts via sustainable action plans, reaches out to neighboring communities, emphasizes opportunities for mitigation to reduce or avoid impacts and formalizes a training range organizational structure. We believe this coordinated Service-wide approach to sustain our core ranges will guide us in this ever-challenging encroachment environment.

A. Maritime Sustainability Action Plan

As the Department of Defense Executive Agent for maritime sustainability, our goal is to achieve sustainable readiness in compliance with statutory and regulatory frameworks. To that end the Navy has adopted a strategy with four principal elements: sound legal position, knowledge advancement, consistent policy and procedures, and education and engagement.

1. Sound Legal Position

Legislative Action – Last year, the National Oceanic and Atmospheric Administration Fisheries, the Fish and Wildlife Service and the Marine Mammal Commission were engaged in a process to develop a comprehensive legislative proposal to reauthorize and amend the Marine Mammal

Protection Act. We worked within that process in partnership with these agencies to reach consensus on a definition of “harassment” that would provide more certainty to the regulated public while ensuring that actions harmful to marine mammals would be addressed.

2. Knowledge Advancement

Research, Development, Test and Evaluation Actions – Understanding the effects of our operations on marine mammals and sea turtles is critical to our proactive approach for interacting with marine mammals. The Navy has developed a five-year science and technology objective to ensure that research will provide vitally needed answers to determine if the budget should be increased to accelerate data output. Our current research seeks to increase the level of knowledge of marine mammal population densities, distribution, and hearing physiology.

3. Policy and Procedures

Navy At-Sea Policy - We developed an At-Sea Policy to promote consistent application of legal requirements Navy-wide. The Under Secretary of the Navy signed the policy on December 28, 2000.

Enhanced Readiness Teams – Commanders-in-Chief of the Atlantic and Pacific Fleets have established Enhanced Readiness Teams within each of their respective regions. These teams bring together operations, facilities, legal, public affairs, real estate, and environmental staffs to address issues across the broad spectrum of affected areas. Enhanced Readiness Team efforts include active engagement with regulators and other non-DOD agencies to ensure readiness is maintained through long-term access and use of fleet facilities, training ranges, and operating areas.

4. Education and Engagement

Navy/National Oceanic and Atmospheric Administration Fisheries Coordination: – We have established an Environmental Coordinating Group for addressing issues of mutual concern with National Oceanic and Atmospheric Administration Fisheries. An outgrowth of this group has been the establishment of a liaison office at Fisheries headquarters.

National Marine Sanctuaries Advisory Liaison – We also assigned a representative to serve on the advisory committee for National Oceanic and Atmospheric Administration’s Channel Islands National Marine Sanctuary, which encompasses part of the Point Mugu Sea Range.

Public Affairs Outreach – We have adopted a pro-active outreach program that includes developing informational tools that highlight the importance of sustained readiness.

Training Videos – We have developed marine mammal training videos to educate our personnel on their environmental protection responsibilities while at sea. Two of these videos specifically focus on procedures to avoid endangering the Northern Right Whale.

Senior Operator/Regulator Dialogue – Last September Navy leadership hosted a full-day meeting with their counterparts from federal regulatory agencies to discuss the challenges of protecting national security and environmental values.

IV. SUMMARY

The Navy's ability to meet its Title 10 obligation to conduct and win sustained combat operations at sea is increasingly challenged by legal requirements and commercial and urban encroachment on our training facilities and ranges. We believe that is necessary to achieve and sustain the right balance between military readiness, encroachment pressures, and stewardship responsibilities.

The Navy is proud of its record of environmental stewardship and will continue to fulfill its stewardship responsibilities in conformity with law and regulation. We also propose, however, to work with the Administration and Congress to ensure that those laws and regulations are applied in a manner that gives due regard to the importance of the military mission.

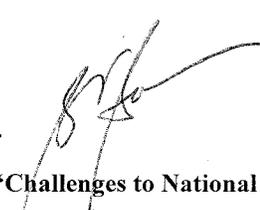
Mr. BURTON. We were just joined by the vice chairman of the committee, Mr. Barr. Do you have an opening statement?

Mr. BARR. I have an opening statement but in the interest of moving forward with the hearing, I would ask consent to include it in the record.

Mr. BURTON. Without objection.

[The prepared statement of Hon. Bob Barr follows:]

Opening Statement
Congressman Bob Barr
Committee on Government Reform hearing - "Challenges to National
Security - Constraints on Military Training."
May 9, 2001 at 10:00 a.m., Room 2154 Rayburn House Office Building



The purpose of our military is to deter aggression or, if necessary, fight and win our nation's wars with as few casualties as possible. The only way we can ensure that we are successful in carrying out that purpose is to provide sufficient real life training opportunities. The motto "train like you fight, fight like you train" is more than just a catchy slogan - it literally can mean the difference between life and death.

To that end, Mr. Chairman, I'm afraid we - - as legislators and policymakers - - are doing a disservice to our servicemen and women. With all the regulatory restrictions and land use impediments, it has become increasingly difficult for our forces to train as they would fight, when called upon to do so. The Department of Defense faces the increasingly complex and costly challenge of complying with all federal, state and local environmental and zoning requirements. Thirty-two major pieces of environmental legislation were signed into law in the last decade at the federal level alone. With most environmental issues often managed and decided at the local, state or regional level, it routinely falls on our military commanders to fight to maintain readiness by working around the constraints.

Mr. Chairman, our military can “work around” these issues no more. We need to step up to the plate and state clearly that environmental protection is not more important than national security. Is the Pacific Pocket Mouse or the Coastal California Gnatcatcher more important than the lives and safety of our men and women in uniform? We ask them to risk their lives for us in combat, yet we impede their ability to survive in combat by placing incredible constraints on how and where they train, simply to protect blades of a certain grass, or the sleeping habits of some animal. We need to reexamine our priorities when the choice comes down to providing our troops realistic training or accommodating fringe voices worried about the sleeping patterns of turtles in the Caribbean.

Military training requires flexibility. Each new regulation limits our armed forces’ flexibility and degrades their readiness to achieve military missions. If the continuing encroachments on military training options escalate, it will seriously degrade the caliber of the U.S. armed forces within a short time, particularly if the military’s global workload continues as it has over the past decade. If we want to keep well-trained, cohesive units ready to be deployed worldwide on short notice, we must be willing to provide the necessary training opportunities.

The United States military is the best in the world, and we have an obligation to keep it that way. Effective and realistic training is one of the reasons why our armed forces are so effective. I thank the Chairman for holding this hearing, and I look forward to hearing from our esteemed witnesses.

Mr. BURTON. Ms. Davis, you have an introduction?

Ms. DAVIS. I would like to take this opportunity to thank you for holding this hearing. I look forward to serving you and this committee in our oversight duties as we work in an effort to rid our government of fraud and abuse, making it more efficient and effective.

I firmly believe the issues you have brought before us today are critically important to our national security and our forces are finding it more difficult to operate and train with the environmental, Federal and population issues that have increasingly risen.

I am delighted to have the opportunity to find out from our military exactly where we stand on these matters. In this light, I am honored and privileged to introduce to this committee John P. Jumper, Commander of the Command Headquarters at Langley Air Force Base in my First District of Virginia.

General Jumper is a man of high integrity and one of our Armed Forces' finest leaders. I have had the pleasure of meeting with General Jumper several times and I consider him a friend.

As Commander of the Air Combat Command Headquarters at Langley Air Force Base, General Jumper holds the awesome responsibility of overseeing the organization, training and maintenance of combat ready forces for rapid deployment and employment while ensuring that our strategic air defense forces are prepared to meet the challenges of peacetime air sovereignty and wartime defense.

Originally from Paris, TX, General Jumper earned his commission as a distinguished graduate of Virginia Military Institute, Class of 1966. He has commanded a fighter squadron and two fighter wings.

The General also served in the Pentagon as Deputy Chief of Staff for Air and Space Operations, as a Senior Military Assistant to two Secretaries of Defense, and as a Special Assistant to the Chief of Staff for Roles and Missions.

Before assuming his current duties, the General was the Commander of U.S. Air Forces in Europe and Commander, Allied Air Forces Central Europe where he served as the Chief Air Component Commander during Operation Allied Force.

I look forward to hearing General Jumper's testimony concerning the impact of restrictions on training ranges and military readiness. With his knowledge of military affairs and his extensive experience, I am certain the General will provide valuable insight into this matter.

I introduce to you today, General John P. Jumper.

Mr. BURTON. General Jumper.

General JUMPER. Thank you. It is a pleasure to appear before you today.

Let me echo the remarks of my good friend, Bill Fallon, as he described very accurately the status of not only naval forces but air forces in the training environment we find ourselves in today. Let me give you two very distinct examples of why training is so vital to our combat capability.

The first example is a B-1. The B-1s that we tried very hard to bring into Operation Allied Force in the war against Serbia. We couldn't bring them in right away because they needed some addi-

tional testing for the defensive systems to include a new version of the tow decoy that was critical to their defensive suite.

The testing was done on this on the ranges at Eglin Air Force Base in Florida and Ellis Air Force Base in Nevada. I gave them the last minute confirmation that we needed to confirm that capability. They deployed even with the test crews into Operation Allied Force and we watched them on the first night as they penetrated through Serbia air space and those two towed decoys were actually shot off the back of those airplanes saving the lives of those crews as they prosecuted their mission.

We couldn't have done that had we not had immediate access to complete in a very rapid fashion this testing that was critical to the combat capability of the B-1 bomber. Those seven B-1s that we had in combat went on to perform magnificently during the rest of the war and actually closed a Serbian air field that stayed close for a year after the war was over.

A second incident with Lieutenant Colonel Rico Rodriguez. Rico is a Captain in Operation Desert Storm who had shot down two MIG-29s in combat. He returned again in Operation Allied Force in Serbia as a Lieutenant Colonel. On this occasion, he was chasing down two MIG-29s that were attempting to get to one of our ingressing strike forces. He shot down one of the aircraft and chased the other off in exactly the type of scenario that we train for day in and day out at Nellis Air Force Base, where all the services come and work together in exactly the same kind of scenario and give us the confidence to be able to do in the heat of combat.

Colonel Rodriguez trained as a young captain at Eglin Air Force Base in Florida and his skills were honed in the skies over Nellis, UT and other places as he was growing up in the Air Force.

I also commend Chairman Hansen and his committee and the Resources Committee on their efforts to coordinate with the military services on those pieces of legislation that could have profound effect. It might not even be noticed if it wasn't for Chairman Hansen and his staff that comes forward to the military services and seek out our advice on where those impacts might take place. It is that kind of cooperation and coordination that makes us keep these ranges viable and useful to us for advanced training.

I would say the services have a part to play in this too. I confess to you with some guilt that it wasn't until about 1994 or 1995 that the U.S. Air Force formally organized ourselves to address these range problems head on and formally coordinate with those agencies and interested citizens groups whose lives we impact when we do fly over the pieces of territory about which they are concerned.

We have done this in the Pentagon, we have interfaced with the Office of the Secretary of Defense and Air Combat Command. We have formal groups that go out and interface, listen to the concerns of the people and work out the differences. We find this open communication, just as with Chairman Hansen's Resource Committee, has gone a long way to help us resolve some of these range issues. We plan to continue to do that.

I thank you for the opportunity to be here today. We look forward to your questions.

[The prepared statement of General Jumper follows:]

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DEPARTMENT OF THE AIR FORCE

PRESENTATION TO THE HOUSE COMMITTEE ON
GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

SUBJECT: TRAINING ENCROACHMENT ISSUES

STATEMENT OF: GENERAL JOHN P. JUMPER
COMMANDER,
AIR COMBAT COMMAND

9 MAY 2001

NOT FOR PUBLICATION UNTIL RELEASED
BY THE HOUSE COMMITTEE ON GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

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Mr. Chairman and members of the Committee, thank you for the opportunity to speak to you about Air Force training and the challenges we face in properly managing the ranges and airspace so vital to our combat readiness.

Maintaining continued access to our ranges and airspace is absolutely critical; in fact, if our ability to train our aircrews continues to diminish, America will soon lose its only edge in air combat proficiency. We can no longer rely on current Air Force technology to provide an advantage against our next adversary—that next adversary already has access to more advanced equipment than ours. It is only our superior training that enables our pilots to have the upper hand in air combat. That training depends on the right amount and the right type of ranges and airspace. These areas are national assets which allow the Air Force to test new equipment, develop new tactics, and train our forces to be combat-ready. AF ranges also accommodate important civilian industry aeronautical testing, and provide for public use and natural and cultural resource protection.

Background

Air Combat Command operates nine ranges for training our combat forces and testing weapons systems. Seven of these ranges were established by the Army Air Corps in World War II. Back then, tactical fighters used decentralized “backyard” ranges (now called “Primary Training Ranges” (PTRs)) to practice the release of live and practice bombs. Such ranges usually were located within a 150 nautical mile (NM) radius of their home bases. Strategic bombers trained on ranges and simulated deliveries using radar bomb scoring sites thousands of miles away. These ranges were customized to fulfill the training requirements of individual aircraft types and various missions. Large-scale

exercises were conducted on training and test ranges, usually in the West, which could accommodate such tactics. Today, these ranges include an extensive electronic warfare array, an instrumentation system for tracking and recording aircraft maneuvers, and multiple target concentrations. The Eglin Range in Florida, the Nevada Test and Training Range, Barry M. Goldwater Range in Arizona, and the Utah Test and Training Range are our largest ranges.

Present Ranges

Management of Air Force (AF) ranges is the responsibility of several AF commands. Air Combat Command (ACC) is responsible for the majority of combat training that occurs on our ranges. Other commands that manage ranges predominantly for training include the Air National Guard (ANG), Air Force Reserve Command (AFRC), Pacific Air Forces (PACAF), Air Education and Training Command (AETC), and United States Air Forces Europe (USAFE). Air Force Materiel Command (AFMC) is responsible for ranges primarily tailored toward test activity, and Air Force Space Command is responsible for the management of the East and West Launch Ranges. Currently, all commands and service components share ranges. For example, the AF operates 17 ranges on US Army lands in the continental US (CONUS) and Alaska.

Present Airspace

The Federal Aviation Administration (FAA) manages the complex multi-use nature of the National Airspace System (NAS) to provide both safety and efficiency for civil and military users. Viewed in a two-dimensional perspective, military Special Use Airspace appears to cover a large portion of the CONUS. Adding the third dimension--depth--shows that civilian air traffic uses the airspace above Special Use Airspace even

when it is active. But to gain a true perspective of the AF's use of the National Airspace System (NAS), the fourth dimension--time--must be considered. In other words, as our force structure has decreased, the time we use the NAS has also decreased. However, our need for special use airspace to test and train remains an indispensable component of AF readiness.

Ranges and Airspace in the Future

Consolidation of units after base closures, more capable aircraft systems, new weapons such as JDAM, JSOW, and JASSM and refinement of tactics will continue to obligate the AF to modify and consolidate our ranges and Special Use Airspace to enable our forces to maintain their edge.

The training range of the future will exist in three basic formats— smaller ranges (PTRs) that will provide local units the ability to hone their basic and intermediate skills on a day-to-day basis, intermediate size ranges such as the Air National Guard's Combat Readiness Training Centers and ACC's new range in Idaho that allow for more advanced skill training in an increasingly instrumented environment, and large ranges that provide a complex environment of threats, targets, and instrumentation needed for large composite force combat training exercises.

PTRs will continue to serve nearby flying units on a daily basis where limited live ordnance employment and limited force tactics can be accomplished. The PTRs will remain a foundational necessity in the Air Force's range structure and in the future will require modifications for basic weapons and electronic warfare training as our weapons, weapon systems, and tactics evolve. In addition, large training ranges, dedicated to large

force exercises, will soon routinely include three types of participants—real operations on the scene, operations from participants linked by simulators, and simulated players. Large ranges and airspace will also continue to be needed in the future for complex, advanced weapons system tests and live weapons evaluations.

Range Management in the Air Force

In the coming years, our ability to modify ranges and airspace will be critical to maintaining AF readiness. However, the legal and procedural requirements are becoming increasingly more complicated, cumbersome, and time consuming. Our goal is to meet our evolving military needs while addressing and resolving, to the maximum extent possible, public concerns and federal, tribal, state, and other agency issues. We have adopted a spirit and practice of flexibility and willingness to adapt without compromising our operations. In fact, in 1994 the AF organized and stood-up an airspace and range staff in the Pentagon to work the issues facing our combat forces, and in 1995, Air Combat Command created an interdisciplinary staff that works range and airspace issues on a daily basis. Additionally, we realize the importance of establishing and maintaining permanent relationships with stakeholders. These stakeholders are supportive of the AF and our mission. Sustainable access to ranges benefits many people. Our ranges contain significant cultural and natural areas, are used for grazing and crop production, and allow hunting or other forms of outdoor recreation.

In this session, I will focus on the areas the Chairman identified in his letter to Acting Secretary Delaney. The predominant portion will be on the training encroachment issues most critical to the AF. I will then address the other related areas:

specific AF training operations and exercises affected by urban encroachment or regulatory implementation; costs in AF resources and tempo to perform training "workarounds"; successes and challenges in meeting the current statutes, regulations, executive orders and military mandates governing use of military ranges; the role of the National Airspace Redesign and other shared special use airspace polices in AF training; the effect of the possible sale of government-owned radio frequency spectrum on air combat training systems; and our long-term strategy to minimize the impact of encroachment on readiness.

Training Encroachment Issues Most Critical to the Air Force

Four areas stress our ability to maintain sustainable access to ranges and airspace and are most critical to the AF. They are unexploded ordnance, air quality, noise, and endangered species. These areas are generally referred to as encroachment issues. Encroachment on ranges and airspace is a serious and growing challenge to the AF, as well as the other services. Encroachment issues are complex and involve multiple federal, state, tribal and local agencies, as well as Congress and the public. Maintaining a combat-ready force will be challenging because of the constraints posed by the myriad of laws regulating ranges and airspace.

Unexploded Ordnance (UXO)

UXO and the disposal of residue material (primarily scrap metal) on air-to-ground ranges is one area where we have extensively investigated our practices and policies. UXO and range residue (used targets, inert ordnance, etc.) physically occupy only a small part of any air-to-ground range, but its presence is an increasingly expensive problem.

The costs associated with clearing closed ranges have led us to the conclusion that we need to plan and manage for the entire life-cycle of a range.

The AF first started clearing ordnance from active ranges in the late 1940's. Active range clearance not only provides for safe target area operations, but also provides airfield-recovery training for our Explosive Ordnance Disposal technicians. AF policy requires that active air-to-ground ranges be cleared on a quarterly, annual, and 5-year basis at varying distances from each target. Our currently scheduled UXO and residue removal program, along with modifications to our range-clearing practices, will ensure long-term range sustainability and the safety of personnel on the range. Our ultimate goal is to manage our ranges effectively and efficiently throughout the life-cycle process providing for sustainable operations, safe and effective UXO Management and long-term environmental stewardship. These policies are not without costs. Air Combat Command is currently undertaking a project to remove the legacy of residue that has accumulated on some of our ranges. In FY00, the AF dedicated \$4.8M to this effort, removing residue at the rate of one million pounds per month. At current funding levels, it is estimated it will take approximately four years to remove known accumulated residue from ACC's PTRs alone. In FY 01, ACC is spending \$3.3M for residue removal. Given our current budget levels, clearing active ranges will need to be a long and incremental process in order to be affordable. The same active range operations and maintenance budgets that fund readiness activities such as enhanced targets and electronic warfare operations for our forces fund UXO and range residue removal. Anything more aggressive than a long-term program will significantly strain present readiness accounts.

Air Quality

Many of our largest and most important installations are located in areas that are experiencing rapid growth and the attendant pressures resulting from air quality standards. A number of our bases are currently located in “nonattainment” areas, which are places that failed to meet EPA standards for air pollution, and more bases are in areas that are destined to become nonattainment areas. Air quality pressures generally affect operations at our installations more than on our ranges, but they potentially limit our basing options for force realignments and weapon system beddowns. If any beddown action is found not to conform to the state implementation plan for Clean Air Compliance, the AF must either obtain air quality credits or reduce other emissions at the base to counterbalance the impact. Otherwise, the proposed action cannot take place. We are working hard to lower our emissions at our installations. We are working to ensure that environmental, safety, and occupational health considerations--including air quality--are integral to plans for acquiring new weapon systems. We are working with state regulators and local communities to ensure we have the flexibility to base aircraft at our installations which have huge investments in infrastructure not only on the installation itself, but also in the ranges used by installation aircraft.

Noise

Noise from military aircraft is one of the most obvious byproducts of military readiness and has long been a dilemma at our bases. Additionally, many people are increasingly concerned about noise along many of our low-altitude flying routes, military operating areas, and on our ranges. Today, noise is the AF's number one concern when we try to modify or establish new airspace. We often deal with the “not in my backyard” perspective. Some citizens support a strong national defense but wish the AF flew

“somewhere else.” However, if you look at a US map, “somewhere else” doesn’t exist. In fact, “somewhere else” is always “right here” for someone else.

In some cases, we can accommodate public noise concerns with no loss to the effectiveness of our training. When apprised of a noise sensitive area, we routinely chart it and avoid it if possible. In a few instances, we have made allowances for short periods in National Park recreation areas when the park experiences its maximum number of visitors. When we cannot deconflict schedules, we try to communicate to users and managers alike to let them know what we are doing, when we are flying, and why. We have found that altering their expectations and increasing their knowledge of what is going on can reduce a person’s negative reaction to noise.

The services have formulated a plan that will eventually lead to a unified DoD noise program to address the full range of noise issues not only from aircraft, but also from other military operations, testing, and training. This program will coordinate policy, plans, and funding for noise effects, maintain noise models, and oversee R&D efforts. It will also include efforts to ensure that environmental, safety, and health considerations--including noise--are part and parcel of defining requirements in the acquisition process.

Endangered Species

Currently, 79 federally listed threatened and endangered species are on approximately nine million acres of AF lands and waters. They include various species of mammals, reptiles, amphibians, and plants. In some cases, our installations and ranges are the only large, undeveloped, and relatively undisturbed areas remaining in growing urban areas. This often leaves AF lands as the last refuge in the region that can support

endangered species. Biological Opinions resulting from required Endangered Species Act assessments have resulted in range and airspace restrictions mainly associated with aircraft noise and munitions use. We operate with altitude restrictions because of the noise and its possible effects on endangered species in Arizona, Texas, and New Mexico. The Barry M. Goldwater Air Force Range in Arizona is home to the last approximately 100 hundred Sonoran Pronghorn Antelope in the United States. The DoD flies about 70,000 sorties yearly on the Goldwater Range. We survey seven different target areas daily before we fly any sorties. If there are antelope present, we do not drop on or strafe that target.

The potential designation of range areas as critical habitat could seriously limit our ability to modify missions on our lands. We need to work with other agencies to ensure that habitat constraints do not restrict our operations. For instance, in the Sonoran Desert, we are participating in a DoD/Department of Interior-sponsored ecoregional study. This study, conducted by the Nature Conservancy and the Sonoran Institute, with the cooperation of the Mexican State of Sonora, has characterized the resources on over 55 million acres in the US and Mexico. This broad view by over 100 academic, agency, tribal and public Sonoran Desert experts will help federal agencies and local governments set their resource planning within a larger ecoregional context. The US Marine Corps and the AF are using the study as a starting point for the Integrated Natural Resource Management plan for the Barry M. Goldwater Range and Pima County, Arizona has incorporated the study into their overall planning effort.

Marine environmental protection regulations also have the potential to impact AF operations. The Air Armament Center at Eglin AFB, FL uses live munitions over the

Gulf of Mexico for a wide variety of live ordnance test and training and has obtained permits from the U.S. Fish and Wildlife Service (FWS) to allow them to carry out their mission. For example, gulf sturgeon in the area are electronically tagged. FWS employees track the sturgeon to ensure they are not in an area where live ordnance is being detonated.

The key to addressing endangered species is adequate science and good communication. The AF will continue to monitor activities outside our fenceline and continue to engage with local communities. We have found that where we have good relationships with regulators, we have been able to develop cooperative strategies that allow the AF to accomplish its mission while at the same time providing the necessary stewardship of this nation's natural resources.

Specific Impacts of Urban Encroachment or Regulatory Implementation

Several examples serve to illustrate specific AF training operations and exercises affected by urban encroachment or regulatory implementation. Nellis AFB, Nevada is faced with serious threats resulting from increasing urban development in the Las Vegas region and changes in zoning underneath flight corridors and other land areas surrounding the base. With urban expansion and rapidly increasing property values, there is an escalating development pressure on the local planning commissions to allow land uses, which can ultimately restrict our ability to continue training and test operations at Nellis. Nellis AFB and the Nevada Test and Training Range account for 75 percent of AF live weapons training in the Continental United States. Six million pounds of ordnance are expended annually, and 47 percent of that is live ordnance. Nellis AFB is truly the Air Force's center for large-force tactical and operational excellence—arguably

the single most important factor behind our overwhelming success in combat during the '90s—and plays host to the Air Force Weapons School, RED FLAG, and operational testing of new aircraft such as the F-22 and the Joint Strike Fighter.

Encroachment to the east of Nellis AFB resulted in an initiative to acquire 250 acres to avoid safety concerns near the Live Ordnance Loading Area. The acquisition was accomplished partially through a land exchange by the Bureau of Land Management (BLM), and MILCON appropriations. Commercial and residential development south of Nellis has already resulted in operational restrictions to arrivals and departures from the south. Increasing development activity under the northern runway departure area has led Nellis AFB to propose a similar approach to control 417 acres to provide a departure/arrival corridor to the range, mitigating the effects of encroachment and protecting our live ordnance training and test capability. . The AF is exploring options for acquiring the total acreage in conjunction with the BLM using the 1998 Nevada Land Management Act. Similar problems exist with community encroachment near Davis-Monthan AFB outside of Tucson, and Luke AFB outside of Phoenix. Governor Jane Hull has proposed a state swap of lands to partner with the AF to obtain control of lands adjacent to the Arizona bases, this following her approval of a state law requiring communities within 5 miles of military airports zone for noise impacts. We need communities and states to address similar encroachment conditions by partnering with the AF to reduce our costs for maintaining the readiness at each installation.

Another example of cost impact is our efforts to fund the acquisition of replacement lands, waters or interests in lands for the National Wildlife Refuge System. Through a Memorandum of Agreement, the AF is required to provide \$15M to offset

FWS for approximately 112,000 acres of the Desert National Wildlife Range that we have used since the early 1940s. This is in support of the Military Lands Withdrawal Act of 1999.

Although I commented earlier that air quality pressures generally affect operations at our installations more than our ranges, we must stay abreast of many regulatory proposals that may affect our operations on our ranges. For example, our legal advisors in the field have received information suggesting that Nevada may be examining an initiative to regulate aerospace ground equipment used at Nellis AFB, and to impose additional requirements to limit fugitive dust emissions from our road on the range. If this occurs, we will face significant costs to pave roads so we can drive vehicles on the ranges and so we can obtain air quality credits to operate our equipment—basic requirements that support a vital training center.

Identifying and resolving natural resources issues are the first steps in mission development at many of our bases and ranges. For example, a substantial portion of the Poinsett Range, associated with Shaw AFB, South Carolina, are wetlands, that are available for development to conduct new missions, only after obtaining the proper permits from the corps of engineers. Activities there would have to comply with the Clean Water Act's dredge-and-fill requirements that call for wetland losses to be mitigated through the creation of replacement wetlands, which can be prohibitively expensive. Much of the remaining lands on Poinsett Range are considered important habitat of the threatened red-cockaded woodpecker. During expansion of the range in the early 1990s, extensive biological surveys and negotiations were conducted to develop target locations that met Endangered Species Act requirements. Any future realignment

or expansion of the targets would have to consider potential impacts to the woodpecker. Similar issues related to wetlands exist at the Grand Bay Range, associated with Moody AFB, Georgia.

Avon Park Range, in central Florida, has extensive wetlands, including some in target areas. In addition, the range is home to 12 threatened species. Any future mission changes or range realignment would be conducted in a manner that will not jeopardize the continued existence of the species. However, by entering into the interagency consultation process, impact to proposed range modifications could be mitigated. There is also a continuing concern that mission-related fires could impact threatened species habitat. To minimize the chance of fire loss, the installation has implemented a comprehensive wildland fire management program.

Juniper Butte Range is a small range associated with Mountain Home AFB, Idaho, created in 2000 on withdrawn lands. To resolve public and agency concerns about a variety of environmental impacts, the initial range proposal was substantially reduced, and Air Combat Command committed to substantial monitoring and survey efforts that will cost approximately \$400,000 per year, to include studies on a potentially threatened grass species. Concerns include the potential impact on slickspotted peppergrass, the ability of recreational users of nearby canyon rivers to continue rafting during certain times of the year, and the potential impact on Bighorn Sheep.

The potential effects of aircraft noise on threatened and endangered species has been a continuing issue, particularly in the Southwest. Since 1998, three new missions (at Cannon and Holloman AFBs in New Mexico, and at Dyess AFB, Texas) have been impacted by the need to mitigate concerns for bird species found or likely to occur on

non-DoD lands beneath low-altitude training routes. The endangered species frequently impacting our operations in the southwest are the Mexican spotted owl, the bald eagle, the northern aplomado falcon, and the southwestern willow flycatcher. As a result, aircraft operations were seasonally restricted over certain locations, with aircrews being required to modify their flight to avoid nesting areas. Additionally, Air Combat Command is obliged to monitor and study the species for a 10-year period. These studies currently cost \$3.5 million per year.

Finally, compliance with the National Environmental Policy Act typically takes at least two years from the time we publish a notice of intent until a decision is made. Litigation challenging compliance with NEPA and other environmental statutes can cause delay before actions are implemented.

Costs in Air Force Resources and Tempo to Perform Training "Workarounds"

In addition to the costs for monitoring and studies required pursuant to the Endangered Species Act, encroachment has impacted the effectiveness of our training. As stated earlier, military training routes used by the assigned units at Holloman and Cannon AFBs in New Mexico, and the Air National Guard unit at Kirtland AFB, New Mexico must comply with altitude and seasonal restrictions that are a direct result of federal agency requirements for avoiding endangered species nesting sites. In all recent cases where there has been an AF action with potential to affect a species, the Air Force has funded and conducted the scientific studies required by state and federal laws and regulations. In FY 01, Air Combat Command is funding \$4.9M to meet these requirements.

This avoidance criteria is additive to the existing noise sensitive areas that have increased over the years due to population growth. Growth around our installations has

been a known factor for some time. Growth underneath our training areas, coupled with mission changes such as increased requirements for night training, result in criticism of our operations. This is a relatively new issue that we now face. The cumulative effects of endangered species, noise sensitive areas, and population expansion have resulted in less than optimum training opportunities for our aircrews and constrained testing of weapon systems.

Successes and Challenges in Meeting the Current Mandates

In the early 1990s, Air Combat Command greatly expanded its environmental programs, creating and filling professional natural resources positions at most of its installations and ranges. These individuals have developed natural resources management programs that not only provide sound stewardship, but also are integrated with and support the land requirements of the military mission. As a result, conflicts and mission constraints have been minimized. However, these programs have also resulted in military installations recognized for their rich biological diversity. We are now concerned that these areas will be designated critical habitats, with the subsequent restrictions that constrain military use.

Within the past decade, federal agencies administering public lands and resources have included not only land use, wildlife, and habitat management in their policies and practices, but have also attempted to exert influence on airspace over public lands. The overlay of military airspace over special use land management areas managed by these agencies is large. I have addressed the significant issues we have experienced related to the Fish and Wildlife Service's implementation of its responsibilities under the Endangered Species Act. Pursuant to the Sikes Act, the AF routinely works with the

Department of Interior and the BLM regarding our activities impacting lands withdrawn for military use. We will continue to work with BLM to ensure proper and consistent land management that will allow sustainable access to our ranges.

There are nearly 600 American Indian tribes, Alaska Native villages and other Native Americans in this country. The United States government has a unique legal relationship with federally recognized Native American tribal governments. Each acts as a sovereign entity in its relationship with the federal government, and the federal government has various trust responsibilities concerning tribal interests. With the Air Force flying training missions in every state and with most of our key training bases and ranges within 100 miles of Indian lands the potential for our operations to affect the traditional cultural resources and ways of life is real.

Over the last 7 or so years, we have come to realize that we may have been able to do a better job of addressing issues of concern to them in relation to developing Air Force proposals. We have been making great strides in this area working with Native Americans to mutually address their concerns and our mission requirements. For example, members of my staff visited and consulted with leaders of the Jicarilla Apache and Taos Pueblo Tribes in New Mexico in crafting the Realistic Bomber Training Range Proposal. We consulted with the Shoshone-Paiute Tribes and of the Duck Valley Reservation and the Shoshone and Paiute Tribes at Fort McDermitt regarding various aspects of our Enhanced Training in Idaho proposal. My counterpart at Air Education and Training Command, General Hal Hornburg, visited the Tohono O'odham Nation this past January to meet with their leaders. Currently, the Air National Guard is working in cooperation with representatives from the Fort Belknap Indian Reservation in Montana to

develop a range proposal that can mutually satisfy the needs for the Montana Guard while addressing the concerns of this Native American community.

The requirement to engage Indian tribes is not new. It is an ongoing challenge to ensure that we identify and contact Indian tribes that are potentially affected by our use of airspace. Tribes long removed from the eastern U.S. are now rediscovering and reclaiming traditional places of importance to them in their former homelands. Aside from concerns about protecting their cultural heritage, tribes sometimes request the Air Force to address issues including health care, employment, emergency response, and facilities improvement. While these are certainly important issues for the tribes, the Air Force is not equipped to address them, and we need to decouple them from the consultation process and refer them to other agencies. We've seen examples of local accommodations to tribes needed to maintain operational training areas in Idaho, Arizona, New Mexico, Alaska, and elsewhere. However, we believe that identifying potentially affected parties early, working with them in a cooperative atmosphere to develop mutually satisfactory proposals, and maintaining an open dialogue once operations have begun is the key to success.

Despite these growing challenges to maintaining training assets, Air Combat Command is also successfully implementing the DoD's Policy for interacting and working with federally recognized American Indian tribes. For example, 18 federally recognized tribes and organizations participate in the Native American Interaction Program at Nellis AFB. The program supports visits to the base and Indian sacred sites on the range complex, and provides the opportunity for sharing ideas and concerns. It is the largest and most complex Native American consultation process being conducted at a

DoD installation. It has proven to be a constructive, cost-efficient way to conduct intergovernmental relations and defuse potentially controversial issues early in the planning process.

Air Combat Command will strive to find solutions to these mandates, but additional policy and legislative support as well as funding are required to meet these increasing challenges.

The Role of the National Airspace Redesign and Other Shared Special Use Airspace Polices on Air Force Training

Despite a decrease in military force structure and total flying hours, the DoD has a continuing requirement for training airspace. Presently, many units are routinely denied the full range of airspace required for practicing modern tactics, causing an impact to readiness. This requires costly deployments to remote installations where suitable airspace is available. At the same time, fueled by deregulation and relatively affordable fares, the civil airline industry has grown steadily. The projected growth rate of the civilian airline industry is expected to continue at a 6% annual increase for the foreseeable future. In 1998, the FAA initiated the National Airspace Redesign program. This program has been commonly called "Free Flight." The goals of the redesign are to maintain system safety, decrease system delay, increase system flexibility, increase predictability, and increase user access. A part of "user access" is DoD Special Use Airspace, which is necessary to conduct critical testing of equipment and training of aircrews. In the future, the key to the successful establishment, modification and use of Special Use Airspace will require the application of the following four parameters:

Volume - enough to accomplish operational, test or training objectives

Proximity - distance to operating airfields

Time - available when operations, test, or training are required

Attributes - ability to accomplish specific air/land/sea events

The first three are self-explanatory. The term “attributes” refers to the quality that differentiates one piece of airspace from another. For instance, there might be a range under the airspace, or mountainous terrain needed for a particular test, or instrumentation needed for training.

The key to maintaining our access to Special Use Airspace is to work closely with the FAA. The senior members of the DoD Policy Board on Federal Aviation along with the Department of Transportation/FAA are currently determining a plan for effective joint FAA-DoD interaction. We will have to be able to predict and articulate our requirements. In order to move toward more real-time use, we will have to work with the FAA to focus on the technology necessary to make real-time work. And finally, we will have to take advantage of the natural flexibility of air operations to work creative solutions to difficult issues.

The Effect of Possible Sale of Government-Owned Radio Frequency Spectrum

Last May, an international spectrum conference identified several frequency bands to study for potential use for the next generation of public cell phones, also referred to as Third Generation, or International Mobile Telecommunications - 2000 (IMT-2000). Soon after the conference, the president issued a memorandum that directed executive branch agencies to work with the Federal Communications Commission (FCC) and the commercial sector to select by this summer a frequency band the FCC can auction to satisfy increased demand for IMT-2000 radio frequency spectrum access. One frequency band under consideration is allocated on an exclusive basis to the federal government

(1755 - 1850 MHz) and supports many critical AF and DoD functions. Test and training relies heavily on the spectrum, and the cost to move to other bands can be prohibitive, in excess of \$1.0B for ACC alone.

In February, DoD provided a copy of its final IMT-2000 report to the National Telecommunications and Information Administration (NTIA). The report documents our use of the 1755-1850 MHz frequency band and analyzes the cost and operational impacts of three scenarios for possible accommodation of IMT-2000 in that spectrum, including military and civil sharing of the entire band, sharing of portions of the band, and DOD vacating the band to another spectrum suggested by NTIA.

Over the next few months, the AF will be working closely with the Office of the Secretary of Defense, the other military departments and defense agencies, NTIA, FCC and others on the final selection of IMT-2000 spectrum in the U.S.

Summary and Long-Term Strategy to Minimize Impact of Encroachment on Readiness

The AF manages approximately 9 million acres of bases and ranges. When many of these installations were established they were in rural, sparsely populated areas. These areas are currently seeing double-digit increases in population growth. In order to ensure the rapid pace of urban growth in some areas does not endanger our existing capital investment in base infrastructure, including our ability to access test and training areas, we will need to work closely with local governments and other interested parties to safeguard our capabilities to operate effectively as an AF.

With the advent of the F-22 and JSF, we will go to the limits of our current range and airspace capability to accommodate both Operational, Test & Evaluation (OT&E)

and training requirements. Not only will more sophisticated instrumentation be needed but more complex surface-to-air threat emitters will be required. These two sophisticated systems will allow us to maximize our daily training by providing proper feedback of our missions and give us realistic threats to simulate actual combat. As our weapons, weapons systems and tactics evolve, we cannot endure further encroachments that will decrease the size or quality of the airspace and ranges we use or our training will suffer; therefore, affecting our combat readiness.

Efforts are also underway now to link space and information operations (IO) test and training capabilities to the range and airspace structure. Such physical and virtual connectivity will allow air, space, and IO capabilities to test and train in an integrated fashion. This will not create an increased requirement for physical range space, but we will have limited funding and manpower to perform the integration of these capabilities as well as exercising them on the range.

We not only need land and airspace, but we rely heavily on critical parts of the electronic spectrum to carry out our missions. We must also ensure we can continue developing new electronic countermeasures and counter-countermeasures systems and capabilities as well as exercise existing systems as closely as possible to how we would employ them in conflict. In the future, we expect to encounter increasing challenges not only with our current level of operations, but also with beddowns of new weapon systems or realignments.

Maintaining our edge in air combat is directly linked to robust training capabilities, capabilities inherent in continued access to AF ranges and airspace. The AF recognizes the need to balance its test, training, and readiness requirements with

responsible stewardship. We continue to look to our installations, ranges and airspace to provide the AF the operational flexibility, efficiency, and realism necessary to continuously enhance readiness while allowing commanders to minimize, to the extent possible, the impacts of their mission on the community, the environment, and the National Airspace System. The challenges we face require effective communication with all affected parties. The partnerships we have with our sister services, civilian government agencies, and other stakeholders are essential. Moreover, legislative and fiscal initiatives are also needed. Together, we can meet these challenges head-on and sustain America's readiness into the 21st century.

Mr. BURTON. Thank you.

Mrs. Mink has joined us. Do you have an opening statement?

Mrs. MINK. No.

Mr. BURTON. Mr. Shays, you have an introduction?

Mr. SHAYS. Lieutenant General Larry Ellis is the Deputy Chief of Staff for Operations and Plans for the U.S. Army. In his capacity, he is responsible for developing Army policy, military programs and designing systems architecture. Additionally, he prioritizes all Army requirements and validates an annual \$70 to \$80 billion Army program. He is the chairman of several committees in the Department of Defense. In business sector terms, he is the chief operating officer for the Army.

General Ellis has spent over 31 years serving in a variety of staff and command positions in the United States, Vietnam, Germany, the Republic of Korea and Bosnia. He has served in staff assignments at major Army Headquarters, the U.S. Military Academy at West Point, the Department of Army Staff, Joint, United Nations and Combined Headquarters. He has commanded at every level platoon command, battalion, and brigade and division.

Before assuming his current position General Ellis concurrently commanded 15,000 soldiers in the First Army Division in Germany and 14,000 soldiers in a multinational division, North Bosnia.

I am happy to introduce and present to you General Ellis. I would also like to say, General Ellis, we always appreciated the cooperation you have given our National Security Subcommittee, Government Reform.

Mr. BURTON. General Ellis.

General ELLIS. Thank you for the introduction.

Thank you for providing the Army with the opportunity to present our concerns about what has become known as encroachment to our training ranges and land. This is a challenging issue. The fact that we are discussing it today is recognition that societal changes, demographics and environmental issues are affecting training.

In discussing this subject, we ask that you recognize the unique role of the Army in national security. We carry out our training not for profit or personal gain, but to ensure the readiness of our forces. As you are aware, a high state of readiness is critical to the mission accomplishment and to ensure we do not have excessive casualties.

We have learned hard lessons in the past when our priorities overshadowed the need to train young Americans to face the uncompromising conditions of war. When we lose sight of our critical mission, we risk tragic consequences. We place in jeopardy soldiers who volunteered to serve this Nation.

It is interesting to note that while maintaining our areas for training, about one half of 1 percent of the Nation's total land area, we isolate those areas from development. This creates havens for natural and cultural resources found in very few other locations. Army land preservation and training activities carried out long before environmental statutes were enacted served to protect the environment.

We would ask those who seek to limit essential training to recall that it was good range management practices that permitted ha-

vens to exist and continue to flourish. Havens have occurred not in spite of training but because of the Army's excellent range management program.

Today I want to deliver three key messages. First, the Army requires continuous, rigorous training to perform its Title 10 missions. Second, the cumulative effects of encroachment are restricting our ability to train and third, the Army has a strategy for addressing encroachment. It is a strategy of compliance with environmental laws and proved range management and seeking balanced application of environmental statutes.

Turning to training, our units must train in the field and train often under conditions that replicate war fighting. Live training is an absolute requirement to maintaining readiness. Unlike some other professions, soldiers must occupy and move across terrain and when required, dig survival positions. To exercise these skills requires land and ranges.

Modern Army weapons systems dictate the types of ranges and amount of land required. The land available to us already falls short of requirements to replicate battle spaces. As a result commanders must create and implement workarounds to train to standard. These workarounds are common and diminish the realism of training even before the effects of encroachment are felt.

Simulations have served to help compensate for some shortfalls created by the absence and adherence to environmental restrictions but there is no substitute for live training.

My second point concerns encroachment. The Army's training lands are now faced with the cumulative effects of over 30 years of progressive encroachment. As the areas around our once remote installations becomes urbanized, commanders have had to reduce training because of noise, smoke and other environmental considerations.

Our two primary concerns are the management of threatened and endangered species and the potential for increased regulations of munitions during live fire training. Providing habitats for threatened and endangered species takes away from usable maneuver space already constrained and forces us to alter our ways of training. As a result, training becomes fragmented making it difficult to train under realistic conditions in order to hone soldier skills.

As we project into the future, regulations of munitions and the aspect of encroachment could seriously disrupt live fire training. The application of regulations could ultimately end live weapons training as we know it. Discontinuing live fire training at a major installation would have grave repercussions on our training readiness.

The Army's encroachment strategy focuses on continuing to comply with the law while fulfilling our mandated responsibilities. In doing so, we spent more than \$1 billion last year on environmental management. In the execution of our responsibilities, we employ hundreds of trained environmental professionals and we are exploring new technologies to lessen the impact of training on the environment.

We are implementing an even more sophisticated approach called Sustainable Range Management. This approach draws together training, environmental, explosive safety and facilities perspectives.

We would hope to see environmental statutes administered based on consistent, measurable and objective standards. We seek a predictable application of statutes to balance soldier readiness with the requirements to protect the environment.

In closing, I would ask you to recognize the unique role of your Army in national security. Rigorous and live training is an absolute requirement to remain trained and ready. The readiness of your Army is being restricted by the cumulative effects of encroachment. We fully understand that compliance with the law and protection of the environment is an absolute requirement. Our strategy is to maintain a balance between training and protecting the environment.

Thank you for affording me the opportunity to appear before you today concerning this important issue. I have provided a statement for the record.

[The prepared statement of General Ellis follows:]

RECORD VERSION

STATEMENT BY
LIEUTENANT GENERAL LARRY R. ELLIS
DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS

HEADQUARTERS
DEPARTMENT OF THE ARMY

BEFORE THE
COMMITTEE ON GOVERNMENT REFORM
OF
THE HOUSE OF REPRESENTATIVES

FIRST SESSION, 107TH CONGRESS

ON CHALLENGES TO NATIONAL SECURITY: CONSTRAINTS ON MILITARY
TRAINING

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HOUSE OF REPRESENTATIVES

STATEMENT BY

LIEUTENANT GENERAL LARRY R. ELLIS

HEADQUARTERS

DEPARTMENT OF THE ARMY

ON CHALLENGES TO NATIONAL SECURITY: CONSTRAINTS ON MILITARY
TRAINING

Mr. Chairman and members of the Committee:

Thank you for providing the Army with the opportunity to present our concerns about what has become known as "encroachment" to our training ranges and land. This is a challenging issue. The fact that we are discussing it today demonstrates our recognition that societal changes, demographics, and environmental issues are affecting our ability to train soldiers.

In discussing this subject, we ask that you recognize the unique role of the Armed Services within the Department of Defense. We carry out our training, not for profit or personal gain, but to ensure the readiness of our forces. That readiness is critical to our ability to perform the missions assigned to us and to do so efficiently and with minimum casualties. We have learned hard lessons in the past when other priorities overshadowed our need to train young Americans to face the uncompromising conditions of war. When we lose sight of our central mission, whether for reasons of perceived lowered threat, changing technology, or evolving social attitudes, we risk tragic consequences that place in jeopardy those who have elected to serve.

It is interesting to note that, while maintaining our areas for training – about one-half of one percent of the nation's total land area, we isolate those areas from development, creating havens for unique natural and cultural

resources found in very few other locations. Army training activities, carried out long before environmental statutes were enacted, have indirectly served to protect the environment. We would ask those who seek to limit essential training to recall that it was our range management practices that aided in the creation of these havens and allowed them to flourish. This has occurred not in spite of training, but because of training.

MISSION NEEDS – WHY LIVE TRAINING AND TESTING IS IMPORTANT TO READINESS

The primary mission of the United States (U.S.) Army is to fight and win in armed conflict. Training soldiers, leaders, and units is the vital activity that ensures the readiness of the Army to accomplish this mission. To be effective, training must provide soldiers the opportunities to practice their skills across the full spectrum of operations in combat-like conditions. These conditions must be realistic, as well as physically and mentally challenging. The Army's ranges and training areas provide opportunities to develop and improve soldier proficiency, competence, and confidence in the use of sophisticated weapons systems. The fact that peacekeeping operations have dominated the Army mission over the past decade does not reduce the need for combat training. In fact, peacekeeping requires soldiers to be highly proficient with pinpoint target identification and engagement procedures. This type of training is best accomplished by practicing with actual weapons in specifically designed exercises on ranges and training areas dedicated to that purpose. Peacekeeping training cannot replace the basic emphasis on combat skills. Overwhelming evidence from the Army's Combat Training Centers shows that team building and weapons coordination skills developed for the war-fighting role are critical to success during operations other than war. The bottom line is that the missions today require at least as much live training as did past missions.

The amount of live-fire training in the Army cannot be reduced without serious degradation to readiness and the concurrent increased risk to American soldiers. The amount of live-fire training that individual soldiers and units require is based on the common sense premise that certain skills are perishable and must be continuously refreshed through training. In other words, for soldiers to be proficient with weapons systems, the Army has established standards that identify the minimum number of times, specific firing events, and frequency of events that a soldier must accomplish. The Army has experienced difficulty meeting these minimum standards because of limitations on facilities. Many ranges currently operate at maximum capacity so that units can meet the minimum training standards. Any further limitation on training facilities will inevitably cause a reduction in live-fire training below that needed to remain minimally proficient.

Some see the recent development of realistic computer games, which the Army calls simulations and simulators, as a viable substitute to live training. It is true that these technologies offer exciting new ways to train some aspects of modern soldiering; however, these virtual tools can only be viewed as an addition to live weapons firing and maneuver, never a replacement. To rely solely on simulations would be an injustice to the soldiers whom the Army has promised to train, and an abrogation of the responsibility that the Army is legally bound to perform.

Live training is critical to assessing the effectiveness of not only the people but also the actual equipment. Weapons systems must be tested and refined repeatedly to ensure quality and dependability. The chief means to ensure equipment will be ready for battle is to put it through rigorous use beforehand.

THE EVOLUTION OF ARMY RANGES AND EMERGENCE OF ENCROACHMENT

Many Army ranges have been used for training with a wide variety of weapons systems for well over 100 years. The widely varied, historical usage of Army ranges has created environmental issues that leave them susceptible to enforcement actions based on increasing application of environmental statutes. A number of these statutes contain broad discretionary enforcement thresholds that are based on the assessment of the environmental regulatory authority as to whether a given condition presents a "potential" risk or "imminent" hazard to human health or natural resources.

Only over the last 30 years has the Nation begun to understand and regulate the potential environmental impacts of a wide variety of civil and industrial practices. During the 1970s and 80s, federal legislation established rules for national environmental protection. Examples include the Endangered Species Act (ESA), the Clean Air Act (CAA), Clean Water Act (CWA), the Resource Conservation and Recovery Act of 1976 (RCRA), and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which have resulted in substantive requirements that affect training, and the National Environmental Policy Act (NEPA) process that requires training decisions to take environmental impacts into account. In 1992, Congress amended RCRA to clarify that Federal agencies may be penalized for failure to comply with its provisions. These laws have improved the quality of life for all Americans, including soldiers and their families.

Historically, the Army has chosen remote locations for its training land. Until the last 30 years, there was little residential or commercial development near these facilities and, as such, the public's awareness of live training activities was minimal. As the population in and around many U.S. cities has grown, ranges and training lands have remained insulated from the urban development

(sprawl) that covered much of the landscape surrounding many Army installations. Ranges and training lands became "islands of biodiversity" and their value as natural resources (green spaces) increased. As population centers expanded to or near the installation boundary and residential areas grew in more remote, previously rural settings, citizens became more aware of training activities. The demographics of the residents near Army installations have also changed. The affluence born of the economic expansion has grown new suburban communities near Army installations. These new residents are less familiar with the sights and sounds of range and training activities. The impressions they formed of Army training were based on noise, smoke, a lack of access to what had become the most pristine natural landscapes in their regions and their understanding did not include the purpose Army training serves.

In general, the U.S. citizenry is less likely to have personal military experience than they had 30 years ago. The public also perceives a reduced national security threat since the end of the Cold War. The effects of these encroachment factors are intensified by well-organized interest groups committed to broad environmental goals or specific issues.

As the Army tries to reconcile its training and testing mission with its requirement to comply with environmental regulations and its desire to act as good stewards of the natural resources, we are pushing already severely constrained resources to the breaking point. While most environmental laws provide for Presidential exemptions and 10 U.S.C. §2014 provides for expedited Executive Branch review for administrative actions that may impact readiness, these extraordinary measures have been rarely invoked. We will work with Congress and the Administration to reduce uncertainty and increase flexibility in laws and regulations so as to balance the needs of national security and the environment.

SPECIFIC ARMY BASES AND RANGES WHERE TRAINING HAS BEEN IMPACTED BY ENCROACHMENT

The Army's primary encroachment concerns are urban sprawl, threatened and endangered species, and restrictions that impact use of munitions. Army training is also affected by restriction due to air quality standards, erosion control requirements, water quality standards, and restrictions on wetland impacts. The Army has successfully implemented programs to ensure compliance with environmental statutes and regulations and address these encroachment issues. However, some of these actions have come at the expense of training facilities at some installations.

URBAN GROWTH

The Army has seen significant urban growth around several of its major training facilities. There have been dramatic increases in population in close proximity to Fort Carson, CO; Fort Lewis, WA; Fort Hood, TX; Fort Benning, GA; Fort Bragg, NC; Fort Huachuca, AZ; and Camp Bullis, TX. For installations located in arid climates such Fort Huachuca, growth in nearby populations has resulted in a significant water consumption issues. Urban growth often exacerbates the effects of other encroachment issues such as noise. The Army is aware of noise sensitivities in communities surrounding Forts Drum, NY; Fort Sill, OK; Fort Bragg, NC; Fort Carson, CO; Fort Campbell, KY; Fort Hood, TX; Fort Lewis, WA; Fort Riley, KS; Fort Stewart, GA; and Fort AP Hill, VA. There is a particular challenge to managing noise issues related to the Aviation School and its extended flight training areas over and around Fort Rucker, AL. As populations around these and other installations continue to grow, the Army expects other encroachment concerns to intensify.

Clearly, the Army is limited in its ability to acquire new land. Cost and the general public's concerns about urbanization's effects on remaining natural and

agricultural land make acquisition problematic. However, the Army requires more space to exercise emerging weapons systems effectively. This reduces our flexibility to use what land we have.

THREATENED & ENDANGERED (T&E) SPECIES AND HABITAT

As we focus our training missions and transformation on specific installations, we find that endangered species regulations limit the use of a significant portion of the landscape. Army lands host 153 federally listed species on 94 installations; 12 installations have lands designated as critical habitat (four of these habitats are as yet unoccupied by the species for which designated). As the habitat of listed species is destroyed by development of lands adjacent to our installations, Army training activities on the habitat remaining are being restricted. Let me offer a few examples of challenges we face with regard to T&E management.

The Red-Cockaded Woodpecker in the Southeast U.S. affects four major training installations (Fort Bragg, NC; Fort Stewart, GA; Fort Benning, GA; and Fort Polk, LA) and two major service schools (Fort Jackson, SC; and Fort Gordon, GA). This species has benefited from the havens provided by our installations' training land and ranges, which have been insulated from urban sprawl and incompatible forestry practices in the region. The Army spends the resources necessary to help the recovery of the species while some developers do not make similar commitments of resources. Restrictions to training as a result of encroachment include limitations within 200 feet of cavity trees including prohibition on use camouflage netting, artillery firing, and incendiary devices.

The many T&E plants in Hawaii and the complexities of complying with the Endangered Species Act have prevented the use of a valuable multi-purpose range built in 1988 at the Army's Pohakuloa Training Area on the Island of Hawaii. We have also voluntarily closed our only large caliber firing range at

Schofield Barracks on the Island of Oahu – Makua Valley – while we review cultural resource and ESA management plans and agreements.

Management of the Black-capped Vireo and Golden-cheeked Warbler restricts the use of maneuver areas at both Fort Hood, TX and Camp Bullis (sub-post of Fort Sam Houston, TX). The net effect is to restrict training on tens of thousands of acres at these installations.

By an accumulation of court orders resulting from litigation of environmental activists, the U.S. Fish and Wildlife Service plans 81 additional critical habitat designations this year that could affect Army installations. Designation of additional critical habitat on Army training lands will further restrict the Army's ability to provide realistic training.

Encroachment can be international. Designation by the European Union of "Flora & Fauna Habitat" at Grafenwoehr and Hohenfels Major Training Areas in Germany will restrict future flexibility to modify training activities at these installations.

UNEXPLODED ORDNANCE AND MUNITIONS CONSTITUENTS

When military munitions do not function as intended, or fully detonate, they create Unexploded Ordnance (UXO). When located on active and inactive military ranges, UXO present a limited explosives safety hazard to the public, since the Army still controls these lands and restricts public access. When military munitions function as intended, trace quantities of munitions constituents may be released into the air, soil, and water at the firing point and in the impact area of the range. These munitions constituents can pose an environmental challenge if present in sufficient quantities and if the environmental laws and regulations applicable at that location restrict the particular constituents being

emitted. Range impact areas also become littered with metal scrap from the exploded munitions items, that some perceive to be an environmental problem.

The use of environmental statutes, such as CERCLA, RCRA, CWA, and the Safe Drinking Water Act (SDWA), to require investigation and cleanup of UXO and munitions constituents on active ranges could impact the Army's ability to fulfill its national security mission by causing the cessation or disruption of live-fire training. Regulators, themselves, are vulnerable to citizen suits for not vigorously applying these and other environmental laws to UXO and munitions constituents on active ranges.

In 1997, EPA Region I issued an Administrative Order under the SDWA prohibiting the use of lead ammunition, propellants, explosives, and demolition materials at Massachusetts Military Reservation (MMR). This order was issued to prevent possible impacts to an EPA-designated sole source aquifer. This action essentially shut down live-fire training at MMR except for use of plastic, frangible, and green ammunition. In October 1999, the Governor of Massachusetts issued an Executive Order designating the 15,000-acre training area as a Wildlife Refuge and Water Protection Area anticipating state legislation to implement the plan. Legislation did not pass, but it has been reintroduced this year. Both the Executive Order and proposed legislation establish a state commission, with no military representation, to determine what military training would be compatible with the area's new designation.

In January 2000, EPA Region I ordered a study to determine the feasibility of remediating UXO on the range impact area, stating that all UXO is a potential threat to groundwater. Royal Demolition Explosive (RDX) has been detected in the groundwater under the MMR impact area. There is no evidence that current drinking water is affected.

In April, 2001, a fourth Administrative Order from EPA Region I directed the National Guard employ a controlled detonation chamber, instead of detonation in place, to dispose of UXO or other munitions that have previously been disposed of by burial on the impact area.

To date, a few other Army installations have identified munitions constituents in the soil or groundwater at active ranges. These installations include Fort Lewis, WA and Aberdeen Proving Ground, MD. Although these incidents of munitions constituent presence have not been significant enough to cause regulators to take action, there is concern that EPA actions at MMR could set a precedent for the agency to take similar steps elsewhere causing a cessation of critical training.

The EPA order to cease live-fire training at MMR leaves the Army very concerned that similar restrictions could occur at other live-fire training installations. If applied to a major training installation, the results could be catastrophic from a readiness and fiscal perspective. Army units at major installations are allocated millions of rounds of ammunition each year to maintain readiness. Major installations contain numerous small arms and weapons ranges, and a number of separate field artillery and mortar firing points. The discretionary enforcement authorities granted under current environmental statutes leave many of these critical training assets susceptible to abrupt application of restrictions. If these restrictions were applied, the Army would be forced to relocate training to other locations, construct new ranges and deploy soldiers to train on alternate sites. These "work-arounds" would be in addition to addressing the compliance requirements, which at MMR have cost some \$60 million on what is a relatively small (22,000 acres) installation. If applied to a major installation, the impacts on the Army's budget, training efficiency, and soldier morale would be severe.

The statutory requirements, the precedents being set by State and federal agencies with respect to munitions and UXO on active ranges, and the discovery of RDX in the sole source aquifer at MMR present a broad risk to live-fire training and testing. This applies to installations located above sole source aquifers as well as installations located above any groundwater sources that regulators believe could be a current or future drinking water source.

AIR QUALITY

The Chemical School is responsible for training soldiers in smoke operations (actually an aerosol of mineral oil or "fog oil") that are used to conceal units on the battlefield. When Base Realignment and Closure (BRAC) required the move of the Army's Chemical Schools from Fort McClellan, AL, to Fort Leonard Wood, MO, the new activities required a review of air quality impacts. The State of Missouri issued a permit that specifies strict meteorological conditions that must exist on the range for smoke training to occur. Key parameters, based on a model commonly used for industrial smoke stack, are wind speed, wind direction, and atmospheric stability. If proper conditions do not exist, training cannot begin and ongoing training must cease. Training opportunities are reduced and range use has become much more difficult as weather conditions change. The installation must constantly monitor meteorological conditions to ensure they fall within acceptable standards to conduct training. Meteorological conditions control many field training activities and often cause units to scale-back, postpone, or cancel certain aspects of training. The restrictions have stopped smoke training at night, which is a required task under the school's Program of Instruction (POI) and critical to learning the effects of smoke generation during changes in thermal gradients. Air quality restrictions also limit the duration of smoke training exercises to 10-15 minutes, while most combat smoke generation operations last 30 minutes to several hours. This prevents students from learning how to conduct refueling operations and how to set up logistical support for extended smoke generation.

Due to effects of fugitive road dust, drivers training at Fort Leonard Wood, MO is also restricted to periods when meteorological conditions are within tolerances.

State standards at Fort Lewis, WA also limit smoke training. There are limits on the number of fog oil generators that can be employed at any one time and units may only use smoke under certain weather and atmospheric conditions. State rules also prohibit the use of artillery and mortar smoke and restrict the use of smoke grenades and smoke pots.

At Fort Carson, CO, regulations prohibit the use of fog oil (smoke training) within a 3-kilometer buffer around the entire installation boundary. The same constraint applies at Pinyon Canyon Maneuver Site, a sub-installation of Fort Carson. Dust is also of concern on the tank trails in the maneuver area at Fort Carson. Graphite smoke, the Army's preferred obscurant due to its ability to limit infrared detection, cannot be used on either installation. Fort Carson has had to negotiate a variance from these opacity requirements with Colorado to avoid cessation of training.

Currently, the National Training Center (NTC) at Fort Irwin, CA has been excluded from non-attainment area designation due to a local agreement with regulators. This requires a significant air monitoring effort. There is a concern that if the Particulate Matter 2.5-micron standard is enacted that the installation will be included in the non-attainment area. This would greatly restrict the amount of smoke used during unit rotation training and the amount of fugitive dust allowed from maneuver at this, the Army's premiere mechanized unit training center.

EROSION CONTROL, WATER QUALITY, AND WETLAND PROTECTION

Much of the Army's Integrated Training Area Management (ITAM) Program focuses on reducing the environmental impacts of erosion, including impacts from siltation in water bodies and impacts to wetlands. The Army spends approximately \$30-40 million per year on ITAM to understand and minimize the erosion impacts associated with live maneuver training. Installations with significant erosion control and surface water quality control programs include: Fort Hood, TX; Fort Bragg, NC; Fort Benning, GA; Fort Carson, CO; Yakima Training Center, WA; and Fort Riley, KS.

At Fort Stewart, GA, approximately 32% of the training area is composed of jurisdictional wetlands. Compliance with wetlands protection regulations requires significant expenditures to construct stream crossings and maneuver corridors to permit access to non-wetlands terrain and prevent troop and equipment maneuver impacts to wetlands. The crossings and corridors, themselves constructed to protect the quality of the wetlands and allow the use of the property for which it has been set aside, generate additional compliance challenges. For every acre of such construction that impacts wetlands, two acres of new wetlands must be created.

COSTS IN RESOURCES AND TEMPO TO PERFORM TRAINING "WORK AROUNDS"

Army commanders must often implement "work arounds" to meet required elements of their units' Mission Essential Task List. Army doctrine drives training strategies and tasks required to maintain proficiency with weapon systems. Training doctrine determines the types of ranges and amounts of training land required for training events. Almost none of our installations contain sufficient land area to accommodate doctrinally based training. On most Army installations, units must break the doctrinal battlefield into pieces and fit those

pieces into available training land. The size of the Army's training areas require unit commanders to piece together training tasks conducted in a number of locations. This kind of "work around" diminishes the realism of training even before the effects of "encroachment" are felt. When the effects of "encroachment" are added to already constrained training assets, even smaller portions of the doctrinal battlefield will not fit within available training lands. Training is further fragmented and commanders are often forced to train under marginal conditions.

Often the proximity of urban development restricts training land within the range complex available for maneuver and live fire. Units are forced to relocate training to minimize the effects of dust and noise on nearby development. Restricting these exercises to periods of optimal weather conditions is also used to minimize these effects. However, as in the case of smoke generation training, meteorological conditions that minimize nuisance to adjacent landowners also degrade the effectiveness of the training. Residential and commercial development on Army installation boundaries restricts land acquisition or cooperative land use agreements to provide undeveloped buffers around ranges and training areas.

Management of endangered species causes similar restrictions on timing and location of training events in the name of habitat and species protection. Large portions of some Army ranges are unavailable during much of the year for such training activities as digging fighting positions, dismounted maneuver, occupying positions for combat, combat service support functions, and use of camouflage.

Although training "work arounds" to address constraints associated with urban growth and endangered species can reduce training effectiveness, unit commanders have thus far been able to piece together training on available lands. The Army's concerns about the regulation of UXO and munitions on

active ranges are that no such "work-arounds" will be available. If environmental regulations require cessation of live fire on Army ranges, there are generally no options for conducting these mission essential tasks. Relocation of training from one major training installation to another is very difficult and costly. Physically moving personnel and equipment to another installation is expensive and displaces training activities at the alternate site. It also increases personnel tempo (PERSTEMPO) adding to the "deployed" time of Army personnel – a known morale and retention problem. Most major training installations are equipped with a set of ranges designed and constructed specifically to meet the requirements of the forces assigned to that installation. Even in instances where another major training installation are located within a few hundred miles, it is unlikely that alternate sites will be equipped with appropriate ranges. In addition, the dramatic increase in training load could trigger requirements to assess environmental impacts to the alternative training site under the National Environmental Policy Act. This process would increase lag time and compound restrictions at the alternate site.

ARMY ACTIONS:

The Army's approach to range sustainability has three broad components:

- Sustainable Range Management
- Closed and Transferring Range Response
- Clarification of Statutory and Regulatory Requirements.

SUSTAINABLE RANGE MANAGEMENT (SRM)

The creation of a Sustainable Range Management Program to integrate environmental compliance and stewardship, facilities management, and training management on ranges and training land is our primary initiative to meet the challenges of encroachment. The Army is improving the way it designs, manages, and uses ranges. This effort will help the Army maximize the

capability, availability, and accessibility of ranges and training land to meet doctrinal training requirements.

The Army's sustainable range management effort is based upon three tenets: (1) Information Collection: ensuring the Army has the most current and best information related to the operational and environmental characteristics of its ranges; (2) Integrated Management: ensuring that the major management functions that directly affect ranges, operations/training, facilities management, safety, and environmental management are integrated to support the training mission; and (3) Outreach: ensuring that we articulate the Army's requirement for training to support national security and improve our understanding of the public's concern over the potential impacts of the training. The Army's current sustainable range management effort is broad and has as its basis the development of a comprehensive sustainable range management plan that we believe will ensure our ability to maintain and sustain our ranges and training lands well into the 21st century.

The Army has just completed the first phase of the plan, which identifies shortfalls (gaps) in current functions, policies, and procedures that must be corrected to implement Sustainable Range Management across all levels of the Army. Doctrinally based core range requirements; those related to requirements for modernization of range facilities; services to support range operations; and maintenance requirements were analyzed against encroachment factors to gauge our vulnerability to external effects that will preclude our ability to support mission training requirements on our ranges. Based on that analysis, the Army has developed goals and objectives for sustainable range management and is currently drafting measures of merit for monitoring their effectiveness upon implementation. These goals and objectives for sustainable range management build upon our doctrinally based core range requirements and integrate them with mechanisms to minimize encroachment and the impacts of encroachment, reduce environmental liability through sound environmental stewardship and

compliance, and provide outreach to the public. The goals and objectives form the basis for our comprehensive sustainable range management plan, which will evolve into a new Army training regulation.

To oversee implementation of this integrated approach, the Army created the Army Range Sustainment Integration Council (ARSIC) in June 2000. The ARSIC is a HQDA level integration process team that will direct the development of the Army's comprehensive sustainable range management plan

The Army's ability to implement sustainable range management depends not only on its ability to meld the four management programs: training, facilities, safety, and environment into a cohesive whole, but also on its ability to maintain accurate and up-to-date information and data related to the operational and environmental characteristics of our ranges, as well as the impact of munitions use on the environment. As part of this effort, HQDA has initiated a worldwide inventory of its active and inactive ranges. This inventory will provide a "ground-truth" baseline of the Army's extensive range infrastructure and provide the foundation for the comprehensive plan

Sustainable Range Management will rely on the effective integration of the lessons learned, and varied environmental compliance programs and practices currently in place within the Army. Some examples of these follow.

SUCCESSSES IN ADDRESSING URBAN GROWTH

One of the most successful approaches to managing urban growth is the Joint Land Use Study (JLUS) program within the Office of the Secretary of Defense (OSD). This community and economic development program provides resources to communities, who, in conjunction with neighboring military installations, agree to undertake joint regional planning. Resources provide planning expertise. The result is a joint land use plan that provides optimal

"zoning" recommendations to reduce civil-military friction resulting from urban growth.

Another Army initiative is the encouragement of land ownership partnerships with conservation groups with the objective of creating "buffers" around installations that will prevent development and fence line encroachment. An excellent example of the creation of buffers is our Private Lands Initiative at Fort Bragg, NC. In this initiative, the Army is partnering with The Nature Conservancy to develop buffers adjacent to the installation and training areas. While we may not need to "own" more land, it is clear that the Army must have access to more land.

SUCCESSSES IN ADDRESSING T&E SPECIES

HQDA has initiated a series of briefings and information meetings with U.S. Fish and Wildlife Service (FWS) to better inform them about mission requirements and better understand T&E species conservation objectives. Army policy states that ESA compliance requirements are "must fund." Endangered Species Management Plans and their implementation constitute the major focus of funding for ESA compliance requirements. The Army has completed endangered species surveys for 71% of its installations. The Army has initiated several studies on Species at Risk in order to conserve them before they require listing. Four Army employees serve on species recovery teams. New Army policy will enable installations to partner with neighbors for the acquisition of conservation easements off of the installation to meet installation management objectives; however, funds have not yet been programmed to support this initiative. Additionally, the Army and other military services are discovering how Sikes Act Integrated Natural Resource Management Plans (INRMP) qualify as "special management" schemes such that installations with such plans do not require designation of critical habitat.

At Fort Bragg, NC, we are leveraging public and private resources by working with the FWS and The Nature Conservancy to preserve prime habitat for the red-cockaded woodpecker - an endangered species - from willing sellers near the installation. These actions allow for enhanced management of the red-cockaded woodpecker and have created one of the largest and most robust populations of this species in the nation. The result is that Fort Bragg is able to lessen the restrictions on training while enabling the red-cockaded woodpecker to move closer to recovery.

SUCCESSSES IN ADDRESSING UXO AND MUNITIONS CONSTITUENTS

It is essential that we respond to all UXO concerns on our closed, transferred, and transferring ranges thus demonstrating to the public that the Army is accountable for its actions and will not knowingly harm the public or the environment. Concurrently, we must develop the best information concerning our active and inactive ranges.

A first step in accomplishing this was the completion of Phase I of the Army Range Inventory. When completed, the Army Range Inventory will collect key information about active and inactive (A/I) ranges and closed, transferred, and transferring (CTT) ranges. Phase I was a survey data call to all Army Major Commands requesting basic information (e.g., location, acreage, munitions fired) about all current and former ranges. It is being followed by field visits executed by the Corps of Engineers for Closed, Transferring, and Transferred (CTT) ranges, and by the Geographical Information Systems (GIS) Regional Support Centers under the Army's Integrated Training Area Management Program, for Active/Inactive (A/I) ranges. Phase I gave us a good estimate of the total amount of acreage for our ranges and some information on munitions expenditures. Completion of the follow-on phases of the inventory will provide a clearer picture of the Army's current range assets as well as a listing of former ranges. The complete inventory is expected to be completed by FY 03 and will help the Army

prioritize and program for response actions at former ranges and develop sound active range management programs.

Proactive approaches the Army has taken to ensure the continued use of Army ranges include finalizing Army guidance for implementation of Department of Defense Directives (DODD) 4715.11 and 12, "Environmental and Explosives Safety Management on Department of Defense Active and Inactive Ranges Within/Outside the United States," promulgated in August 1999, and establishing the Range Sustainment General Officer Steering Committee (GOSC), chaired by the Vice Chief of Staff.

Army leads the Office of the Secretary of Defense's Operational and Environmental Executive Steering Committee for Munitions (OEESCM), which was established to identify and address environmental, operational and explosives safety issues throughout the munitions lifecycle. The OEESCM, consisting of operator and environmental representatives from all the Services, as well as many other DoD organizations, has formulated a Munitions Action Plan (MAP). The MAP establishes an overall framework that identifies and defines significant initiatives that will improve DoD's practices and minimize environmental impacts across the full spectrum of the munitions life cycle.

The OEESCM created a work group to establish policy and guidance for the management of munitions scrap metal found on ranges. The final draft policy is in staffing and the implementing guidance document has been started. The OEESCM Range Response Subcommittee, which has spent the last two years working with EPA, States, and other stakeholders to develop a Range Rule, is working to publish a DoD Directive that builds on that earlier effort.

As part of its outreach efforts, MMR is implementing a UXO Safety Education program for residents on and around the Reservation. The program includes educational videos, handouts, presentations, and a website all

developed with input and approval from the surrounding community. The intent of the program is to educate the community, especially young children, on the hazards of UXO and what to do if they think they have encountered UXO.

A key requirement to address potential encroachment is to develop and use the best information to support management and decision-making. The Army is looking into what is being emitted when munitions are fired, how munitions constituents behave when they are in the environment, what happens to UXO on the ranges, and the current conditions on our active ranges.

The Army's Range XXI program is beginning to answer these questions through a number of forward-looking environmental projects designed to support training and testing operations. It is planned and managed by a partnership between the Army's Operators, Materiel Developers, and Environmental, Safety, and Occupational Health professionals.

Range XXI's greatest success to date is the Green Ammunition initiative. Green ammunition contains lead-free bullets and uses less hazardous material in the manufacturing process. Green ammunition is a replacement for the standard service round and is an excellent example of the Army's proactive, integrated approach to managing environmental issues on Army ranges. Lead in ammunition projectiles can accumulate and concentrate in the soil in and around the target areas on our ranges, and this lead can migrate in certain types of soil. The first of this new ammunition is the 5.56 mm used in the M-16 family of rifles and the Squad Automatic Weapon. The formal Engineering Change Proposal was approved in March 2000, and the Army plans to produce 50 million rounds in this fiscal year. This Green Ammunition has enabled the National Guard units at MMR to resume the individual marksmanship training that is a key element of their readiness posture.

Another significant Range XXI effort is the ongoing Air Emissions Management Program. The objective of this program is to identify the true environmental impacts of smoke, pyrotechnics, and high explosives during both training and combat operations. The Army Environmental Center, in cooperation with the Center for Health Promotion and Preventive Medicine, is collecting this essential data.

The Army is in the process of performing a number of regional studies to assess the environmental conditions of a number of its ranges to begin to understand the effects of munitions constituents, if any, from its live-fire training activities. It is also evaluating the adequacy of the available data and scientific knowledge of explosives compounds to guide future Research, Development, Test & Evaluation (RDT&E) and data gathering efforts. Other initiatives include designing small arms ranges to minimize erosion, employing shock absorbing concrete to provide reusable and safe backstops, and utilizing dust control technologies on tank trails and helicopter hover pads to reduce turbine engine maintenance costs.

The Army's Research, Development, Test & Evaluation (RDT&E) program is addressing detection and remediation of UXO, the fate and effects of explosives, and identification of less toxic replacements for explosives.

The detection and remediation of UXO is one of the Army's most pressing environmental response problems. The UXO characterization and remediation activities conducted at Army sites using currently available technology is extremely expensive and often yields unsatisfactory results, due mainly to the inability to discriminate between UXO and non-explosive items. Field experience indicates that the overwhelming majority of objects excavated in the course of a UXO remediation are found to be non-explosive items. Advanced technology offers the potential to significantly reduce the Department's liability and safely

and effectively conduct response actions on land so it may be safely used for other activities.

The principal goal of the UXO remediation technology development effort is to produce more effective and efficient processes and procedures for reliable and cost effective environmental remediation. These technologies are currently not available in the commercial sector. Although almost all UXO remediation is done by contract to the commercial sector, that commercial sector does not have the resources required to develop the sophisticated technology needed to effectively remediate sites containing UXO. Without Army and DoD-wide investments, Army will not see significant advances.

MMR has afforded the Army a unique opportunity to analyze our past practices and to understand what needs to be done differently in the future. Environmental problems on our installations are problems for the entire surrounding community. MMR had to change to address earlier community concerns. They began involving the entire community, not just the vocal critics, in decision-making at the earliest possible moment. All technical and training programs integrated a community outreach program component. They came to realize that the best technical solution might not always be the best community solution. They saw that additional staff with training in mediation, relationship-building, and outrage management was essential, and that information dominance was essential. However, a disturbing aspect of this collaboration is the suggestion by some local citizens that they should have veto authority of individual training events or even tasks. I'm sure you would agree that the Army must make its land use decisions balancing the perceptions of individuals with environmental risk management assessments and operational requirements.

HOW CONGRESS CAN HELP THE ARMY WITH THE RANGE
ENCROACHMENT ISSUE

SUPPORT AND RESOURCE THE IMPLEMENTATION OF THE ARMY'S
SUSTAINABLE RANGE MANAGEMENT PROGRAM.

SRM is the foundation for sustaining live training and the environment on our ranges. As we have in the past, we will continue to improve range operations, range modernization, state-of-the-art land management, research on munitions effects and UXO management, and public outreach. Although final funding levels have not yet been established, we ask Congress to support this important program.

SUPPORT AND FOSTER COOPERATION AMONG REGULATORS AND THE
MILITARY IN WAYS THAT EMPHASIZE THE NEED TO BALANCE MILITARY
READINESS CONCERNS AND ENVIRONMENTAL REGULATION.

The Army believes that Congress should continue to recognize that the training required for Army readiness is a positive societal good and a legal mandate. Defense of our nation is an important requirement that benefits all citizens. I believe there are ways to balance the needs of the military with the needs of the environment. Just as our Nation needs a well-trained military force, it also needs a healthy environment. In light of the Secretary's current strategic review, it would be premature to discuss specific proposals, but I look forward to working with other Federal agencies and Congress.

CLOSING

Mr. Chairman and members of the Committee:

Thank you for affording me the opportunity to testify before you today concerning an issue of great importance to the Army's future.

Mr. BURTON. Thank you.

I don't know how this happened with the staff but I am an Army man, I thought I would be introducing General Ellis but now they have me introducing a Marine. We had tough times when I was in the Army with the Marines. I won't tell you some of the things that were said, I am just going to introduce you. We have high regard and respect for every Marine. [Laughter.]

Major General Edward Hanlon, Jr. is currently serving as the Commanding General, Marine Corps, Camp Pendleton, CA which is home to 90,000 service and family members. General Hanlon is also responsible for providing training support to over 40,000 active duty and 26,000 reserve service members from all the services that train at Camp Pendleton each year.

During his distinguished career of over 33 years, he served in key command and staff positions including a tour in Vietnam, Deputy Commander, Naval Striking and Support Forces, Southern Europe, and the Director of Expeditionary Warfare at the Pentagon.

His personal decorations include Defense Superior Service Medal with oak leaf; Legion of Merit with two gold stars; Defense Meritorious Service Medal; Meritorious Service Medal; Navy Marine Corps Service Medal with Combat V and gold star; and the Combat Action Ribbon.

General Hanlon I want to thank you for appearing here today. I hope you consider it an honor to have an Army man introduce you.

General HANLON. Thank you and indeed I do consider it an honor.

Like my colleagues, I certainly appreciate the chance to be here this morning to talk to this committee.

I am privileged to command Marine Corps Base Camp Pendleton, CA which is the Nation's premiere amphibious training base, 125,000 beautiful acres located along the southern California coastline.

I am also here today with Brigadier General Jim Battaglini and he will speak at the later panel. Whereas I command the base, General Battaglini is the Deputy Commander of I Marine Expeditionary Force and can talk to you about some of the operational issues we face with encroachment.

Based on my almost 33 months in command at Camp Pendleton supporting the Marines of I MEF who train there every day. I believe we have a problem. The problem is something we refer to as the conflict, a conflict between our military readiness or preparedness and what we refer to as encroachment.

It has already been said by my distinguished colleagues but in the Marine Corps one of our central maxims is we train as we must fight. We must replicate or duplicate the modern battlefield with realistic, dynamic training and as General Ellis pointed out, training with live ammunition is essential.

As Marines, we are a bit unique in that we train at sea, from the sea, on the land and in the air, using all elements of our Marine Air/Ground Task Force Combined Arms Team. We train for missions across the full spectrum from high intensity conflict such as Desert Storm all the way to humanitarian operations which have become so common place today.

Camp Pendleton is a very busy place; we train over 360 days a year. About 45,000 training events go on there per year. That is about 130 a day. There is everything from squad patrolling exercises to brigade or regimental landing team amphibious exercises.

My job as the base Commanding General is providing the environment for the Marines of I MEF to train, to provide to them the ranges, the training areas, the landing beaches and the air space they need to do their job.

Encroachment can be defined many different ways but basically at Camp Pendleton we view it as pressure to curtail the military use of land, sea and air space in favor of nonmilitary uses. Pressure comes in many forms with urbanization I believe being the root problem. Urbanization leads to decreased tolerance for military noise, pressure on special use air space and commercial air needs, and increased demands for nonmilitary land use for regional infrastructure such as roads or an international airport which is a major issue in San Diego as the city of San Diego tries to come to grips with an international airport. They have run out of options and are looking at some of the military bases as possibly being a solution.

Another aspect of encroachment is the unintended consequences of the well intentioned laws passed by the Congress. One that comes to mind for me is the application of the Endangered Species Act. At Camp Pendleton for years and years we have been exemplary stewards of the land and the natural resources you have entrusted to us.

Today at Marine Corps Base Camp Pendleton we have some 17 endangered species on our base. Back in 1977, there were 3 and in 1994, there were 10 and now that number has risen to 17. There are many other endangered species out there under duress. I personally feel there will be more coming down the line.

Along with that is the issue of critical habitat designations which we believe are unnecessary in view of our stewardship record. We believe critical habitat at least at Camp Pendleton is incompatible with military land use and our mission. Finally, the application of the Endangered Species Act through litigation is something we see as a concern.

I believe that solutions are possible. I believe we are capable of being able to train Marines and at the same time, take care of our environment. I would like all of you to know we have an active public outreach that is significant and substantial. We reach out to our local communities, to the regulatory agencies we deal with such as the Fish and Wildlife Service, the Corps of Engineers, the EPA and others and we have a very active and very successful dialog with the State of California. I would like to compliment Governor Davis, his cabinet and members of the legislature in Sacramento for the initiative they have taken over the last 2 years to reach out to all the services in California to help us work through some of the challenges we face in that State.

I am here to ask for your assistance because I believe the Congress can help us. It is the Congress that passes the laws of this great Nation and it is the Congress that gives us our Title 10 responsibilities. When these raise conflicts, conflicts we cannot resolve through outreach, engagement or negotiation at my level, we

must turn to the Congress for guidance and clarification. We are not seeking special treatment. We are simply asking for scrutiny of the laws that affect our military readiness, we are asking for clarification of the laws that impact our readiness and asking for accommodation of our military missions, policies, regulations and laws.

Our job is to be ready to fight and win our Nation's battles. We cannot compromise or abrogate that responsibility. If we do not reach solutions, I believe we will have increased risk to combat readiness paid by our Marines.

Chairman Hansen I certainly agree with your comment 100 percent and that is that training saves lives.

Thank you. That is all I have. I look forward to answering any questions you may have.

[The prepared statement of General Hanlon follows:]

**NOT FOR PUBLICATION
UNTIL RELEASED BY
THE HOUSE GOVERNMENT
REFORM COMMITTEE**

**STATEMENT OF
MAJOR GENERAL EDWARD HANLON, JR.
UNITED STATES MARINE CORPS
COMMANDING GENERAL, MARINE CORPS BASE CAMP PENDLETON
BEFORE THE
HOUSE GOVERNMENT REFORM COMMITTEE
ON
MAY 9, 2001
CONCERNING CHALLENGES TO NATIONAL SECURITY;
CONSTRAINTS ON MILITARY TRAINING**

**NOT FOR PUBLICATION
UNTIL RELEASED BY
THE HOUSE GOVERNMENT
REFORM COMMITTEE**

Chairman Burton, Congressman Waxman, and distinguished members of the Committee:

INTRODUCTION

It is my privilege to serve as the Commanding General of Marine Corps Base, Camp Pendleton, California, and to appear before you today. In testimony before the Congress, our Commandant, General Jones, has identified encroachment on Marine Corps bases and stations as a serious threat to mission readiness. I can tell you from my personal experience during almost three years at Camp Pendleton that the threat is real, it is significant, and it is imminent. Because of its location on the southern California coast, Camp Pendleton is continually confronting many of the encroachment and regulatory issues that are before this Committee. In my judgment, the challenges facing Camp Pendleton are representative of challenges that face or very soon will confront many vital military installations. At Camp Pendleton, we have described encroachment as being on a "course to conflict" with military readiness. Nevertheless, the Marine Corps is confident that solutions are possible--that we can achieve and sustain the right balance between military readiness, encroachment pressures, and stewardship responsibilities. Indeed, we must work to find solutions; if we do not, our Marines and their families may well pay an unnecessarily high price for success in combat.

CAMP PENDLETON'S MILITARY MISSION

We--your Marines--have a mission under Title 10, amplified by the 82nd Congress: to be the Nation's force in readiness. To perform our mission, we have developed the Marine Air-Ground Task Force (MAGTF) doctrine, which brings together four elements--ground and air combat, combat support and command and control elements--to focus combat power on the battlefield. The Commandant recently identified Marine Corps bases and stations as the "fifth element" of the MAGTF. As such, Camp Pendleton is home to I Marine Expeditionary Force (I MEF), our largest MAGTF. I MEF's Marine Expeditionary Units (MEUs) are continuously deployed to meet any contingency, and continuously train at Camp Pendleton for worldwide deployment. The purpose of my testimony is to describe the integral role of the Marine Corps Base in the training of I MEF, our other operating forces, and individual Marines, and the effects of encroachment on the capability of the Base to perform its mission.

In 1942, an Act of Congress authorized the acquisition of approximately 125,000 acres in southern California, establishing a base to support mobilization, training, and deployment of Marines to the western Pacific theater of combat in World War II. Camp Pendleton still

encompasses 125,000 acres, situated between two large metropolitan areas--Orange and Los Angeles Counties to the north, and San Diego to the south. Camp Pendleton is the Marine Corps' only amphibious training base for the west coast, and the only west coast installation capable of supporting combined and comprehensive air, sea and ground combat training. Its proximity to the Navy's homeport at San Diego is strategically significant in supporting mobilizations and deployments to and contingencies for the western Pacific and Southwest Asia.

Camp Pendleton has a military mission to perform on behalf of the Nation--to operate an amphibious training base that provides for the combat readiness of operating forces, supports the deployment of Fleet Marine Forces, and provides support and services responsive to the needs of Marines, Sailors, and their families. This responsibility, which has remained constant for nearly sixty years, is inextricably woven into the mission of the Marines and units that train on the Base.

The Base accomplishes its mission by providing ranges, training areas, landing beaches and airspace to train combat Marines. Over the past six decades, Camp Pendleton Marines have been called to engage in the full spectrum of military operations around the globe. Marines trained on Camp Pendleton in preparation for the amphibious assault on Iwo Jima, and for the bitter battles of the Korean and Vietnam conflicts. More recently, Camp Pendleton-based MAGTFs have served in Desert Storm; lower-intensity operations in Somalia; Operation Southern Watch in southwest Asia; non-combatant evacuation operations in Eritrea; humanitarian relief efforts in south Asia and East Timor; and Operation Determined Response after the recent attack on *U.S.S. Cole*--to cite a few examples. The Base's military mission is to provide our operating forces with the land, air and sea space needed to train for the broad spectrum of operations that our MAGTFs and other assigned units are expected to perform.

These important resources--land, sea-lanes, and airspace--are becoming increasingly scarce in the regional area around us. At the same time, the closure and realignment of Department of Defense installations in California has increased the importance and value of Camp Pendleton as a training base, not only for Marine Corps units, but also for all military services in the region. Our fundamental concern is increasing pressure to allocate Base resources that are necessary for military activities toward non-military uses and regional interests, resulting in actual and potential degradation of the capability of the installation to perform its military mission.

ENCROACHMENT: DEFINING THE PROBLEM**Urbanization--The Root Cause**

Encroachment takes many forms, most of which can be traced to a single root cause: the accelerating urbanization of the regions around our installations. In the western United States, the Marine Corps' major training bases are located in once-remote areas that are today experiencing unprecedented population growth. San Diego County is home to three of these installations--Camp Pendleton, Marine Corps Air Station (MCAS) Miramar, and the Marine Corps Recruit Depot. Between 1995 and 2000, San Diego's regional population increased by over a quarter million people. By the year 2020, population projections predict an additional 1 million residents for San Diego County, an increase of 35% over current levels. In the Mojave Desert region, which is home to the Marine Air Ground Task Force Training Center (MAGTFTC) at 29 Palms, California, a population increase of over 100% (4 million additional residents) is projected by the year 2020. In the southeastern corner of California, population growth of 58% is projected (with similar unprecedented growth in adjacent Arizona counties). This region is home to MCAS Yuma, Arizona, and our nearby Chocolate Mountains Gunnery Range in Imperial County, California.

Increasing population growth results in a reduction of available open space, including species habitat; demands for additional transportation systems and other supporting infrastructure; and an increased need for more commercial air capacity within the region. This leads to increased requests and demands for non-military use of military lands; decreased tolerance for noise associated with training operations; impacts on regional air quality; and fragmentation of sensitive wildlife habitat located outside our installations.

Each of our installations is facing the consequences of this urbanization pressure, and each plays an important, inter-related role in the training and deployment of Marines and their units. To reach the desired level of mission readiness, I MEF units utilize each one of our west coast installations and range facilities for some form of important training. For example, Camp Pendleton supports a wide range of training, including amphibious operations; MAGTFTC at 29 Palms supports large-scale combined arms exercises; the Chocolate Mountains provide a key aerial gunnery range; MCAS Miramar is home to the 3rd Marine Air Wing and other combat forces; and MCAS Yuma supports both air and ground combat training. MCRD San Diego and Camp Pendleton provide the training for all Marine recruits on the west coast. Additionally,

Camp Pendleton is home to the School of Infantry, which provides warfighting training to all new Marines on the west coast; initial military occupational specialty training to infantry Marines; and advanced leadership education to infantry non-commissioned officers.

In San Diego County, Camp Pendleton and MCAS Miramar currently provide some of the only remaining large tracts of open space. In 1996 a team of independent investigators led by Harvard University published a study of the region. The Harvard study makes the point:

"Camp Pendleton is ideally suited to meet the requirements of its training mission because of its location and terrain. However, the growing population of the surrounding communities and the growth of southern California in general may threaten Camp Pendleton's ability to conduct its training. The increasingly dense population surrounding the base has led to increased demands by the communities, and by government and private entities serving those communities, for use of land currently a part of Camp Pendleton . . . It also places greater pressure for natural resource management on Camp Pendleton . . . As regional habitat declines, [there is] increasing pressure on Camp Pendleton to manage its land for both an increased training mission, and for the maintenance of biodiversity."

Carl Steinetz, *et al.*, *Alternative Futures for the Region of Camp Pendleton, California* (Harvard University, 1996).

When Camp Pendleton was established during World War II, the region was sparsely populated. By the 1970s, urban growth had begun to lap at the borders of the Base, and by 1990, the Base was increasingly hemmed in by the surrounding communities. A recent study by the San Diego Association of Governments (SANDAG) predicts that the region will run out of developable land within the next five to ten years.

This testimony will focus on five particular consequences of this urban sprawl that are threatening our ability to train at Camp Pendleton. They are:

- Decreasing community tolerance for military training noise;
- Increasing demands for non-military use of Base lands;
- Increasing pressure for commercial use of our special use military airspace;
- Lack of flexibility in regional air quality planning; and

- Increasing dependence on military lands to provide regional biodiversity, resulting in a disproportionate burden for conserving threatened and endangered species.

Cumulative Impacts of Encroachment

The effects of encroachment are cumulative. For example, Camp Pendleton's amphibious landing beaches are affected by man-made, non-military uses (such as Interstate 5 and the San Onofre Nuclear Generating Station); by recreational uses (such as a State Park created on the Base in the 1970s); by endangered species presence and critical habitat designations under the Endangered Species Act (ESA); and by the presence of cultural resource archeological sites. Each of these encroachments, taken singularly, affects our ability to train in some manner, but the cumulative effect threatens the overall capability of the Base to perform its military mission. Moreover, because each of our western bases provides opportunities for different forms of necessary training, encroachment on any single installation has potential consequences throughout the Marine Corps, affecting individual and small unit training, as well as larger exercises. I MEF Marines, for example, train in the desert at MAGTFTC, 29 Palms, on the sea and beaches of Camp Pendleton, in the mountains of our Mountain Warfare Training Center in northern California, and in the air over nearly all of our installations and ranges. Training that is degraded due to encroachment at one installation is not easily rectified in a timely and optimum, or even satisfactory, manner at another base.

The cumulative effect of these factors has greatly increased the complexity and cost of coordinating training, which has created a negative cycle. The complexity of coordination has made training a difficult sequencing of single events, rather than fluid tactical exercises incorporating realistic battlefield dynamics. At Camp Pendleton, training occurs nearly every day--over 360 days each year. With an annual schedule of 45,000 individual training events, we have great difficulty working around restrictions. One of our primary training concerns is the lack of realism resulting from encroachment, restrictive regulations, and artificial work-arounds. Increasingly, our young officers and non-commissioned officers are not being trained in the way they will be called upon to fight. Over time, lack of realism--and bad training habits--can become ingrained, and passed on from one generation of Marines to the next. The Marine Corps is gravely concerned that it not produce leaders who may ultimately receive a significant portion of their combat training in combat. We are using modeling and simulation to augment our skills,

but these methods cannot replicate the modern battlefield. The Marine Corps mission demands that the bulk of our training occur in the field, using realistic scenarios and tactics, with live ammunition.

The Marine Corps welcomes discourse on these difficult issues. This testimony discusses our approach to these issues, and identifies some possible solutions. Resolution will entail extensive dialogue, interagency coordination, and community involvement. We believe that congressional involvement in that process is needed to ensure the long-term viability of our Bases and Stations. What we need is fundamental recognition of the unique mission assigned to the Marine Corps; congressional recognition that, unique among federal landowners, the intended purpose of military installations like Camp Pendleton is to train Marines for service in the national defense.

ENCROACHMENT FACTORS

Military Noise in Urbanizing Areas

Sometimes, our necessary military activities cause concerns in the community, particularly when it comes to noise. There is no escaping the fact that aircraft operations, artillery exercises, and other vital training events generate noise. At Camp Pendleton, we have an aggressive community liaison program, and we try to anticipate and address these types of concerns. But we must train on the entire installation. We simply cannot impose an internal buffer along the periphery of the Base to ensure that noise does not escape. Most in our communities understand this; one commentator captured the heart of the matter, referring to our operations as emitting "the sound of freedom." Our outreach programs seek to inform and gain understanding from surrounding communities. The voice of the Congress recognizing that noise is a necessary aspect of realistic military training will strengthen our outreach and assist in addressing some of the pressures on installations like Camp Pendleton that are located in urbanizing areas.

Pressure for Non-Military Land Use

In many quarters, Camp Pendleton is viewed as a regional resource, and the Base is under constant and increasing pressure to provide lands for local and regional infrastructure and other non-military uses. In the past, we have tried to accommodate non-military users, and the Base has made a significant and lasting contribution to the quality of life in the region. For example, the City of Oceanside's boat harbor has been constructed on property that once was Base land.

During President Nixon's administration, two thousand acres of the Base were converted into a State Park and Beach for public use. The San Onofre Nuclear Generating Station utilizes 400 acres of Camp Pendleton, and 17 miles of Interstate 5 separates our amphibious landing beaches from the Base's inland training areas. Camp Pendleton also is being eyed as the preferred alignment for construction of a future toll road to serve southern Orange County. As a good neighbor doing our part to support such regional needs, over the years we have carefully considered and in many cases accepted such uses of our land. But we have now reached a critical point where the cumulative impacts of non-military uses are reducing available training lands and restricting our ability to train realistically.

This is not to say that the Base is unwilling or unable to absorb any further non-military activities or land uses. Presently, for example, environmental planning is underway for installation of a multi-state fiber-optic cable across the Base. Once installed, this underground cable should not significantly affect our training mission, and so we have no objection to it. However, each year we receive dozens of other land use proposals which would affect the Base's mission capability. Examples include recent requests to use Base lands for municipal beach parking, and for operation of a commercial gravel storage area. Of greater concern, Camp Pendleton recently has been mentioned as a site for a new international airport. In fact, local planning authorities in San Diego County are currently in a study process to evaluate both Camp Pendleton and MCAS Miramar as potential airport sites, in spite of Marine Corps objections. Locating a commercial airport at Camp Pendleton or Miramar would fundamentally undermine the ability of either installation to perform its mission. We ask the Congress to affirm that Camp Pendleton's best use continues to be as an amphibious training base serving the national defense, and that it therefore should not be considered as a site for a new regional airport. The same affirmation would be appropriate in the case of MCAS Miramar and its importance as a military aviation installation.

As these examples demonstrate, physical encroachment must be addressed on a case-by-case basis. Camp Pendleton must, however, object to non-military land use that threatens its military capabilities. We have reached the point where we often must say "no"; we ask for your support when we make such determinations.

Competition for Airspace

As with land use, increased demand and competition for airspace has become a source of encroachment on the capability of Camp Pendleton to perform its military mission. Commercial air traffic growth is expected to increase at an annual rate of six percent nationwide, and at an even greater rate in southern California. In fact, one of the nation's most heavily used low-altitude airways (Victor-23) is located immediately adjacent to Camp Pendleton. Marine Corps aviation units, including squadrons operating from MCAS Camp Pendleton and MCAS Miramar, train in the adjacent military airspace. Our own military airspace use will increase with the next generation of both air and ground weapons systems, longer range, standoff munitions, and new tactics. Moreover, the Marine Corps' use of our airspace often is tied directly to ground training activities under our combined-arms doctrine. Pressures on our military airspace affect not only Marine Corps aviation combat training requirements, but also have a collateral effect on the Base's capability to support ground operations. It is vitally important to our training and operational capability that we retain full use of our special use airspace, and we need your support to shield that airspace from competing demands.

Regional Air Quality Planning

The Marine Corps is concerned that fielding new systems and equipment for use by our Marines will increasingly be constrained by regional air quality concerns. Like many military installations located in urbanizing areas, Camp Pendleton is in an air quality non-attainment area identified under the Clean Air Act. Consequently, it is our responsibility to ensure that actions, activities and equipment at the Base conform to California's State Implementation Plan (or SIP). Camp Pendleton has embraced this responsibility through close working relationships with the local air quality districts and the California Air Resources Board. The SIP, however, may not have the flexibility to incorporate our future mission requirements. It is important to understand that Camp Pendleton is not part of the regional air quality problem. Our practice of keeping space open for training provides valuable air quality benefits to the region. Air quality planning should recognize the air quality benefits, and the military readiness benefits, of Marine Corps land use practices. Recognition in the SIPs of our unique mission, and our unique contributions, would greatly facilitate our efforts to ensure that our Marines are provided with, and trained to use, the equipment they must have to defend the Nation.

Endangered Species and Critical Habitat

The Marine Corps is concerned about some aspects of applying the Endangered Species Act. In the region of the Base, elimination of sensitive habitat through development and urbanization leads to a regional increase in endangered species. In fact, San Diego County has more federally listed species than any other county in the continental United States. In 1977, only three endangered or threatened species were found on Camp Pendleton. By 1994, that number had grown to ten. Today, the Base hosts seventeen listed species, and it is expected that this number will continue to increase as communities around us continue to develop. Camp Pendleton's 125,000 acres truly have become an island of biodiversity in a sea of urban development.

On Camp Pendleton, one or more listed species occupy almost every training area on Base. Consequently, most areas of the Base have at least some training constraints that affect our mission capabilities in order to avoid and minimize the impacts of our activities on listed species. Additionally, the designation of military lands as critical habitat under the ESA can impose further training restrictions on both occupied and unoccupied habitat. Within the past fifteen months, over 57% of Camp Pendleton (and more than one-half of MCAS Miramar) has been proposed as critical habitat for several different species. Critical habitat designation generally has been compelled through litigation. Subsequent regulatory decisions to exclude both Camp Pendleton and Miramar are currently being challenged in the courts; the outcome of which could have significant adverse implications for both installations.

Resource Stewardship

The Marine Corps is a responsible steward of the natural resources entrusted to it, and we are committed to managing all of our resources, including listed species, in compliance with applicable law. But our commitment does not flow only from the law. It flows first from the Marine Corps' decades-long recognition that it must be a good steward of its training lands, so those lands are available to train future generations of Marines. This stewardship commitment predates the Endangered Species Act. The fact that Camp Pendleton (and MCAS Miramar, which presently hosts ten listed species) provides habitat for so many listed species that have all but disappeared from other parts of the region demonstrates the effectiveness of our efforts. Over the years, our military training has proven to be compatible with healthy ecosystems, and our stewardship ensures that compatibility.

The fundamental principal of our land use and management has been, and will remain, retention of the large, contiguous open spaces necessary for realistic training. At Camp Pendleton, previous Base commanders and I have restricted infrastructure development to less than 15% of the Base. When additional facilities have been required, our preferred approach has been to refurbish or replace outdated facilities, or to build within existing developed areas. This disciplined land management, coupled with the fact that military training is a relatively low-impact land use,¹ has resulted in the continuing presence of large tracts of natural habitat beneficial to the wildlife that occupies our lands. This approach is in marked contrast to the typical development practices found in other parts of the region.

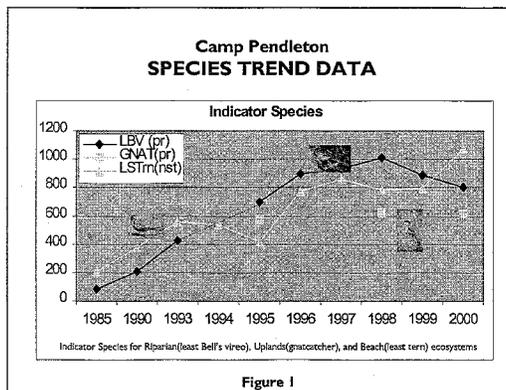
Regional habitat fragmentation has led to increased numbers of listed species on the Base. In the early 1990s, we began to see that management of multiple listed species on a species-by-species basis would not be satisfactory. At that time, the Department of Defense (DoD) and Marine Corps Headquarters directed installations to implement ecosystem-based management programs that consider the "human" element as an integral component of the ecosystem. This type of approach is crucial to our ability to influence, achieve, and sustain an acceptable balance between our training mission (the human element), land stewardship, and ESA compliance requirements.

In coordination and consultation with the U. S. Fish and Wildlife Service, Camp Pendleton quickly became a leader in developing and implementing habitat and ecosystem-based management plans to benefit listed species. The Base focuses its efforts on the removal of exotic plants to encourage growth of natural plant communities that will, in turn, provide additional habitat for listed species. We also identify likely predators of listed species and take measures to eliminate those threats. Surveys are conducted to count and plot listed species using the Base's geographic information systems. Avoidance measures are then included in Range Regulations so that commanders and trainers are alert to listed species located in the training areas in which they are planning operations.

Over the past three years, Camp Pendleton has expended over \$10,000,000 directly on its natural resources management programs, including almost \$5,000,000 applied to management of threatened and endangered species. One measure of success for habitat-based management

¹ See David S. Wilcove, et al., *Quantifying Threats to Imperiled Species in the United States*, 48 *Bioscience* 607 (August 1998).

programs is the health of populations of indicator species. By that measure, our efforts have succeeded beyond all expectations. Figure 1, below, depicts on-Base population increases for three listed species, each one an ecosystem indicator. As depicted, populations of least Bell's vireos (riparian species), least terns (beach species) and coastal California gnatcatchers (uplands species) have enjoyed significant upward trends under our management plans. The Fish and Wildlife Service has established conservation goals for some listed species we manage, in recovery plans or in the course of consultations under ESA. For the least Bell's vireo, the Base's goal of 300 breeding pairs was established in 1995. Today, we have exceeded that goal by 150%, with over 800 pairs of this species. Similarly, for the least tern, the Service's 1980 recovery plan established the recovery objective for the entire species at 1200 pairs distributed in 20 areas over its entire range. Today, Camp Pendleton alone hosts 1000 pairs of least terns. Throughout its range, numbers of this species appear to meet objectives set in the 1980 recovery plan. Indeed, Camp Pendleton's current population constitutes at least two-thirds of the original recovery goal for the species. The Service, however, is revising the least tern recovery plan, which likely will establish higher goals.



Our success in managing natural resources and listed species has been widely acknowledged by regulatory authorities, and Camp Pendleton has been recognized as a leader in stewardship through several DoD environmental awards. Six years ago, former Interior Secretary Babbitt visited Camp Pendleton to sign a groundbreaking management plan covering some of the Base's most significant ecosystems. The Secretary praised the plan as a model for

future initiatives and consultations. These successes, however, have come at a price, and the bill-payer usually has been our mission capability. The presence of these listed species on Camp Pendleton, and required measures to avoid them, have resulted in significant constraints on where we train, when we train, and how we train. In some instances, we find ourselves restricted by our own success. As the numbers of listed species increase on Base, and more species that use our habitat are listed, associated constraints increase and expand, impacting more training lands.

Camp Pendleton manages regionally significant percentages of the remaining populations of many threatened and endangered species. For example, the Base is home to three out of four remaining populations of the Pacific pocket mouse. The Base also hosts a thriving population of tidewater gobies--a brackish water fish that exists elsewhere, but recently has been proposed for delisting everywhere but Camp Pendleton. For the San Diego fairy shrimp, 90% of its historic habitat has been destroyed by urban development, and 90% of what remains exists on Camp Pendleton and Miramar. When listed species exist predominately or exclusively on our installations, difficult questions arise about criteria for recovery and delisting, and indeed whether recovery and delisting is even possible, regardless of the amount or types of resources expended for species management. The possibility exists that in the future, as habitat fragmentation continues, regional conservation will rely so heavily on military installations like Camp Pendleton, that our training operations will be driven primarily by conservation mandates, rather than readiness criteria.

Critical Habitat

Within the past 15 months, the U.S. Fish and Wildlife Service has proposed to designate, or designate, vast areas of Camp Pendleton as critical habitat for listed species. At one point, as depicted in figure 2 below, the Service had proposed almost sixty percent of Camp Pendleton (and over one-half of Miramar)² as critical habitat for just five of our listed species-- the California gnatcatcher, the San Diego fairy shrimp, the Riverside fairy shrimp, the arroyo toad, and the tidewater goby. The California gnatcatcher rule proposed to designate 51,000 acres of the Base-- over 40% of the total area--including all or portions of 35 training areas. Of these 51,000 acres, only about 8,000 acres are occupied by gnatcatchers. The San Diego fairy shrimp

² MCAS Miramar land was proposed for designation as critical habitat for three species--the California gnatcatcher, San Diego fairy shrimp, and Riverside fairy shrimp.

designations presented a major readiness issue. In his letter to the Director dated April 6, 2000, General Jones stated: "Increasingly, limitations on our land use flexibility present a major readiness issue. At stake is the success and survival of our Nation's Sailors and Marines in combat. The proposed critical habitat squarely implicates these urgent military readiness concerns, which we are committed to resolving with your assistance." In detailed comments, the Marine Corps objected to this and subsequent critical habitat proposals. Our principal observations were: (1) in light of our successful management programs and Marine Corps and DoD directives for ecosystem management, critical habitat on our installations was unnecessary; and (2) given the potential impacts to readiness from these proposals, critical habitat designation on our bases was unacceptable. The Marine Corps also expressed concerns that such broad and extensive critical habitat designation on Marine Corps lands constituted, in effect, a transfer of land management control from the Marine Corps to the Fish and Wildlife Service. In addition, we provided the Service with information on our training requirements, and examples of how these proposals would degrade the ability and flexibility of commanders to provide realistic training, ultimately impacting combat readiness.

In the course of the rulemaking process, the Marine Corps and the Service worked together locally, regionally, and nationally in a successful effort to resolve this situation. Ultimately, neither Camp Pendleton nor Miramar was included in critical habitat rules for most of the species. For Camp Pendleton, exclusions were based on a determination by the Secretary of the Interior that the benefits of exclusion, namely military training needs, outweighed the speculative benefits of designation, and that we were preparing an Integrated Natural Resource Management Plans (INRMP) under the 1997 Sikes Act. For MCAS Miramar, the Service determined that in light of the Station's completed INRMP, Miramar lands were not within the statutory definition of critical habitat.

Critical Habitat Litigation

Almost immediately, the Secretary's and Service's decision to grant these statutory exclusions was challenged in the federal courts, through litigation specifically objecting to these exclusions of military lands. Increasingly, we see the ESA being implemented through litigation such as this, directly implicating significant Marine Corps interests. Moreover, subsequent to the Marine Corps exclusions, the Service used the same statutory rationales to exclude Vandenberg Air Force Base and two U.S. Army installations in California--Camp Parks and Camp San Luis

Obispo--from critical habitat for the red-legged frog. Recently, third parties have initiated the litigation process to challenge the red-legged frog rule. The Marine Corps is not a party to critical habitat litigation; however, the prospect remains that when the litigants and courts are through, Camp Pendleton and MCAS Miramar will be overwhelmed with unnecessary critical habitat rules.

On this question, we have exhausted all other avenues of relief. The Service--and the Secretary of the Interior--have made meaningful judgments that critical habitat for certain species should not be designated on Camp Pendleton or Miramar. In our view, these regulatory judgments are appropriate and defensible both as a matter of law and public policy. That these well-considered actions are being so vigorously attacked demonstrates the need for targeted reform of the unwieldy, litigation-driven implementation of ESA's critical habitat provisions.

The last Congress generally began this effort through its consideration of H.R. 3160 and, in the Senate, S. 1180 (the Chaffee Bill). As these difficult issues continue to be addressed, we ask that Congress include military readiness considerations in the context of endangered species conservation, recovery and habitat law. Clarification of the ESA should include clear, unambiguous recognition of the unique military mission of our bases, and the importance of that mission in light of potentially competing considerations.

MARINE CORPS STRATEGY FOR ADDRESSING ENCROACHMENT

The Marine Corps recognizes that addressing encroachments is complex, and requires a reasoned, long-term approach. The Marine Corps strategy is one of engagement at the local, state, and national levels to affirm our mission mandate, articulate our concerns to decision makers, community leadership, and the public, and listen and respond to their concerns. The goal of the process is resolution of issues of mutual interest, and of disputes when they arise. We also seek to identify areas where changes in policies, rules or law may be necessary. Additionally, where feasible, we will explore the acquisition of lands adjacent to our installations to serve as a buffer to local development. This strategy recognizes that, while encroachments can be categorized based on the type of activity, many situations present unique features that must be addressed creatively, on a case-by-case basis.

Camp Pendleton's Encroachment Campaign

At Camp Pendleton, we have been confronting encroachments for many years. Recently, we initiated a coordinated campaign to focus those efforts, and systematically approach the

problem from a mission-capability perspective. Our efforts rely on regulatory engagement, open and ongoing dialogue with local, state and national leaders, and public outreach. My staff for these efforts includes an interdisciplinary team from Base operations and training, environmental managers, community planning and liaison professionals, public affairs, and attorneys.

Additionally, the Base has engaged independent civilian specialists to study the issues. For example, we have commissioned a new study by researchers from Harvard University, the Desert Research Institute of the University of Nevada, and other experts, to analyze trends and future prospects in urbanization, biodiversity, and watershed planning in the San Diego region.

With regard to engagement and outreach, we make concerted efforts to maintain open communications with local and state authorities having interests in our Base, and with the local communities. Our community outreach is significant and substantial, and we have established excellent working relationships with local governments. Recently, for example, we presented a briefing to the Southern California Association of Governments (SCAG) on Camp Pendleton's mission, and the challenges we face in performing that mission. The SCAG, which represents over 175 municipalities, recently approved a resolution supporting the mission of the Base and recognizing the benefits to the region that are provided by Camp Pendleton. My staff also has established working relationships with the local and regional offices of federal regulatory agencies, particularly the U.S. Fish and Wildlife Service; National Marine Fisheries Service (NOAA Fisheries); Federal Aviation Administration and the Army Corps of Engineers. At Camp Pendleton, we work with these agencies at the local and regional level on an ongoing basis.

We also are building a strong relationship with the state's leadership. The Governor and legislature have established the California Defense Retention and Conversion Council to address issues of mutual interest to the military and the State of California. As the Base commander, I represent the Marine Corps' interests as an ex-officio member of the Council, and have assigned one of my senior civilians to work as a liaison with Sacramento. A meeting we hosted last summer on Camp Pendleton provides an example of the success of these efforts. The California Biodiversity Council is deeply interested in natural resources management issues and conservation throughout the state. Its members include officials of the Governor's cabinet such as the Secretary of the California Resources Agency; leaders from several state agencies, the regional director for California from the U.S. Fish and Wildlife Service; and others. I invited the

Council to convene its quarterly meeting at Camp Pendleton and we were pleased to host and support it, and to brief the Council on our biodiversity management efforts and successes.

In addition to serving as Commanding General of Camp Pendleton, I also am designated as the Marine Corps' Regional Environmental Coordinator and chair our West Coast Regional Review Board, which is comprised of the Commanding Generals and other commanders from MCAS Miramar, MCRD San Diego, MAGTFTC at 29 Palms, MCLB Barstow, and MCAS Yuma. In that capacity, I have knowledge of regional encroachment issues. On the regional level, the Marine Corps is engaged in a number of interagency workings groups, such as the Southwest Strategy Group, which involves representatives from several federal agencies, including a representative from our Regional Environmental Coordination Office located at Camp Pendleton. The Marine Corps also is involved in the Mojave Desert Ecosystem Program, through resource management professionals at MAGTFTC, 29 Palms and MCLB, Barstow.

Additionally, we have worked to establish open channels of communication with Native American tribes in the vicinity of Camp Pendleton and our other installations, and have successfully implemented programs to address tribal issues, such as those arising in connection with graves repatriation or other matters of cultural significance.

CONCLUSION

Central to our concerns are increasing pressures to allocate resources that are necessary for military activities to other uses. These pressures come from many sources, and there is no single or simple solution to the problem. Nevertheless, relieving that pressure so we can retain the space we need to train is increasingly important to our military readiness. Your attention to this issue is an important step toward resolution.

Please be assured; the Marine Corps is not seeking special treatment. Camp Pendleton has been and will remain a responsible member of the southern California community. The Base has many of the same attributes as the 18 cities in San Diego County. We operate landfills, sewage treatment facilities, hospitals, gas stations, restaurants, and housing; we provide drinking water, police, and firefighting services; we have a newspaper and a television station. The health and safety of our residents, work force and neighbors are of utmost importance to the Marine Corps. We are not suggesting the need to address rules governing those areas that have a corollary function in the surrounding communities. Indeed, Camp Pendleton has been a leader and innovator in implementing environmental programs.

Camp Pendleton, however, is not a city; it is a military training installation having a congressionally mandated mission. The primary purpose for our land and airspace is to support military training, operations, deployments and mobilizations. In this, we--like all military training bases--are unique. We manage and operate ranges and training areas; operate armored vehicles; conduct live-fire exercises on the ground and from the air, and maintain, operate, and deploy with combat equipment authorized and funded by Congress. We are required to maintain necessary levels of proficiency and readiness of both our Marines and our equipment. It is in the area of mission readiness--areas that are unique and have no equivalent functions in the community--that we seek clarification and accommodation in the legislative and rule-making processes. Policies, laws and regulations which have the potential to detrimentally impact our training and operations should be closely scrutinized, and those that do not accommodate our mission may need to be addressed.

Fundamentally, what we need is recognition--recognition of our unique mission and our land and airspace needs; and of our stewardship, our contributions to our region, and our vital role in the national defense. Often, we are able to obtain understanding of our concerns through aggressive outreach. However, we can use your help even in this area. Congress could identify "military training land" as a specific land use category to be considered by federal, state and local governments and agencies in their planning and regulatory processes. In some cases, outreach, education, and negotiation are not sufficient to resolve issues. In those cases, legislative clarification of laws that are well intentioned, but which have the unintended consequence of adversely impacting military readiness, may be necessary.

With your help, I am confident that we can achieve and maintain the appropriate balance between military readiness and competing demands for scarce resources. If we cannot achieve the right balance, if we restrict our training and cannot closely duplicate the real battlefield, if we cannot train as we fight--I am convinced that the price we pay for success in combat will be unnecessarily high, a price that will be paid by our Nation's sons and daughters.

- Enclosures:
- (1) Potential Solutions to Encroachment Pressures
 - (2) Resolution of the Southern California Association of Governments Supporting Marine Corps Base, Camp Pendleton, California
 - (3) List of Camp Pendleton Awards for Environmental Excellence

**POTENTIAL SOLUTIONS TO ENCROACHMENT PRESSURES SUGGESTED IN MAJOR
GENERAL HANLON'S STATEMENT**

- "Resolution will entail extensive dialogue, interagency coordination, and community involvement. We believe that the Congress can help by establishing a framework for that process which will ensure the long-term viability of our Bases and Stations."

Fundamental Suggestions

- "What we need is fundamental recognition of the unique mission assigned to the Marine Corps; congressional recognition that, unique among federal landowners, the intended purpose of military installations like Camp Pendleton is to train Marines for service in the national defense."
- "Please be assured; the Marine Corps is not seeking special treatment. . . . It is in the area of mission readiness--areas that are unique and have no equivalent functions in the community--that we seek clarification and accommodation in the legislative and rule-making processes. Policies, laws and regulations which have the potential to detrimentally impact our training and operations should be closely scrutinized, and those that do not accommodate our mission may need to be addressed."

Decreasing Tolerance for Military Noise

- "The voice of the Congress recognizing that noise is a necessary aspect of realistic military training will strengthen our outreach and assist in addressing some of the pressures on installations like Camp Pendleton that are located in urbanizing areas."

Increasing Demands for Non-Military Uses of Military Lands

- "Congress could identify 'military training land' as a specific land use category to be considered by federal, state and local governments and agencies in their planning and regulatory processes."
- "We have reached the point where we often must say "no" [to requests for non-military uses]; we ask for your support when we make such determinations."
- "We ask the Congress to affirm that Camp Pendleton's best use continues to be as an amphibious training base serving the national defense, and that it therefore should not be considered as a site for a

**POTENTIAL SOLUTIONS TO ENCROACHMENT PRESSURES SUGGESTED IN MAJOR
GENERAL HANLON'S STATEMENT**

new regional airport. The same affirmation would be appropriate in the case of MCAS Miramar and its importance as a military aviation installation."

Retaining Special Use Airspace

- "It is vitally important to our training and operational capability that we retain full use of our special use airspace, and we need your support to shield that airspace from competing demands."

Accommodation in Air Quality Planning

- "Air quality planning should recognize the air quality benefits, and the military readiness benefits, of Marine Corps land use practices. Recognition in the SIPs of our unique mission, and our unique contributions, would greatly facilitate our efforts to ensure that our Marines are provided with, and trained to use, the equipment they must have to defend the Nation."

Application of the Endangered Species Act

- "In our view, these regulatory judgments [excluding Camp Pendleton and MCAS Miramar from critical habitat rules] are appropriate and defensible both as a matter of law and public policy. That these well-considered actions are being so vigorously attacked demonstrates the need for targeted reform of the unwieldy, litigation-driven implementation of ESA's critical habitat provisions."
- Clarification of the ESA should include clear, unambiguous recognition of the unique military mission of our bases, and the importance of that mission in light of potentially competing considerations.



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Riverside County: Bob Butler, Riverside County • Ron Lowrey, Riverside • Greg Brink, Calverley • Cui • Andrea Puga, Corona • Pam Roberts, Temecula • Charles White, Moreno Valley
San Bernardino County: Bill Alexander, Rancho Cucamonga • Jim Bigley, Upland • David Ebbertson, Fontana • Lee Ann Garcia, Grand Terrace • Christy Norton-Perry, Chino Hills • Justin Valdes, San Bernardino
Ventura County: Judy Mirak, Ventura County • Tom Young, San Bernardino • Glen Herrera, San Bernardino • Tom Young, San Bernardino
Riverside County Transportation Committee: Robin Lowe, Hemet
Ventura County Transportation Committee: Bill Davis, Santa Cruz

RESOLUTION #01-417-1

RESOLUTION OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS SUPPORTING MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA

WHEREAS, The Southern California Association of Governments (SCAG) is a Joint Powers Agency established pursuant to Section 6502, et seq., of the California Government Code; and

WHEREAS, SCAG promotes economic growth, personal wellbeing, and livable communities for all Southern Californians; and

WHEREAS, Marine Corps Base, Camp Pendleton (MCB Camp Pendleton), serves a vital role in our nation's security as the home to the First Marine Expeditionary Force and as an unparalleled and invaluable national resource for annually training over 65,000 United States Marines; and

WHEREAS, MCB Camp Pendleton is the largest undeveloped portion of land on the Southern California coastline separating greater Los Angeles and Orange County to the north and greater San Diego to the south; and

WHEREAS, MCB Camp Pendleton consists of 124,642 acres of mostly undeveloped open space including 17.1 miles of pristine coastline that includes the San Onofre State Park; and

WHEREAS, several stream systems and valleys provide water resources to MCB Camp Pendleton's watersheds; of these, the largest watersheds, Santa Margarita and San Mateo, originate from lands off MCB Camp Pendleton; and

WHEREAS, seventeen federally-listed threatened and endangered species thrive on MCB Camp Pendleton under its stewardship, and approximately 10% of Southern California's vernal pools are located on MCB Camp Pendleton; and

WHEREAS, MCB Camp Pendleton has a rich cultural history and currently protects 168 prehistoric sites with four of these sites now eligible for listing in the National Register and 67 additional sites potentially eligible for listing; and

WHEREAS, MCB CAMP Pendleton also protects 50 known historic properties and has discovered substantial paleontological resources within its boundaries; and

Enclosure (2)

Docs # 47508 v1

WHEREAS, MCB Camp Pendleton's existence provides a significant economic benefit to the regional Southern California economy; and

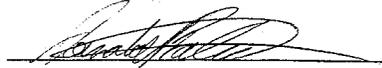
WHEREAS, MCB Camp Pendleton vital role in our nation's security and its natural and cultural resources are directly and indirectly pressured by regional population growth and economic development.

NOW, THEREFORE, be it resolved that SCAG acknowledges MCB Camp Pendleton and its vital role in our nation's security and its promoting of economic growth, personal wellbeing, and livable communities for all Southern Californians.

BE IT FURTHER RESOLVED THAT:

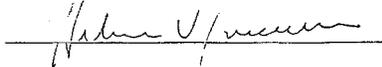
1. SCAG, in coordination with state, federal, and private sector entities and other regional stakeholders, will continue to support the preservation of MCB Camp Pendleton's vital role in our nation's security.
2. To continue promoting economic growth, personal wellbeing, and livable communities for all Southern Californians, SCAG in coordination with State, federal, and private sector entities and other regional stakeholders, will continue evaluating the impacts that proposed legislation, programs, and environmental policy recommendations have upon MCB Camp Pendleton.

Adopted by the Regional Council of the Southern California Association of Governments on February 1, 2001.



RONALD BATES
President
Mayor Pro Tempore, City of
Los Alamitos

Attest:



HELENE SMOOKLER
SCAG Legal Counsel

**Marine Corps Base, Camp Pendleton
ENVIRONMENTAL AWARDS**

- 1971 Secretary of the Navy Resources Conservation Award
- 1972 Secretary of the Navy Environmental Protection Award
- 1977 Secretary of Defense Environmental Quality Award
- 1994 Secretary of Defense Natural Resources Conservation Award
- 1994 Commander in Chief's Special Recognition for Installation Excellence
- 1995 Secretary of Defense Natural Resources Conservation Award (Honorable Mention)
- 1995 Secretary of the Navy Natural Resources Conservation Award
- 1995 Secretary of the Navy Recycling Award (Individual)
- 1995 Commander in Chief's Special Recognition for Installation Excellence (Nominee)
- 1995 Industrial Environmental Association Environmental Responsibility Award
- 1995 USFWS Region 1 "Silver Eagle Award" for significant regional contributions in ecosystem management and promotion of enhanced biodiversity"; awarded by the Secretary of Interior, the Honorable Bruce Babbitt
- 1996 Secretary of the Navy Natural Resources Conservation Award
- 1996 Secretary of Defense Natural Resources Conservation Award
- 1996 Industrial Environmental Association Environmental Responsibility Award
- 1996 Governor's Environmental and Economic Leadership Award (Nominee)
- 1997 Secretary of the Navy Environmental Protection Award
- 1997 Secretary of the Navy Cultural Resources Management Award
- 1997 Secretary of the Navy Pollution Prevention Award
- 1997 Secretary of the Navy Natural Resources Conservation Award
- 1997 Certificate of Achievement-Uplands Consultation Liaison Team
- 1997 Commander in Chief's Special Recognition for Installation Excellence for:
Environmental Security Directorate
- 1998 Commander in Chief's Special Recognition for Installation Excellence for:
Inspection and Compliance Division
Hazardous Waste Division
Environmental Engineering Division
Land Management Branch
- 1998 Secretary of the Navy Natural Resources Conservation Award;
Large Installation
- 1998 Secretary of the Navy Recycling Award:
Non Industrial Installation
Individual
- 1998 Secretary of the Navy Environmental Cleanup Award:
Individual

**Marine Corps Base, Camp Pendleton
ENVIRONMENTAL AWARDS**

- 1998 Secretary of Defense Environmental Security Award
Honorable Mention Plaque for:
Natural Resources Conservation, Marine Corps Base, CPEN
- 1998 Secretary of Defense Environmental Security Award
Citation for Meritorious Achievement
Certificate for Natural Resources Conservation Program
- 1998 Secretary of Defense Environmental Security Award
Citation for Meritorious Achievement in the Environmental Cleanup
Program
Certificate for Ms. Tracy Sahagun

- 1999 Secretary of the Navy Environmental Awards
Cultural Resources Management
Individual - Stan Berryman
- 1999 Secretary of the Navy Environmental Awards
Cultural Resources Management
Large Installation

- 2000 Electric Vehicle Association of the Americas Achievement Award
Camp Pendleton for employing alternative fuel vehicles (AFVs),
including three Electric Vehicles (Ev) in fleet.
- 2000 Secretary of the Navy Environmental Awards
Cultural Resources Management
Large Installation
- 2000 Secretary of the Navy Environmental Awards
Environmental Restoration--Team
Large Installation
- 2000 Secretary of Defense Environmental Security Award
Cultural Resources Management—Honorable Mention
Large Installation

Mr. BURTON. In your statement, General Hanlon, you lost training locations to a variety of factors. I know there is a lot of endangered species there but somebody told me there is about 17 miles you have of ocean frontage for training and it has been restricted to 1 mile or so for amphibious landings?

General HANLON. You are right. We have 17 miles of coastline that runs from San Clemente to our border with Oceanside, of which about 2.25 miles are available for what we call landings.

Mr. BURTON. Is that adequate?

General HANLON. If we had year round access to those almost 2.5 miles of beach, it would be adequate for what we are doing. The issue is because of seasonal restrictions to access to those beaches, we don't have year round access to the beaches.

Mr. BURTON. What do you mean seasonal restrictions?

General HANLON. Along our beach area there are a number of species, mainly birds that live along the beach area and particularly between March and September of every year they have a breeding season. During that time we are restricted in what we can do along those beaches.

Mr. BURTON. Is that 2½ mile stretch the only place they can breed?

General HANLON. No, sir but other parts were leased to the State of California years ago as part of a State park. Those 2.5 miles we use, the birds breed there as they do along the entire 17 mile coastline.

Mr. BURTON. If you had amphibious landing training year round, the birds probably would move down the beach someplace else?

General HANLON. Perhaps so, yes.

Mr. BURTON. So you have to stop training for 2½ months because of the birds?

General HANLON. During that time we are in that restricted period, we go through a very modified procedure in terms of our amphibious landings. It is almost an administrative landing. We bring the troops ashore on the beach and immediately drive down certain designated roads or areas and go inland getting off that beach.

Mr. BURTON. But that is not adequate training?

General HANLON. No, sir, it is not.

Mr. BURTON. What about the young men and women who are training during that period who may have to go into active combat? Are they adequately trained?

General HANLON. That is an issue and that is one of the reasons I am here because I believe it is concern. Particularly since we have units at Camp Pendleton that train all year, we put out what we call Marine expeditionary units that go out with the fleets. There are two that are in training year around and use the beaches extensively.

During the period of time, the March-September timeframe, their access to the beaches is definitely restricted and they have to do workarounds as far as training is concerned.

Mr. BURTON. This is March to September?

General HANLON. To September.

Mr. BURTON. About 6 months?

General HANLON. About 6 months.

Mr. BURTON. 6 months of the year you can't use that beach for active training?

General HANLON. I would answer that by saying during those 6 months we have to modify how we use those beaches.

Mr. BURTON. You don't have to be political with me, it is not really adequate?

General HANLON. No, sir, it is not what we would like to do.

Mr. BURTON. If it comes to a choice between birds breeding and people surviving in combat because of lack of training, I think I would go for the people every time, the military personnel. We will submit what you just said to the Secretary of Defense and the President to point out that is something that should be addressed.

Is this the only area on the West Coast where they can train for these things?

General HANLON. The only amphibious training base I am aware of on the West Coast is Camp Pendleton, CA.

Mr. BURTON. So for 6 months you have to do the work around because of the birds?

General HANLON. Yes, sir, correct.

Mr. BURTON. Did everybody get that? That is amazing. I hope the press is picking up on this. We ought to have every television camera in the country picking up this.

General Jumper, what specific challenges does the Air Force face regarding air space acquisition? As currently proposed, how might the FAA's free flight program affect military operations?

General JUMPER. The plans that the FAA has to reconstruct the air space throughout the United States essentially will allow more point to point flights and limit the use of existing airways, do away essentially with the use of existing air ways.

Mr. BURTON. How will that affect your training?

General JUMPER. These point to point flights, if it is not properly coordinated with all the military services, will affect all our ranges, would essentially allow flights to go over or through our ranges.

We do a good job today of coordinating with the FAA. You can see on charts during the times of peak air activity how the FAA vectors around all of our heavy use ranges. We do a fairly good job of coordinating on those things. On the weekends and times we are not using the ranges, you can see those airplanes go right through the ranges.

Mr. BURTON. Is there a restriction of training because of this?

General JUMPER. There could be.

Mr. BURTON. Is there danger added to the mix because you have these commercial flights going over these training areas?

General JUMPER. Yes, sir. We see that we will have altitude restrictions potentially and for this reason as this reconstruction continues, we need to do this in negotiation and consultation with the FAA so that the right rule sets can be put in place to accommodate our training. This is just getting under way but the potential for this to severely limit our training areas is very high, sir.

Mr. BURTON. It inhibits training which would endanger in combat our pilots and how about commercial aircraft? If I am flying across, are there commercial aircraft that might in some way be jeopardized?

General JUMPER. Again, this is just getting underway and I think through a process of negotiations, we can certainly make sure those kinds of dangers didn't happen. As it is currently proposed and without any negotiations with the military, the potential for those kinds of conflicts are certainly there.

Mr. BURTON. We will report this to the proper people to make sure we look into that as well?

Mr. Clay.

Mr. CLAY. I would like to submit a statement of our ranking member.

Mr. BURTON. Yes. Mr. Delahunt also had a statement that we will also add to the record.

[The prepared statements of Hon. Henry A. Waxman and Hon. William D. Delahunt follow:]

Statement of Rep. Henry A. Waxman
Committee on Government Reform
Hearing on Challenges to National Security — Constraints on Military
Training
May 9, 2001

I'd like to thank our distinguished witnesses for appearing here today on regulatory and other constraints on military training. I expect to hear testimony from our military witnesses that major environmental statutes – such as the Clean Air Act, the Clean Water Act, and the Endangered Species Act – are causing unintended consequences and interfering with the training objectives of the armed forces.

That's a serious concern, because I think all of us would agree that we expect our armed forces to be prepared to fight anywhere in the world, at any time. To fulfill that important responsibility, they need to train as they would fight.

I hope all of us would also agree that the public policy objectives of our environmental laws are also important national objectives. These are the laws that ensure clean air and water, protect communities from toxic substances, and protect biodiversity. Sometimes these objectives are in genuine conflict. But often they are not, even though they may cause inconvenience, bureaucracy, and expense. I hope, during the course of this hearing, we try to distinguish between the two.

One additional point, Mr. Chairman. We have before us today two panels of military witnesses. It is important that we hear their perspective. But theirs is not the only perspective. If this Committee is really serious about exploring the consequences of environmental regulation, we need to hear other voices as well. We need to hear from the regulators – the Environmental Protection Agency, the Fish and Wildlife Service, and other federal agencies with interests at stake. And we need to hear from community and public interest organizations that follow these issues and have great expertise to add to the public record.

Finally, I have here a prepared statement by my colleague from Massachusetts, Mr. Delahunt, on the problems he has seen as the Massachusetts Military Reservation. I ask unanimous consent that it be included in the record.

Again, I welcome our witnesses and look forward to hearing their testimony.

**Testimony of Congressman Bill Delahunt
Committee on Government Reform
US House of Representatives
May 9, 2001**

I want to thank the Committee for the opportunity to participate in today's hearing. As a supporter of increased funding to mitigate unexploded ordnance, and the Army's Joint Use Plans that have worked so well to buffer military and civilian activities, I expect to hear much testimony that I agree with today.

Four years ago, I was the only Member of Congress to testify in committee hearings in support of the Pentagon's position on reauthorizing the Sikes Act, which seeks to help safeguard natural resources on military installations -- on 25 million acres at 900 Pentagon facilities across the country -- *without* jeopardizing national security.

In that testimony, I noted that the Defense Department understands the value -- for recreation, conservation, public health and military training itself -- of managing these lands with care. For years, the military has led the way with integrated natural resource management plans, cooperating with other federal agencies and with states and localities as full partners.

I stressed the Pentagon's national record of working to preserve wildlife management and bio-diversity, and noted that in many locations, military facilities themselves have helped create habitat and nurture natural resources.

But even then, I was obliged to observe that on Cape Cod, it's a far different story. One without margin for error. Instead of wildlife habitat, the issue is public drinking water. And instead of cooperation, much of the historical legacy is one of denial and lethargy.

So the perspective I offer today derives principally from my experience with the problems at the Massachusetts Military Reservation (MMR) on Cape Cod.

The Pentagon has had a significant training presence at the Military Reservation for over 75 years. During World War II, the MMR was one of the Army's largest installations on the east coast. During the Cold War, the facility became home to Otis Air Force Base.

The 20,000-acre base is now home to Coast Guard Air Station Cape Cod; the Otis Air National Guard Base, which houses the 102nd Fighter Wing; a missile radar facility called PAVE PAWS operated by the Air Force; and Camp Edwards, which provides training for the Massachusetts Army Guard and units around New England.

The 20,000-acre base is owned by the Commonwealth of Massachusetts, and leased to these federal tenants. And there is a very strong feeling locally that, like in any rental contract, the owner's property should be properly maintained. If damaged, should be restored to its original condition. And if the tenant cannot use the premises responsibly, the landlord must turn to enforcement authorities.

The boundaries of the MMR stretch across four Cape Cod towns --- Bourne, Sandwich, Falmouth and Mashpee. Each of these communities provides drinking water to its residents by tapping into the area's groundwater. The source of *all this drinking water* lies beneath Camp Edwards.

In the mid 1980s, while the region was experiencing a growth boom, the EPA designated Cape Cod as a "sole source aquifer". The designation was sought by local and state officials to ensure aggressive EPA oversight so that public activities could never place public health at risk by adversely impacting this critical resource.

Over the last two decades, local residents have had a crash course in hydrology. We now know that the groundwater beneath the MMR flows at a rate of about a foot a day. We've learned that underground plumes of pollution -- from past use of fuel, detergents and other chemicals emanating from the base -- can seep into groundwater and migrate into surrounding communities. And that the Cape's highly permeable soil makes the aquifer especially susceptible to contamination.

Groundwater pollution from the base was first discovered in Falmouth. In 1978, a toxic plume from a wastewater treatment plant and a former fire training area migrated over a mile from the base and knocked out one of the town's major public wells. The plume will be remediated, with Pentagon help, but the town has never found a replacement wellfield that is nearly as productive.

By the 1980s, similar problems developed in Mashpee. Several migrating plumes were found to have polluted scores of private wells in the Briarwood section of town. The town adopted building restrictions which limited new construction until Mashpee, with only partial federal reimbursement, built an entirely new municipal water supply and distribution system.

By 1986, the Pentagon made a substantial commitment of funds to investigate the extensive pollution from past training and dumping. These Pentagon investigations acknowledged that pollution was migrating from the base to each of the four communities. Three years later, the damage was so serious that the Bush administration placed the MMR on EPA's National Priority List.

Since first tracked in the late 1970s, pollution from MMR has contaminated

more than a billion gallons of water, and spoiled several existing and future public drinking water sources. Many of the base's own wells, providing water to personnel who train at the base and to military families, have been shut down.

To its credit, the Pentagon has budgeted significant resources for clean-up work and to identify new wells. The fact remains, however, that the poisonous results of past training activities have been a nightmare for local residents. Because of the pollution, we now need new water sources to supply *eight to ten million gallons a day*.

As a result, even conservative projections suggest that, at current growth rates, the region may run out of adequate supplies of drinkable water in 20 years.

The only place for us to look for new sources is the vast reservoir that lies under Camp Edwards. When I took office in 1997, local water superintendents -- working together with base officials -- identified as many as ten new sites on Edwards as potential replacement water supplies.

We took it on faith from the Army that previous training activities were completely compatible with water supply protection, that the 14,000 acres comprising Camp Edwards were still pristine. The reality was this area was omitted from previous pollution studies because we were assured the land, and the water beneath it, was clean.

However, as work began on this effort we soon learned that groundwater samples at Edwards contained explosives such as TNT and RDX. The growing support for exhaustive investigations and clean-up led many to seek the aid of the EPA.

This is the backdrop for the struggle over the use and future of Camp Edwards. Since 1997, the EPA has issued four Administrative Orders under the Safe Drinking Water Act to address pollution at Camp Edwards. Those ten potential well sites have been whittled down to just a few, mostly because of proximity to pollution associated with past training and unexploded munitions. And while the Army has made a "down payment" of three million new gallons a day, we are all still at a loss as to where the rest of the water we need will come from.

Last June, during a status review with our congressional delegation, the Army made a startling admission: that past military training was indeed the principal source of pollution at Camp Edwards. And they backed it up with a commitment of \$300 million to scope out and remedy the problem.

This news was received as a landmark development. It was valued particularly for its candor, framed in the kind of mutual respect that had long characterized community relations with the Coast Guard, Air National Guard and Air Force Center for Environmental Excellence. The EPA praised the Army; and the Army project

manager credited community activism for helping to accelerate constructive action.

I must say that it is difficult for me to juxtapose that spirit of consensus with the Army's concern, in hearing testimony before both Senate and House committees, about community "encroachment" in the context of MMR.

From no serious quarter is there any desire to undermine readiness. Or to pressure regulators into irresponsible enforcement. Or, as some even suggest, to expose our troops to increased hazards.

It is my interest not to preach national policy, but rather to describe a local landscape -- and to shed some light on why my constituents are horrified to think that some in Washington may seek to scale back or modify EPA's oversight at the Military Reservation.

The mistakes that created MMR's problems occurred before anyone fully appreciated the impact of this kind of pollution, especially on such a fragile ecosystem. But that is no rationale for continuing to jeopardize public health.

When Pentagon officials bemoan costly "work-arounds," there is no mention of the hundreds of thousands of federal dollars in compensation to local cranberry farmers for crops poisoned by polluted plumes. Or of elevated breast cancer rates in towns surrounding the base.

Or the recent decision by the Bush Administration, through its EPA Administrator, to stand firm on Administrative Orders relating to MMR -- not to mention the impact on the seasonal tourist economy and local real estate values.

With all this at stake, it should be clear that any tensions over "encroachment" on Cape Cod are not the devious handiwork of environmental ideologues seeking private "veto authority" over military training. The concern for fundamental public health, including the call for help from EPA, reflects a broad mainstream consensus -- from the Chamber of Commerce, to the League of Women Voters, to the local Realtors Association.

It is understandably frustrating for the Army to contend with shifting demographics and evolving environmental standards that, in this case, have made it difficult to share a narrow peninsula while attempting to stay true to a demanding and essential national security mission.

It thus seems clear to all those close to the situation on the ground at MMR that something must give way. With that in mind, I reiterate my offer to assist in exploring the possibility of a transition to a new off-Cape facility so that our soldiers can get the full range of training they need. With the public health issues at MMR so serious,

rational discussion of practical alternatives should not be considered heresy.

An Army Guard spokesman last week said publicly the prospect of relocation would undermine morale and readiness because "It's not fun to sit on the bus for five or six hours".

As one D-Day Invasion veteran responded, "It may not be fun, but neither is combat". A Korean War veteran agreed, writing:

" . . . while we empathize with the officer's challenge, his problems pale into insignificance in comparison to the fundamental issue facing Upper Cape residents: trying to preserve our only water supply. The Army Guard faces a personnel management problem -- and it has alternatives. We have no alternative. This is our only water supply for the future."

-- and I am confident that our men and women in uniform are prepared to serve their nation, even after a long commute.

But when the Defense Department approaches these discussions with concern for "information dominance" and "outrage management," it can't help but beg the question: just who *is* the enemy? And *who* is being "encroached" upon?

Residents of Upper Cape Cod, including those who work and live on and near the Military Reservation, know who the enemy is. It is not the Pentagon, but the insidious plumes of toxic pollution that threaten the health of anyone who drinks the water.

It may be suggested later this morning that MMR is a national model for the challenge of balancing the needs of military readiness and environmental protection. I agree. It is a textbook lesson in paths to scrupulously avoid; and should now be entitled, "Let The Land Heal".

Mr. CLAY. Let me ask the entire panel I want to make sure I understand what you are not saying. None of you is saying the services should somehow be exempt from the Clean Air Act or the Clean Water Act and other major environmental protections, are you? No? OK.

General Ellis, having a former installation in my congressional district, does the Army feel any responsibility to those communities when base closings occur? I see in your statement that you try hard to be good neighbors. Is there any effort or can the Army reach a final disposition on that property in St. Louis, MO? I don't know if you are aware of all the facts but I would like you to take a look at the circumstances there. I think it is quite extraordinary.

You have a munitions plant in existence since 1944 that provided ammunition for World War II and the Korean conflict and the Southeast Asian conflict and some of the byproducts are still there. Is there a possibility for you to take a look at that situation?

General ELLIS. I certainly share your concerns about past contamination at any Army base. I will take back your question to the appropriate staff agency and we will get back to you. I am not familiar with the specifics of the case you are asking but I will take it to my counterpart and see if we can get you an answer.

Mr. CLAY. I hear you talk about urbanization. Does the military take a different approach in relationship to urban inner city installations as opposed to more rural or suburban installations? Is there a different approach the military takes with urban installations like the one I am referring to?

General ELLIS. I am not sure there is a different approach. We approach all our installations by complying with the applicable laws and regulations, be it Federal, State or local, so our approach would be the same.

Mr. CLAY. Let me ask you some questions relating to Congressman Delahunt's concerns over the Massachusetts military reservation. As I understand, the installation is located above a sole source aquifer for drinking water, correct?

General ELLIS. Correct.

Mr. CLAY. EPA found that continued training activities threatened to contaminate the drinking water for nearly 150,000 permanent residents of Cape Code and over 400,000 seasonal residents, correct?

General ELLIS. Not exactly.

Mr. CLAY. Does the Army know how many of its other installations are located directly over or in close proximity to water aquifers similar to the Massachusetts military reservation?

General ELLIS. As I understand it at the Massachusetts Military Reservation, the groundwater is contaminated but not the drinking water. It may sound like I am splitting hairs but it is the groundwater contamination, not the drinking water.

In response to are there other military installations that set on sole source aquifers, I will have to get back to you with that. I do not have that information available to me.

Mr. CLAY. I yield the balance of my time.

Mr. BARR. I would like to extend my thanks to the panel for appearing here today and for the tremendous and lengthy distinguished service you have rendered to the United States. We very

much appreciate that and are honored to have you here with us today.

In addition to some of the matters we have touched on already, some of the matters the chairman discussed, one of the other issues that concerns us is the state of readiness of our fighting forces. Some of us recall last year there were a number of documents from the Army that I remember reading it was that 12 of the 20 schools training our soldiers in skills such as field artillery, infantry and aviation received the lowest readiness ratings and also in November 2000, the Pentagon rated two of the Army's 10 active divisions at the lowest readiness level.

General Ellis, what can we do to improve this readiness situation both in the short term and the long term?

General ELLIS. In both of those cases, the readiness ratings were not necessarily directly related to training land and ranges. In the first case of the two divisions that were deemed not ready, it was primarily related to availability of personnel. We had no major shortfalls necessarily in training land availability.

In reference to the most recent question concerning one of our divisions in terms of readiness, it was an issue of being able to redeploy back to home station in time to train and meet its wartime mission.

The method we use for measuring readiness is readiness against our wartime mission. In the case of the latest division, it was deployed to the Balkans and in order for it to meet its wartime mission, it would have to disengage from the Balkans, redeploy to home station and then prepare to go to the war fight. So it was an issue of availability of time in that case.

Mr. BARR. Is it your position there are no improvements that can be made or that need be made with regard to the readiness of our troops?

General ELLIS. I think there are always improvements that can be made. We have some shortfalls in readiness in other areas which we have addressed before the House Committee previously. We have some shortfalls. Those primarily fall in the category of shortfall in resources in some cases in terms of dollars, some shortfalls in ammunition in some cases, but most of those are being addressed.

Mr. BARR. Do you have copies of the documents to which I refer? They were leaked Army documents that indicated 12 of the 20 schools training our soldiers in skills such as field artillery, infantry and aviation received the lowest readiness ratings?

General ELLIS. I do not have copies. I recall the article and that referred primarily to our training and doctrine command schools which we call a part of our base generating force. That is the force that prepares our soldiers for training. In most cases, those shortfalls were tied directly to dollar resources in many cases and the other was shortage of personnel.

Mr. BARR. Will those be addressed in the budget that the President is submitting and the Secretary of Defense will be submitting?

General ELLIS. It will be.

Mr. BARR. Admiral Fallon, what challenges does the Marine Mammal Protection Act present to Navy training and testing? Do you find that act is ambiguous?

Admiral FALLON. This particular act presents some very significant challenges for a couple of reasons. One because it is applicable worldwide and primarily because the definition of the term harassment has been understood at least by most of the interpretations that are applied against us when these issues go before various courts and by the protection agencies as any disturbance of behavior.

Mr. BARR. Any disturbance of the behavior of the fish? How do they figure that out? It is difficult enough with humans?

Admiral FALLON. I don't know. That is a real challenge, I would think but something as simple as the sea mammal for example, picks up a sound and if he is eating, he stops.

Mr. BARR. How do you know if he or she picks up the sound?

Admiral FALLON. That is a good question.

Mr. BARR. Are you being drawn into court on these issues?

Admiral FALLON. Yes, sir. The way this typically works is various organizations will file lawsuits to restrict our training or some aspect of our training in a particular exercise. The ruling by the presiding official is usually taken back to a review of the legislation and interpretation of whether harassment has taken place or might take place.

In terms of a concrete example, both the Marine Mammal Protection Act and the Endangered Species Act apply to turtles. So on the Atlantic Coast in Vieques where we have had lots of challenges to our training, the Navy has managed through good stewardship with the environment to introduce more than 10,000 hatching turtles to this island and we understand there has been a 70 percent success rate in these animals staying alive.

In a recent exercise, we were restricted to one, the term is take, but one fatality to a turtle as the threshold of continuing that operation. So if two of these turtles were noted as being deceased in the vicinity, that would constitute grounds to terminate the exercise. It is this type of interpretation of the regulations that is creating a challenge for us.

Mr. BARR. I know it is hard to argue this stuff with a straight face because it is so ludicrous.

Admiral FALLON. We enter consultations with the various regulatory agencies as prescribed by the various statutes. We do this in good faith. It is a process by which we engage and exchange information but typically what results is a formal declaration or letter sent by the agency to the Navy or the particular agency of the Navy involved in the training. Increasingly these documents will contain very restrictive language regarding activities that frankly are operational matters.

For example, in an exercise last year in the Atlantic in July 2000, we received a letter in which we were restricted to only 30 percent of our ordnance delivery operations at night because the feeling was that the night operations might be disruptive to some kind of mammal.

Mr. BARR. It might wake them up?

Admiral FALLON. Further restriction, only 10 percent of the surface fire support, the 5 inch guns from our cruisers and destroyers might be fired at night for a similar reason. These become a matter of record and the cumulative effect of all these notes and restric-

tions to the consultations become the groundwork for the next consultations. As we go into each of these engagements with the agencies, we have a higher and higher stack of restrictions with which we are trying to comply. It is very challenging.

Let me show you how this becomes an almost endless stream of pain for our operational commanders. In Vieques because of the disruptions in the last 2 years to our ability to train, we have had to do workarounds. Many of them have been done on short notice. The consultation process is very lengthy quite often, so we end up scrambling with last minute patchwork attempts to put together something and faced with a last minute decision, our commanders will often accept what I consider sometimes very onerous restrictions on their operations because they are out of time, they need to get the training done and that is a way to get the nod from the presiding jurisdiction to do the operation.

This is not a matter of something in the future. It is something we are dealing with right now every day around the world.

Mr. BARR. Thank you.

Mr. BURTON. The gentlelady from Hawaii is recognized for 5 minutes.

Mrs. MINK. I would like to ask permission to submit a statement on various issues covered in the testimony in view of the fact that we have a vote on the floor.

[The prepared statement of Hon. Patsy T. Mink follows:]

MINORITY WHIP-AT-LARGE
 DEMOCRATIC CAUCUS
 EDUCATION TASK FORCE
 CO-CHAIR

COMMITTEES:
 EDUCATION AND THE
 WORKFORCE

SUBCOMMITTEES:
 21ST CENTURY COMPETITIVENESS
 TRAINING MEMBER
 WORKFORCE PROTECTION

GOVERNMENT REFORM
 SUBCOMMITTEES:
 ENERGY POLICY, NATURAL RESOURCES
 AND REGULATORY AFFAIRS
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STATEMENT BY CONGRESSWOMAN PATSY T. MINK
 in the Committee on Government Reform
 Hearing on "Challenges to National Security—Constraints on Military Training"

May 8, 2001

Mr. Chairman,

I would like to address a few questions to Admiral William Fallon regarding his written testimony about the military constraints to readiness caused by environmental scrutiny of the Navy's Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) Sonar.

I am sure he is aware of the opposition voiced by the community to testing and deployment of this system. I share their concerns, and I believe SURTASS LFA Sonar poses a significant threat to endangered marine mammals. I am especially concerned about the humpback whales that migrate to Hawaiian waters each year as early as September and stay through May.

Whales and other marine mammals are protected by federal law, including the Marine Mammal Act (P.L. 92-522, as amended), the Endangered Species Act (P.L. 93-205, as amended) and the National Marine Sanctuaries Act of 1972 (P.L. 92-532, as amended). By law, the National Marine Sanctuary Program's mission is "to maintain, restore, and enhance living resources by providing places for species that depend upon these marine areas to survive and propagate."

I would appreciate a written response to the following questions.

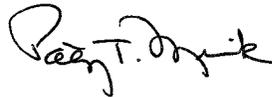
1. Why must this technology be deployed in Hawaiian waters during the humpback whale breeding and calving season? While the Hawaiian Humpback Whale National Marine Sanctuary will not be subjected to levels higher than 180 dBs during this period, what about whales who happen to be swimming in waters outside of the Sanctuary? What level of dBs might they be subjected to? Restricting the dBs in the Sanctuary waters gives support to concerns about harm to these creatures.
2. When SURTASS LFA was tested in Hawaii a few years ago, what dB levels were used? I have heard that the levels tested were lower than 180 dBs.

3. Is there a compelling reason why this technology must be tested and deployed in Hawaiian waters? Humpback whales are endangered and Hawaii is host to the largest population in the Northern Pacific.
4. Hawaii is also home to the endangered Hawaiian monk seal. This species is unique to Hawaii and the population is estimated at only 1,300 animals. We know that levels above 145 dBs are dangerous to humans: do we know how levels of 180 dBs or higher will affect these endangered seals?
5. What limits are being placed on the dB levels of the SURTASS LFA Sonar outside of the restricted areas?
6. In Admiral Fallon's written testimony, he notes that the Navy is investing \$18 million in research over the next three years to better understand whether these sonars affect marine mammals. How does the Navy justify experimenting on endangered species?
7. When did the Navy begin sonar testing in the ocean waters of the United States?

I deeply respect the commitment of the U.S. Navy to the defense of our nation. I believe this can be done without harming endangered species.

Mr. Chairman, I respectfully request that you join with me to request that the GAO conduct an audit of the SURTASS LFA sonar program. Millions of dollars were spent on this project prior to the Navy's preparing an environmental impact statement. We need to know how much has been spent to date and how much the Navy intends to spend on the system's deployment. An audit should include an evaluation of the potential for using passive sonar technologies instead of SURTASS LFA to detect quiet submarines.

Thank you very much.



Mrs. MINK. General Ellis, in your testimony you referenced prevention of use of the range since 1988 at Pohakuloa. I would like to ask if you could provide the committee with a fuller explanation of the circumstances of this issue was raised and whether that range is still not in use. My understanding is it is.

The other question you raised has to do with the current controversy on the Island of Oahu at Makua Valley, a very live issue and one that presents concerns on both sides.

It is difficult in a hearing like this because it puts those of us who question a particular training activity as though we were against the preparedness of our military. Of course that is not true. There are in many cases circumstances that require the military and use of these lands to pay particular attention to the cultural values that exist. That is the problem at Makua. My understanding is alternate training has occurred at Pohakuloa while Makua has been closed.

I have a council resolution adopted by the Honolulu City Council in 1999 in which they point out that the Army has control over 4,000 acres, 3,000 of which are ceded lands. Ceded lands probably has no meaning for you but for the people in Hawaii that has tremendous significance. These were lands taken from the crown at the time of the overthrow of the monarchy and particular responsibilities to revert back to the Native Hawaiian community. It is over those 3,000 acres of ceded land that the Native Hawaiians pay particular attention.

The live fire training has occurred on this property for many years. In the Makua Reservation are dozens of endangered species. The Hawaiian monk seal comes on its shore as well as the threatened green turtle and many others. It has sacred Hawaiian religious sites and over 150 archeological features. So it is not an idle issue over which concerns are being expressed by the Native Hawaiian community.

Your reference to the fact that the Army has been meticulous in range management is something that needs to be taken into account. We want to make sure that where there is live fire, there is range management but as this resolution points out, 270 fires have occurred at Makua since 1990, only less than a decade.

These are the concerns that have to be weighed against your general statement that concerns for endangered species by itself obstructs contests which have been permitted by the Congress. I take great deference to that statement.

I would ask unanimous consent that this resolution be placed in the record at this point.

[The information referred to follows:]



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 99-08, FDI

275

RESOLUTION

REQUESTING THE UNITED STATES ARMY TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT FOR MILITARY TRAINING AND RELATED ACTIVITIES AT THE MĀKUA MILITARY RESERVATION ON O'AHU.

WHEREAS, the United States military has utilized Mākua Valley for military maneuvers since 1929; and

WHEREAS, since World War II, the United States Army has gained control of approximately 4,200 acres -- including over 3,000 acres of ceded land -- at the Mākua Military Reservation on O'ahu, by presidential executive order, transfer, condemnation, state lease, easement, and permit; and

WHEREAS, the Army and other branches of the United States military conduct live-fire training and related activities at the Mākua Military Reservation, which have increased in the last 25 years; and

WHEREAS, the Mākua Military Reservation provides habitat to some of Hawai'i's most imperiled plants and animals, including at least 30 endangered plant species, the endangered Hawaiian monk seal, endangered O'ahu creeper, endangered pueo, proposed endangered O'ahu 'elepaio, endangered O'ahu tree snail, and threatened green sea turtle; and

WHEREAS, sacred Hawaiian sites and over 150 archaeological features are found at the Mākua Military Reservation, including Ukanipō Heiau, which is on the National Register of Historic Places; and

WHEREAS, since 1990, at least 270 fires have been caused by military training and related activities at the Mākua Military Reservation, burning thousands of acres, native forest, endangered species and their essential habitat, and cultural sites; and

WHEREAS, live-fire training, unexploded ordnance, fires, hazardous waste, traffic, and noise associated with activities at



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

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No. 99-08, PD1

RESOLUTION

the Mākuā Military Reservation raise serious concerns for the safety and well-being of residents along the Waiānae Coast of Oāhu; and

WHEREAS, the loss of native forest, introduction of alien species, and contamination by unexploded ordnance and hazardous waste limit future land use options at the Mākuā Military Reservation; and

WHEREAS, the fundamental purpose of the National Environmental Policy Act (NEPA) is to ensure that the environmental impacts of federal agency actions are scrutinized before such actions are carried out and environmental damage occurs; and

WHEREAS, NEPA requires all federal agencies to prepare environmental impact statements for major federal actions significantly affecting the quality of the human environment; and

WHEREAS, NEPA requires that an environmental impact statement discuss the environmental impact of the federal action, including ecological, aesthetic, historic, cultural, economic, social, and health effects, the justification for the action, and the alternatives to the action and their impact; and

WHEREAS, military training and related activities at the Mākuā Military Reservation may significantly affect the quality of the human environment in many ways, including threatening public safety and quality of life on the Waiānae Coast of Oāhu; destroying native forest, endangered species, essential habitat, and cultural sites; and limiting traditional and customary Hawaiian practices and worship at Mākuā; and

WHEREAS, the Army has never prepared an environmental impact statement for military training and related activities at the Mākuā Military Reservation; now, therefore,

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CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

485

No. 99-08, FD1

RESOLUTION

BE IT RESOLVED that the Council of the City and County of Honolulu requests that the United States Army prepare an environmental impact statement for all of its actions at the Mākuā Military Reservation, including military training and related activities; and

RESOLUTION

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BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Secretary of the United States Department of Defense, the Secretary of the United States Department of the Army, the Commander of the 25th Infantry Light Division of the United States Army Hawaii, the Hawaii Congressional Delegation, the President of the State Senate, the Speaker of the State House of Representatives, the Governor of the State of Hawaii, the Chair of the Board of Land and Natural Resources, the Office of Hawaiian Affairs, and the Wai'anae Coast Neighborhood Board.

INTRODUCED BY:

John DeSoto

DATE OF INTRODUCTION:

January 6, 1999
Honolulu, Hawaii

Councilmembers

(OCS/012799/ct)

-4-

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL OF THE CITY AND COUNTY OF HONOLULU on the date and by the vote indicated to the right.

ATTEST:
Genevieve G. Wong
GENEVIEWE G. WONG
City Clerk

Mufi Hannemann
MUFU HANNEMANN
CHAIR AND PRESIDING OFFICER

Date: 1/27/99

ADOPTED MEETING HELD			
1/27/99			
	AYE	NO	A/E
BAINUM		X	
DeSOTO	X		
FELIX	X		
HOLMES	X		
KIM	X		
MANSHO		X	
MIRIKITANI		X	
YOSHIMURA	X		
HANNEMANN	X		
	6	3	0

Reference:

Report No. PO-11

Resolution No.

99-08, FDJ

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Mrs. MINK. Also, on the question of Makua Valley, I have a letter from the Army in 1999 in which they explicitly say "Nevertheless as part of the settlement, the Army has chosen to do an environmental impact statement of its activities at Makua." I would like to have this inserted at this point also.

[The information referred to follows:]

FACSIMILE TRANSMITTAL HEADER SHEET						
For use of this form see AR 25-11; the proponent is ODISC4						
COMMAND/OFFICE		NAME/OFFICE SYMBOL		OFFICE TELEPHONE NO. (DSN/COMM)		FAX NO. (DSN/COMM)
FROM: HQ, USARPAC FT SHAFTER, HI		Dr. Janice A. Nielsen Director, Governmental and Legislative Affairs		808-438-9676 DSN: 315-438-9676		808-438-4042 OR 808-438-3390 DSN: 315-438-XXXX
TO: Brian Branton & Ann Dorough		Rep. Patsy Mink's Office 2135 Rayburn Bld. Washington, DC 20016		(202) 225-4987		(202) 225- 4985 4987
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Brian and Ann,
 I wanted you to have this latest update on the Makua Military Reservation. If you need anything else or have questions, let me know. Lt Gen Smith and I will be in DC in June and we hope to arrange an courtesy call with Mrs. Mink. I will call you in a few days to see what arrangements can be made.

Thanks for all of your support.
 Janice Nielsen

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Makua Military Reservation Update Information
US ARMY, PACIFIC

Makua Military Reservation remains an important training resource for the Army and other PACOM components in Hawaii. The purpose of this update is to inform you about what the Army is doing to resume military training at Makua in an environmentally sensitive and sensible way.

In September 1998, the commander of 25th Infantry Division (L) and US Army Hawaii suspended training at Makua Military Reservation to review a recent training related fire. Although the fire did not harm any endangered species, the Army took this opportunity to begin formal consultation with US Fish and Wildlife Service (USFWS) under the Endangered Species Act for military activities at Makua.

To initiate formal consultation the Army provided USFWS with a Biological Assessment of activities at Makua. From November 1998 to May 1999, the Army worked diligently with USFWS to develop a Mitigation Plan that would protect the endangered species while allowing the Army to continue to train to maintain its combat readiness. The plan's mitigation measures include improved fire management, establishment of stable populations of endangered species and control of small mammals and ungulates that threaten endangered plants. Some of these mitigation efforts will be expensive and may take years to fully implement. In the next few weeks, USFWS should issue a formal Biological Opinion of our assessment and mitigation efforts. At that time, the Army expects to be able to resume training at Makua.

The Army is also trying to resolve a lawsuit filed by Earthjustice on behalf of Malama Makua alleging that the Army failed to comply with documentation requirements of the National Environmental Policy Act (NEPA). The parties have exchanged documents and settlement offers and will participate in a settlement conference on 13 May 1999. The Army disagrees with plaintiff's arguments in the lawsuit, and notes that it has done many NEPA analysis documents for activities at Makua. Nevertheless, as part of its settlement offer, the Army has chosen to do an Environmental Impact Statement on its activities at Makua to further emphasize its good stewardship of this environmentally sensitive area. The EIS will comprehensively evaluate both current and alternative levels of activity at Makua for their impact on all aspects of the environment. The public will be invited to participate in the EIS process. The Army expects to conduct training at Makua during the EIS process.

Finally, the Army is also currently concluding a Programmatic Agreement with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act for training activities at the reservation. This agreement is based on a Cultural Resources Management Plan containing a detailed description of cultural sites at Makua, along with management protocols developed by the Army. The agreement, which also provides for input from the local community, will set forth how the Army will protect the important cultural resources located at the training area.

Collectively, these efforts describe the Army's plan to enable units to resume training at Makua Military Reservation while protecting the environment and complying with applicable law.

Mrs. MINK. The only remaining issue with regard to Makua where firing has been suspended since 1998 is whether an environmental impact statement is to be done. Despite the call of the council and others for an EIS, I don't understand why one has not been done. The court is to make a decision unfortunately on this matter at the end of May. Why should it have to go to a court if the Army acknowledged it would do so?

I think a lengthy response to my general statement is in order. I would invite the Army to submit that for the record.

In my submission of other comments, I would also say I have comments about the Navy as well.

Mr. BURTON. Mr. Shays, we have about 8 minutes; do you want to take your 5 quickly?

Mr. SHAYS. I would like take my time and yield to Mr. Hansen.

Mr. HANSEN. As I listen to this testimony regarding the problems of the Endangered Species Act, I would appreciate some input from the people here because we have now put together a working group on the Resource Committee composed of five Republicans and five Democrats.

This bill was passed in 1973 and if you read the original intent, it has gone way beyond that. It was never intended to go into subspecies, never intended to get into botany. It was always intended to be and always referred to the grizzly bear and the bald eagle. As we see now, it is an encroachment not only on you but in other areas.

This should have been reauthorized in 1992 and it wasn't. We are hoping this equally divided committee can come up with some good criteria. We have meant to ask the military if you feel you could, we would love to have your input as to how you think it would work in regard to your work.

Frankly, as I see it, the two things I would like to look at is the economy of the area and military, plus the idea of listing is way too easy and delisting way to hard. There are two things I think we should get into. That is some of the general guidance we have given the new working group.

If you feel you could give us some information on how it would best serve you folks, that would be fine. We feel it has gone way beyond the original intent and it is now used as a harassing tool by many organizations. If you look at the lawsuits filed by the extreme environmental groups, almost 85 percent regard Endangered Species Act. Somehow this has to be curtailed and get to the original intent of the act.

I thank you for allowing me to be here today.

Mr. SHAYS. Thank you.

Admiral Fallon, I am very concerned about Vieques. I have visited there and I simply don't know where our Marine pilots, our Marines and our Navy practice. I would like to know if we lose Vieques where do we go?

Admiral FALLON. The simple answer is we don't have an alternative to several of the key aspects of training conducted only on Vieques. We got ourselves in this position through a long series of realities of encroachment, population growth on the East Coast of the United States to the point where we had gotten to Vieques as

the sole spot to be able to do several critical competencies. There is no place. We have been looking.

Mr. SHAYS. We have 33 live ammunition areas but you need to be able to coordinate the activity of the Marines, the pilots and the Navy as well, correct?

Admiral FALLON. There are really three critical pieces that cannot be done today at other sites. One is the surface fire support, to have a safe range where you can fire the 5 inch guns from cruisers and destroyers. Second is the tactical employment of air power. As General Jumper indicated, increasing air space restrictions even in the west where our premiere western range at Fallon, NV inaccessible to East Coast-based aircraft carriers is too far away, has air space cap restrictions on it a good portion of time because of FAA requirements for commercial traffic overhead. The only place left was Vieques and without it, we don't have an alternate site.

Mr. SHAYS. We don't want to hold this panel while we vote. I have other questions and I will hand them to you. I would like to make sure the full committee gets a response to them and the National Security Subcommittee. I would like the Marines to answer them as well.

Mr. BURTON. We have a vote on the floor, so we will adjourn until the vote is finished. We will reconvene as soon as the last vote.

[Recess.]

Mr. BURTON. Mr. Schrock.

Mr. SCHROCK. I have heard this stuff and I sit here and seethe when I hear it. When the yellow bellied snail darter from some foreign country is more important than one of our Marines landing on Pendleton's beach for training that could save his life, I think something is wrong and common sense has left the equation. We need to get it back in there.

I would like to ask Admiral Fallon and General Hanlon, what can we do? Obviously there is a bill somewhere that is conflicted. The Fish and Wildlife people are interpreting it one way because of what we did and the military is trying to adhere to what we want them to do. It needs to be deconflicted so we don't have these problems because it will not get better until we do.

What do you want us to do? The ball is in our court. We need to do something. We created this mess and need to get it cleaned up.

Admiral FALLON. Of particular help would be anything that would help to add consistency and shorten the time lines in the interpretation of the Endangered Species Act, particularly the understanding that certain actions may affect behavior of the various species. That would be a concrete example.

The other in the Marine Mammal Protection Act, the term harassment is the key issue that is widely interpreted.

Mr. SCHROCK. What is the definition of harassment in that case?

Admiral FALLON. That question comes up again and again in the courts and other regulatory bodies. That is one if you could help us in that area to more narrowly define what this means, it would help.

Mr. SCHROCK. My guess is if two birds are doing their thing on the beach at Pendleton and a tank rolls up, they are going to move. I think we are hampering the operations.

Admiral FALLON. There is one other aspect. We heard from every one of the general officers today that we really do make a tremendous effort to take care of the environment. We are Americans, we live here, our families live here and are concerned about this. We go to extraordinary lengths and spend large sums of money to ensure we take care of the environment.

Many times, we are not getting the appropriate credit. When we do things to take care of certain species, as General Hanlon mentioned in California, in Vieques and Coronado and San Clemente Island, we go to extraordinary lengths. We have on the West Coast at Camp Pendleton a 6-month time where we are severely restricted, San Clemente Island our closest counterpart to Vieques on the Pacific Coast has a 6-month period in which we cannot conduct activity, same kind of 6 month rule applies because of certain shore birds at Coronado on the Southern Coast, and we would like to get some credit for doing these things in terms of relief if you would in the act.

The example of Vieques, thousands of turtles we have managed to propagate back into the environment through these conservation zones exist on the island but in the event more than one meets an untimely fate, then we are penalized with immediate cessation of the training activity.

Another example is we have a very serious operational challenge in that there are some nations that have submarines that operate very quietly and are extremely difficult for us to find. There is a technology known as low frequency active sonar that has a tremendous amount of promise we feel in this area. We have been 5 years in an extended attempt to get this technology to the point where we can actually use it at sea.

There is a seeming unending stream of objections to the use of this particular sonar. We have gone to extraordinary lengths with lots of scientific data in an attempt to show this does not cause physical damage to mammals and other creatures in the sea. We are yet to be able to use this thing. It may be absolutely crucial to readiness if we have to go against the current generation of undersea craft. Those are some examples of areas where you could help.

General HANLON. I would like to dovetail Admiral Fallon's comments. I would like to say that I was delighted to hear Chairman Hansen's suggestion about the working group that would take a look at the Endangered Species Act in terms of reauthorization and see how we might make it better.

I think if I had to hone down my concerns to the real nub, what has happened is when you take a look at the Endangered Species Act when it was passed and how it has been interpreted to the present and responsibilities you give us in Title 10, it has come to a conflict, one that we are unable to break the log jam at our level. I think it comes back to the Congress to ask you to clarify the intent, specifically what it is the act is supposed to do and what it is you want us to do as far as Title 10 responsibilities and our ability to train the force.

I think this working group from what he said is a step in the right direction and I applaud that.

Mr. BURTON. The sonar you talked about, I have watched some television news shows and they say beached whales and other mammals are being beached because of some of the experimental technology being used. Is there any validity to that at all?

Admiral FALLON. You are probably referring to the incident last year in the Bahamas in the New Providence Channel where there were several whales, 9 or 11, that were stranded on beaches in the vicinity of that channel. There was naval activity ongoing at the time.

The activity was going on that might have been pertinent to that and I think there was some cause and effect in this regard. It was not anything experimental at all, they were ship sonars that had been in use for decades.

Mr. BURTON. So it wasn't the new technology?

Admiral FALLON. The new technology is a different kind of lower frequency sonar that has an ability for better detection properties against submerged objects.

Mr. BURTON. We don't know how that would affect sea mammals?

Admiral FALLON. Yes, we have done many, many months and years of studies and we have concluded or the scientists have concluded this particular device does not cause damage to the creatures, the mammals.

Mr. BURTON. If you could send us some information, we will put that with our package and send it on to the Secretary of Defense as well as the President.

Under the President's emergency powers, does he have the ability to suspend any part of the Endangered Species Act if it would endanger our national security or training of the military?

Admiral FALLON. I don't know that.

Mr. BURTON. I would like to have staff check on that. In addition to correcting some deficiencies in the act, it might be advisable to also find out if the President has the ability through regulation or through suspension because of the defense needs of the country to suspend parts of it for training.

General HANLON. I am not an expert on this by any stretch of the imagination of a lawyer but I did ask my staff a similar question early on in my tenure at Camp Pendleton. The response I got as I recall is that in national emergencies, in dire national need, the President could probably do that for a short period of time, like all out war, something of that sort. The issue there is that is not what we deal with day to day. To the best of my knowledge, it has never been done.

Mr. BURTON. We will look into that and also look into the Endangered Species Act.

Mr. Ose.

Mr. OSE. I want to make sure I understand from General Hanlon the point at which your operations will hit the wall relative to encroachment? There has to be some point at which you cannot operate beyond. How close to that are you?

General HANLON. I guess I would try to answer that this way. When you use the term hitting the wall, it is like the marathon

runner who at the 22 mile mark suddenly runs out of steam or stops. I would change that analogy and say it is more like the long distance runner who keeps running and every time he goes around the bend, there is more of an uphill and it becomes more and more difficult to run and progress. That is the issue we are dealing with today.

I don't know you can reach out and say there is a sudden wall where everything suddenly stops but I will tell you that every day, every month, every year it gets more difficult to train. The point I make to the leadership in the Marine Corps is that one of the concerns I really have as I have been privileged to command at Pendleton is we are raising an entire generation of young officers and NCOs now dealing with workarounds.

I remember when I was a battery commander in the 11th Marine Regiment at Camp Pendleton in the early 1980's, we could take out our howitzers, dig them in, bring in our engineer equipment, our bulldozers to dig berms, things that training people like you would do in combat. We cannot do that today.

You tell the troops if you were in combat what you would do is dig this, dig that, bring bulldozers in and these are workarounds. These are becoming routine for us to do there and I think the lessons learned from that are in the long run very, very dangerous. That concerns me. As the guy responsible for providing a training environment for I MEF, this is why I bring it to your attention because I think we need to do something about that.

Mr. OSE. I did appreciate reading your written statement. Thank you for the comments.

Mr. BURTON. Let me ask the same to all the others in particular the Army because when I was in the Army we went through maneuvers. Do you have constraints upon you as well as when you have to dig in and bring out howitzers and that sort of thing?

General ELLIS. Absolutely. We call them workarounds also. Instead of digging the foxhole, you would take engineer tape and you mark the area.

Mr. BURTON. Instead of digging a foxhole, you have to put a tape around and that is where the hole would be?

General ELLIS. We use engineer tape as a workaround and you would lay out the area.

Mr. BURTON. You mean to tell me those guys don't have to dig a hole like I did?

General ELLIS. In many cases, depending if there are environmental constraints.

Mr. BURTON. With that little shovel we had in our back pack?

General ELLIS. You don't do that anymore.

Mr. BURTON. What do they do when they go into combat and you hand them that shovel, do they say where is the tape?

General ELLIS. They could do that. That would be an example of a workaround.

Mr. BURTON. That is insane.

General ELLIS. There are numerous workarounds. There are others where there are issues during the mating season where we are required to stay on trails or paths because of disturbing habitat.

Mr. BURTON. So you cannot go out in a junglelike setting where you would actually be in combat?

General ELLIS. That area you must put off limits.

General JUMPER. I would say talking about where is the wall, I think another way to put it might be that the wall is just around the corner and we don't know where it is. We spend a lot of time trying to anticipate that thing that is going to close the final door. You wake up one morning at Nellis Air Force Base and there is a housing development you failed to anticipate being erected off the end of the runway and all of a sudden, you don't have the routes you need to get to the ranges. It is closed off for one reason or another because you failed to anticipate it or a piece of legislation to do with national parks that nobody thinks has to do with ranges but are in close enough proximity to ranges that legislation now has to do with the way you conduct normal training activity.

It is those sort of things we live in fear of every day that you didn't properly anticipate or didn't have a chance to coordinate that loom large in our lives every day. So it is sort of creeping. It is uphill but I would suggest around one of these corners is a wall that we might come against we didn't anticipate properly.

Admiral FALLON. We have a good chance of finding this wall in a very ugly way some day when we end up in a situation where we have people seriously hurt or who lose their lives in some type of military operation. There will be the inevitable finger pointing and how did this happen. We walk this dog back and find out we did the best we could here and there and given this and that restriction and that circumstances, it is the small steps, some seemingly insignificant. It is the issue we face every day—don't do it here, there has to be some other place to do it, here, there, everywhere, so we are like nomads looking for the solution.

Reality today in aviation training, I think our strike leaders, our mission commanders are more focused in my opinion often on doing the administrative work of getting from one place to another so they can safely execute the mission given the myriad of restrictions with which they have to deal rather than sitting down and taking a looking at the problem and the optimal tactical or operational solution of that problem.

The more that we get into that mode of operation, the more dangerous the path is going to be for our people in the future. I think it is insidious. Young people who never had the opportunity to do the extensive live fire training that we had to do, I think we run the risk of putting people in danger. That is probably the way things will go.

Mr. BURTON. I hope the Joint Chiefs of Staff express as clearly to the Secretary of Defense and the President the problems as you have. We will make sure this information gets to the proper sources.

Ms. Davis.

Ms. DAVIS. General Jumper, the example you used of the young captain, now lieutenant colonel who performed the same maneuver he learned in training, could he have performed that same maneuver if he had learned that training on simulation as opposed to actually doing it?

General JUMPER. The issue of simulation is one that we pay quite a bit of attention. We do quite a bit of simulation today but especially in the case I cited of air to air combat, there is no way

you can sit in a simulator and appreciate the G forces and the physical stress on your body in a prolonged aerial engagement.

No is there any way that you properly simulate all those frictions that go along in a real situation, like there is always a bad piece of communication, always having to sort out the good information from the bad. Simulations tend to be a bit more ideal and you don't get into the real frictions of war until you are out there in the real environment.

Then the more we bring on these long range weapons, and there is a new series of joint weapons that are really missiles that fly out for hundreds of miles, it is difficult to train for those. We will train for those mostly in simulations but they are also going to require increasing amount of air spaces to go up and verify the results of your simulations. It makes the training ranges even more important because you don't get to drop these very expensive weapons in training, you do it in simulation and then the one or two times you get to do it for real, you are verifying all you learned. It makes the ranges more important.

I think we have a good balance of simulation right now, we are doing a lot more distributed simulation between and among units, taking a lesson from the Army who does it very well and I think we will continue but it doesn't obviate the need for the kind of training we talked about today.

Ms. DAVIS. Are there any bases or ranges right now that come to mind that could be critically affected by the restriction of the air space?

General JUMPER. There are none we are not working on very hard. All of them could be but we think we have done a better job of anticipating these sorts of resource management issues and other potential restrictions that we are trying to stay ahead of. I can't tell you there is a disaster waiting to happen. All of them are potential disasters if we don't stay one step ahead. That is working with all the local organizations and the concerned citizens.

For instance, in the Idaho area this past week in one of the places on the range we have been negotiating for years to put some sensing devices there to do threat simulations and while they were doing excavation for this antenna, they found Indian artifacts. We immediately submitted them through the appropriate channels for proper consideration and there will be a 6-month delay before we can determine what our courses of action are that will be able to protect what will now be an artifact area.

Those sorts of things I think we will get through eventually but it is now another 6 month delay on top of an appreciable delay working out this problem in Idaho. That is an example.

Ms. DAVIS. Is there anything we can do to ensure that air combat fighters and bombers continue to get the training they need?

General JUMPER. I would suggest two things. One is the subject of this committee today, communication. You have given us the opportunity to talk about these things, you opened up this subject and I think that is critically important.

The subject of legislation we talked about earlier, the ability for us to be able to coordinate legislation with potential impact I think is important and probably the best tool we have.

If there is a way to consider from a policy point of view these very valuable ranges we have that give us the combat capability we have today, if there is a way to articulate the conservation need in terms of we will do the best we can to comply with the laws in these particular places, but maybe with due consideration that their prime responsibility in these areas is to train our people to go to combat. If there is a way we could do that, I think it would be helpful to our cause.

Mr. OSE. One of the things General Jumper touched on that is a nuance here that I didn't realize until I read the statements last night was the manner in which we are conducting or preparing to conduct war has changed from a set piece kind of engagement where we are relatively close to the opposition to one where we are further back, stand off and the range of the weaponry is much longer.

What we are confronted with is our training bases are designed on the historical norm of a set piece battle with relatively close proximity but the manner in which our technology now allows us to conduct warfare has taken that distance, that closeness to this kind of thing. So we are confronted with a situation not only on the environmental side, but how do we train for standoff battle when our training facilities are all set piece, close proximity?

Mr. BURTON. Mr. Barr.

Mr. BARR. General Hanlon, we have MAG Unit 42 in our district at Naval Air Station Atlanta that share the runway and some facilities jointly with the Air Force at Dobbins. I do hear from your folks there they are concerned about not having sufficient flying time and sufficient training.

This doesn't have anything directly to do with the recent problem with the close air support accident in Kuwait a few years ago but is that the sort of thing in your view could be avoided, that sort of accident with better training, more predeployment exercises with live fire?

General HANLON. When I was listening to Admiral Fallon earlier answer the question about Vieques and the training, put in the perspective of the Marine Corps, the reason a facility like Vieques is so important is it is an environment we can bring all the aspects that Marines could possibly use in combat, whether close air support, naval surface fire support, artillery, weapons, bringing them together at the same time as opposed to separate ranges. You can see the cumulative effect of all these combined arms on a target at one time and to understand timing considerations that go with that because timing is crucial.

One of the other things you deal with is the issue of fratricide. The fact is how do you time things in such a way so you ensure the safety of not only your own personnel but other collateral damage you don't want to happen. That is one of the reasons you do this training to get that timing and get that sequencing and coordination and command and control together.

Mr. BARR. Bring us up to date on litigation at Camp Pendleton with something called the California gnatcatcher. What is the status of that?

General HANLON. One thing I have learned about in the last 3 years are birds. The gnatcatcher is a small species of bird that is

unique to southern California, a particular species of that bird the southern California or coastal California gnatcatcher that has been identified as an endangered species. That happens to enjoy using coastal sage where it likes to live. At Camp Pendleton we have a lot of coastal sage, about 50,000 acres as a matter of fact.

The decision was made to declare it an endangered species not just at Camp Pendleton but throughout the southern California area. The Fish and Wildlife Service was going to declare a large area as critical habitat for the gnatcatcher. Fortunately, we were able to engage with Fish and Wildlife and get excluded from that particular critical habitat. We have 612 breeding pair. We have people that go out and find them. Each one, using GPS, we find each nesting pair, what coastal sage they are in and we locate it and on a map put a 300 foot barrier or circle around that nest to make sure our Marines don't go in there and disturb it.

To the best of our knowledge there is about 8,000 acres that are affected by those 612 pair. What really concerned us was the original declaration of critical habitat was going to declare 50,000 acres on Camp Pendleton, just extraordinary in my mind. If there was only 8,000 acres being used by the birds, why would you use 50,000 acres. There were a lot of reasons but not the least of which was of budgetary constraints, it was easier to just do broader areas. To their credit, we were excluded.

What happened is other folks affected by that designation of critical habitat, some developers and other communities, took umbrage with the fact that we were excluded. Camp Pendleton, the Federal agency, the Marine Corps, was excluded and they have now said they are going to sue the Fish and Wildlife Service saying they didn't think that was fair. That is in the beginning stages of litigation and I am not exactly sure where it is in the court system.

Mr. BARR. So when your Marines go out on an exercise, they have to carry with them some sort of map that shows where these bird nesting areas are and they can't trespass on those?

General HANLON. We do.

Mr. BARR. If they go into a real situation overseas somewhere, are they going to go like this rather than take a straight line somewhere?

General HANLON. No, sir, they are not. Company commanders and battalion commanders, squad leaders, platoon leaders, one of the things they are taught when they come is they go through a course where we show them exactly where the various areas are and what they can and cannot do. We talked about workarounds earlier.

We have one area called DZ Tank Park a very famous place on Camp Pendleton that for years has been used for mechanized units to train, tanks, AAVs, light armored vehicles and what have you. It was good because you could maneuver over a large area. That has been severely restricted because of what we call the fairy shrimp located along that area. We have had to confine our units to the roads.

Mr. BARR. A what?

General HANLON. A fairy shrimp, a small animal that lies dormant until the rainy season comes. They lie in what we call mud puddles but out there they call them vernal pools. During the rainy

season in California they come alive. As a result, the units in that area have to stay on roads. Again, this is one of the workarounds. You don't want your Marines learning when they go through an area they have to stick to a road because that is not the way they do it in combat.

Mr. BARR. Thank you.

Mr. BURTON. Is this the only place these birds nest?

General HANLON. The gnatcatcher? No, the gnatcatcher has a range throughout southern California. It is in Orange and San Diego Counties.

Mr. BURTON. Do they stop at the Mexican border or go south below the Mexican border?

General HANLON. My understanding is they are also located in Baja, south of the border.

Mr. BURTON. If you conducted exercises that would upset these birds, they probably would move a little further south, right?

General HANLON. I am sure they would move yes, sir.

Mr. BURTON. We had a problem like this with the spotted owl and they stopped something like 40,000 acres of logging and said the spotted owl couldn't live anyplace except in these trees. After they stopped the logging and put about 5,000 or 6,000 people out of work, the spotted owls were nesting behind billboards, on top of light poles and everything else. Some of this just sounds goofy to me.

The birds can move south. They don't stop at the border and there are places where they go down there in the Baja where there is no military training and yet you do workarounds? In the Army, you take tape and make circles showing this is a foxhole so you don't dig into the ground and disturb the worms I suppose. What nonsense.

Who is next? Mrs. Maloney?

Mrs. MALONEY. They wanted to take 50,000 acres in Camp Pendleton?

General HANLON. Yes.

Mrs. MALONEY. Condemn it or what?

General HANLON. No, declare it as critical habitat, an area which if we were going to use that area for any kind of military training, we could not do that without consultation with the Fish and Wildlife Service. That is what critical habitat means.

Mrs. MALONEY. You appealed this decision?

General HANLON. Yes.

Mrs. MALONEY. And you got it changed. What would that have done to you if you couldn't have 50,000 acres?

General HANLON. The cumulative effect of all the critical habitat at Camp Pendleton, not just the gnatcatcher but others as well, is about 70,000 acres. The base is 125,000 acres. So we were talking potentially 70,000 of 125,000 acres being declared as critical habitat.

That means before a Marine unit can go in there and train, you have to consult. Consultation can go anywhere from 90 days to a year depending how large and complex the evolution is going to be. What happens is it takes the spontaneity and the flexibility that a battalion commander or regimental commander or platoon commander would want to have.

Mrs. MALONEY. You basically couldn't use the property in the traditional way it had to be totally changed but you got it back. It is 50,000 acres.

General HANLON. The Fish and Wildlife Service agreed to exclude us and not declare that 50,000 acres as critical habitat because we engaged with them and said this would be unsatisfactory.

Mrs. MALONEY. You mentioned many private property owners were very upset that you were able to negotiate for yourselves but not for them. What about the private property owners, what recourse do they have? Is there a way to appeal the decision or do they just have to go into court, with Fish and Wildlife?

General HANLON. As I understand, the folks concerned about it were some of the larger landowners and developers in Orange County who were concerned we were excluded. Through their attorneys they have put together a lawsuit against the Fish and Wildlife Service for excluding us and not excluding them. I don't know where that is right now.

Mr. BURTON. Mr. Shays.

Mr. SHAYS. There clearly needs to be a balance between the first need, national defense and ways you can accommodate the training facilities and still get the job done. General Ellis, you are nodding more than others, thank you. For the record, the answer is yes and the question is balance.

There are some absurdities which we can laugh and make jokes about. I think an honest dialog about this is absolutely imperative. We have sadly a record within the military of chemicals being misused, thrown on property. Isn't it true we still have sites around the country that have necessary chemical cleanups?

General ELLIS. I can't specifically answer that question. I am sure there probably are. Most of those issues are worked at the local level with the commander.

Mr. SHAYS. The obvious answer is we have the New London submarine base that has some chemical challenges, military bases, Army bases, Marine bases and we haven't the resources and money to take care of them, so we basically ignore them. Isn't that true, gentlemen?

General ELLIS. No, we don't ignore them. Each of those issues is being worked. I am not sure we are ignoring any of them.

Mr. SHAYS. Maybe I am using ignore differently than you. We have not yet cleaned up. All of you are high ranking officials, the Air Force, the Navy, the Marines and the Army.

Mr. BURTON. Excuse me for interrupting. Evidently there is a fire someplace in the building and they have asked everyone to evacuate. I am sorry but we will have to suspend the hearing until this is finalized. We will see you back as soon as the fire alarm goes off.

[Recess.]

Mr. BURTON. Let us try to conclude the first panel. I appreciate your patience.

Ms. Davis, questions?

Ms. DAVIS. Does anyone have any idea dollarwise what the military spends fighting these lawsuits for these species?

General ELLIS. I am not sure we can put it in terms of dollars to fight a lawsuit but I can tell you what we spend in trying to be

good stewards. I asked for the information in reference to Mr. Shays' question earlier.

The Army has several programs to address the clean up of contaminated areas and he asked what were we doing. In three areas, in installation restoration programs, we have \$390 million a year we are spending; in BRAC to address the clean up we have \$280 million a year; and then something called formerly used defense sites, FUDS, we spend \$230 million a year and that goes to the Corps of Engineers to facilitate, for a total of \$900 million a year from the Army in this area.

The question was are we doing anything to correct past sins and the answer is yes, we are. In fact, all known past sins we take those on. If there is one out there, we don't know about it.

Mr. BURTON. What are you spending on enhancing training, are you spending \$900 million on it?

General ELLIS. I would like to have an additional \$900 million. Our training is tied into what we call our up-tempo program.

Mr. BURTON. I am curious to see how it equates to the money you are spending on these environmental issues.

General WEBSTER. For training each year, we are spending about \$9 billion a year for training. Mixed in there are training enhancements.

Ms. DAVIS. I wondered if anyone knew the court costs, the lawsuit costs?

General ELLIS. I don't know.

General HANLON. In the case of the gnatcatcher the lawsuit right now is with the Fish and Wildlife Service, so they are involved in the litigation and costs associated with that. So far it has not crossed back over to us. I could find out from Headquarters Marine Corps what other costs we may have had to pay over the years in terms of similar lawsuits. We can find that for the record.

General JUMPER. In the Air Force, we have about \$400 million a year we spend on environmental compliance of one type or other. I don't know how that breaks out to the lawsuits in particular but we can also supply that for the record.

Admiral FALLON. The Navy spends over \$300 million a year and we project continuing expenditure at that rate through the next 5 years working environmental cleanup. Again, I don't have a break-out of the legal fees but I do know it is more than the Navy—we use Justice Department legal help with most of these lawsuits, so it is bigger than just the military.

Mr. BURTON. Mr. Lewis.

Mr. LEWIS. After the Rumsfeld report comes out and the smoke clears, there is probably going to be another round of BRAC. My question when or if there is another round of base closures, how much in your recommendation to a BRAC Commission of this plays into the closing of bases and forts, the community support, the environmental problems that may be at a particular installation? Can you give me an idea how much that plays into your recommendations to a BRAC Commission on whether that base or fort should stay in existence?

Admiral FALLON. I'll take a stab. Just an opinion. I can tell you that the community support aspect is very significant. It makes a

tremendous difference to have the confidence of the local population in any one of our activities.

I would tell you there has been such a change just in the last decade. I was here when we went through the early BRAC rounds and I would say from my perspective then, the environmental piece was not that significant. Given the dramatic growth in issues and problems over the last decade, it is probably going to be more of a factor than before. How much, what percentage you give that versus some other, I couldn't tell you but it would be more significant than the last time.

General JUMPER. I can tell you when we look at Air Force bases, range accessibility, distance to ranges, the regulatory problems with those ranges weigh very large in our decision on such a recommendation. I think it plays a significant part in how we would consider.

Mr. LEWIS. That plays very heavily in your cost analysis of whether you can keep that installation viable or not?

General JUMPER. Yes, sir.

General ELLIS. I don't know I can add anything to that. I know there is usually a set of criteria and we weigh the criteria. In most cases, those decisions are made in other rounds after we make recommendations. Oftentimes the recommendation we make is not necessarily the one taken.

Mr. LEWIS. General Ellis, I have Ft. Knox in my district and I didn't see it in your written statement as being one of the installations with particular problems as far as environmental concerns. I am sure there are some but I didn't notice any. It wasn't pointed out like some of the others. Do you know of any particular problems Ft. Knox may have?

General ELLIS. I would have to get that for the record. What I know is we have 153 endangered species across 94 installations, across the Army. It runs the gamut and I would have to look up Ft. Knox to be exact. I can provide that to you.

Mr. LEWIS. Thank you.

Mr. BURTON. Mr. Schrock.

Mr. SCHROCK. I heard General Hanlon talk about the endangered species, the gnatcatcher. I was wondering does the Navy have comparable problems with endangered species since you are at sea all the time?

Admiral FALON. Yes, sir, there are lots of issues. One that comes to mind immediately out on the West Coast, San Clemente Island, there is another small bird known as the logger head shrike in small numbers and on San Clemente there was a major effort to actually count the total number. When this was done a couple of years ago, the number was 13 and the population has grown to 42. We have now introduced a domestic breed, a basic program of reintroducing these ourselves. Our people are spending their time going around counting birds but the impact is because of the nesting areas, the restrictions that have been imposed include one of the two live firing ranges has been reduced in size by 90 percent and the other by 50 percent.

The other side is you do well in preserving these things and they tend to expand their range, so they are now encroaching on the remaining two live ordnance spaces. During the breeding season, the

shore bombardment range is closed 4 of 7 days of the week so they can count the birds.

Mr. SCHROCK. Who pays for that?

Admiral FALLON. We do.

Mr. BURTON. I have been informed that the cost for maintaining the logger head shrike and all the investigations is \$2.4 million.

Ms. DAVIS. Is that our military men and women going around counting the birds?

Admiral FALLON. I would say there is probably a mix of military people and our civilians that we hire to do it. I know many of the conservation people I have run into are civilian hires working for the Navy Department. We probably have some military engaged in this as well.

General JUMPER. It is a combination of both. We have the same situation with the prong horned antelope out in Arizona. They roam the plains in Arizona and New Mexico. We have hired biologists to go out and monitor the movement of these antelope so when the airplanes come on the range, the people on the ground can tell the airplanes they can't bomb there during that period of time.

We hired the two biologists on the range to monitor the animals and we have to react accordingly.

Mr. BURTON. Don't the animals leave when a bomb goes off?

General JUMPER. Yes, sir. They are pretty smart, they do leave when they hear the sound of the airplanes most of the time. To be fair, we don't lose a lot of sorties because of this but every time you brief a sortie onto this range, you always have to brief the backup antelope plan what you are going to do in case the antelope are there and you have to do something else. Like Admiral Fallon said, it digs into your administrative time that you are spending and not doing the mission.

Admiral FALLON. We have aircraft that fly continuously on the ranges and the waters along Vieques looking for sea turtles and if they find one, all operation ceases.

Mr. BURTON. Because of a sea turtle.

Let me conclude with this panel with this question and I have a request for all of you. Do you believe these encroachment issues are of such significance that it is time for the Service Secretaries and Chiefs to formally address them as a serious readiness concern when they appear before the military committees of the Congress?

Admiral FALLON. It is a growing problem. The answer is yes and I think there is a recognition of that fact. I can tell you when I first came to Washington about 6 months ago I was invited to a Secretary of Defense/OSD meeting at which this issue of encroachment was discussed in readiness terms in exactly the right forum with the right kind of discussion going on. It is clear to me this is recognized as a major and growing issue and I think it is going to be addressed.

Mr. BURTON. Do you all agree?

General JUMPER. The answer is yes and I think my Service Chief is anxious to bring it up if it doesn't come any other way.

General HANLON. Our Commandant I think already has brought it up in front of some of the Defense committees in his testimony.

Mr. BURTON. General Ellis, the same?

General ELLIS. Yes.

Mr. BURTON. Secretary Rumsfeld you believe will be made aware of this in addition?

Let me ask you after the hearing would you please provide us a comprehensive list of suggestions on how the Congress might be able to address some of these issues. We would like that in writing so we can put it possibly in the form of legislation as well as referring the issue to the President and the Secretary of the Defense Department.

Would you please ask your Service Chief to provide this committee examples of your military units with fluctuating C-ratings attributable to incomplete training, insufficient type training time or inadequate training areas from January 2000 to the present. I think you probably were prepared for that question, so if you could send us that information, we would appreciate it.

With that, thank you very much for your patience, your candidness and I promise you we will be sending correspondence with your recommendations to the people in question and probably have a number of Members of Congress sign that.

Ms. Davis.

Ms. DAVIS. Could I ask unanimous consent to ask further questions in writing and have them included in the record?

Mr. BURTON. Yes. Any other Member that has questions, if you wouldn't mind we would like to submit those for answers as well.

Thank you.

We will now have our next panel come forward. Panel two will be Lieutenant General Leon J. LaPorte; Brigadier General James R. Battaglini; Captain William H. McRaven; and Colonel Herbert J. Carlisle. Would you please stand and be sworn as well?

[Witnesses sworn.]

Mr. BURTON. Mr. Ose.

Mr. OSE. I have the distinct pleasure of introducing one of our witnesses, Brigadier General James R. Battaglini. General Battaglini is currently serving as the Deputy Commanding General of the 1st Marine Expeditionary Force which is comprised of an infantry division, an air wing, a service support group and a command and control headquarters located at several bases in southern California and Arizona.

At over 43,000 Marines and sailors, it is the largest standing air/ground combat task force in the world. It is responsible for conducting missions throughout the spectrum of war from high intensity combat such as might occur in the Korean peninsula or did occur in Desert Storm, down to low intensity operations and humanitarian assistance operations.

His areas of responsibilities are primarily in the Pacific, Asia, southwest Asia or the Persian Gulf area and eastern Africa. This force has a proud combat history that includes every major conflict in the last century.

General Battaglini was commissioned a Marine Corps officer in 1971 and served in key command and staff assignments at every level in the United States and overseas. Some of his career highlights include Reconnaissance and Infantry Platoon Commander, Infantry Company and Recruiting Station Commander, Infantry Battalion Commander, Operations Officer for the 2d Marine Divi-

sion during Operation Desert Shield and Desert Storm; Commanding Officer, 26th Marine Expeditionary Unit with Special Operations capabilities; Chief, United Nations Division, J-5 on the Joint Staff; Military Aid to the Secretary of the Navy. He has also been the Commanding General of the Marine Corps Recruit Depot at Parris Island in South Carolina.

His personal military decorations include the Defense Superior Service Medal, the Legion of Merit with gold star, the Bronze Star with combat V and the Combat Action medal.

I am pleased to introduce General Battaglini.

Mr. BURTON. In order to expedite the introductions because of time constraints and because we are running late, let me introduce the other members of the panel as well.

Lieutenant General Leon J. LaPorte is the Commanding General of the III Armored Corps in Ft. Hood, TX. There he is responsible for 37 percent of all U.S. active Army ground combat power to include the III Corps, the 1st Cavalry, the 4th Infantry Division and the III Armored Cavalry Regiment. The III Corps has over 75,000 soldiers and 24,000 combat vehicles and aircraft. The III Corps is the most powerful armored corps in the world and has installations in Texas, Oklahoma, Kansas and Colorado as well as units and soldiers deployed worldwide. In fiscal year 2000, III Corps deployed over 46,000 soldiers outside the United States.

General LaPorte was commissioned a second lieutenant in 1968 and has served in a variety of command and staff positions in the United States, Vietnam, Germany and Southwest Asia during the Operation Desert Shield and Desert Storm. He has commanded at every level platoon, company, battalion, brigade, division and now the III Corps. He has also served in a variety of staff positions to include instructor and assistant professor at the U.S. Military Academy, West Point, Armored Colonels' assignment officer and before assuming command at III Corps, served as Assistant Deputy Chief of Staff for Plans and Operations at Headquarters, Department of the Army.

Welcome to you.

Captain William McRaven, U.S. Navy, is a 1977 graduate of the University of Texas and has been a Navy Seal for the past 24 years. He has served in every leadership position within the Seals including Seal Platoon Commander, the Officer in Charge of Regional Security Team for Central and South America Task, Unit Commander during Desert Shield and Desert Storm and the Commanding Officer of Seal Team III.

Captain McRaven is a qualified diver, parachutist, demolition expert and submersible pilot. He has a Masters Degree in National Security Affairs and is the author of a book on special operations. He is currently the Commander of Naval Special Warfare Group I in San Diego. Group I is responsible for training and deploying Seal platoons to the Pacific Command and the Central Command.

Our final panelist is Colonel Herbert Carlisle, Commander of the 33rd Fighter Wing, Eglin Air Force Base, Florida. The Wing's mission is to maintain the world's best rapidly deployable air control and superiority forces for theater commanders in chief. Since World War II, the Wing has superbly executed that mission and is nicknamed the Nomads for its consistent travel.

During World War II, the Wing saw action in North Africa, Mediterranean and CVI theaters. Upon activation at Eglin during the Vietnam conflict, the 33rd deployed eight squadrons of F-4s to southeast Asia. Over the skies of Vietnam they scored two of the toughest aerial victories of that conflict.

Throughout the 1980's the Wing was called upon to support numerous contingency operations such as the urgent fury in Granada and Just Cause in Panama. About 1990 of August, they were one of the first wings to deploy for Operation Desert Shield and as Desert Storm began, their winning tradition in the skies continued as Nomads scored 16 aerial victories including the first kill of the war and the most kills of any single unit. The Wing also flew more combat hours and sorties than any other unit in the theater.

Subsequently the 33rd Wing has been involved with numerous rotations enforcing the no fly zones over Iraq in support of U.N. sanctions. Likewise the Wing has supported Operation Restore Hope in Haiti, flight over Bosnia and more recently the Allied Force in Yugoslavia.

As you can see, the Nomads are one of the most experienced combat wings in the U.S. Air Force today. The Wing currently has two fighter squadrons consisting of 54 F-15 CD air superior aircraft and Air Control Squadron, Operations Support Squadron, Logistic Support Squadron and Maintenance Squadron. This equates to 1,800 assigned personnel and approximately 3,000 family members. On a yearly basis, the Wing flies over 10,000 sorties and 14,000 flying hours, primarily utilizing 25,000 square miles over water and over land air space in the England-Gulf Coast range complex.

Very impressive all of you and thank you for being here. We will start with General LaPorte.

STATEMENTS OF LIEUTENANT GENERAL LEON J. LAPORTE, COMMANDING GENERAL, III CORPS AND FT. HOOD, U.S. ARMY; BRIGADIER GENERAL JAMES R. BATTAGLINI, DEPUTY COMMANDING GENERAL, 1ST MARINE EXPEDITIONARY FORCE, U.S. MARINE CORPS; CAPTAIN WILLIAM H. MCRAVEN, COMMODORE, NAVAL SPECIAL WARFARE, SEAL GROUP ONE, U.S. NAVY; AND COLONEL HERBERT J. CARLISLE, COMMANDER, 33RD FIGHTER WING, EGLIN AIR FORCE BASE, U.S. AIR FORCE

General LAPORTE. Thank you.

III Corps is a war fighting organization. Every day this past 2 years we have had nearly 6,000 soldiers deployed overseas, so our concern is always having our soldiers prepared to fight.

Military training is not incompatible with environmental stewardship. In fact, I would ask the committee to constantly remind us of our stewardship responsibility because as American citizens we need to do what is right. We work hard each day to achieve the appropriate balance to accomplish both these tasks.

We have had considerable success at Ft. Hood because of tremendous relationships we have forged with the community, Federal and State environmental regulators. I will tell you very candidly we are suboptimizing our training. Eighty-four percent of Ft. Hood, an installation of nearly 200,000 acres has some form of restriction that limits the training that can be conducted on the reservation.

The cumulative effect of these restrictions impacts our ability to execute realistic and demanding training that our soldiers deserve and require.

The recognition that valid military training requirements must be an element of the analysis, decision and enforcement of our Title 10 responsibilities as we implement the environmental laws is critical. I believe we must have a more holistic approach to application of the environmental laws and regulations on our ranges and training lands.

Laws that protect the environment are currently applied independently of one another. Too often this leads to the protection of some resources at the expense of other resources and the overall detriment, the overall health of our ranges and training areas. The myriad of restrictions makes the use of available training lands more difficult for units and more complex than is necessary for the sustainability of these lands. You must be able to balance training and environmental stewardship to maintain readiness and sustain healthy ecosystems.

I look forward to answering your questions.

[The prepared statement of General LaPorte follows:]

RECORD VERSION

STATEMENT BY

LIEUTENANT GENERAL LEON J. LAPORTE
COMMANDER, III CORPS AND FORT HOOD

FORT HOOD, TEXAS
UNITED STATES ARMY

BEFORE THE

COMMITTEE ON
GOVERNMENT REFORM

THE HOUSE OF REPRESENTATIVES

FIRST SESSION, 107th CONGRESS

CHALLENGES TO NATIONAL SECURITY:
CONSTRAINTS ON MILITARY TRAINING

9 MAY 2001

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THE HOUSE OF REPRESENTATIVES

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LIEUTENANT GENERAL LEON J. LAPORTE
COMMANDER, III CORPS AND FT HOOD

FT HOOD TEXAS
ON CHALLENGES TO NATIONAL SECURITY:
CONSTRAINTS ON MILITARY TRAINING

Mr. Chairman and distinguished members of the Committee on Government Reform, thank you for this opportunity to appear before you. I am pleased to report to you today about the III Armored Corps, specifically the impact of various kinds of encroachments on unit training and what we are doing to mitigate those encroachments.

I would like to emphasize that we are trained, equipped, and ready to execute our wartime contingency missions. We demonstrate our readiness on a daily basis in worldwide deployments.

III Corps has over 75,000 soldiers and 24,000 combat vehicles and aircraft stationed at Fort Hood, Texas; Fort Carson, Colorado; Fort Riley, Kansas; Fort Sill, Oklahoma; Fort Bliss, Texas; and forward-deployed in Korea. Together they represent over 35% of all United States Army active component ground combat power. Almost 9,400 of these great soldiers (12%) are deployed today. The two divisions and 14 brigades of III Corps are fully prepared to execute their National Security Strategy commitments to the nation's combatant commands.

In addition, Fort Hood serves as a key mobilization center and training area for Army National Guard and Army Reserve units. The Corps' mission is, on order, to deploy into a theater of operations, conduct decisive military operations, and redeploy. Warfighting readiness is the heart of our mission. We are prepared to deploy anywhere at anytime and train routinely in this mission essential task. Over the last three years, an average of more than 8% of the Corps has been deployed every day. Our current mission requires heavy forces to begin deployment within 24 hours of initial notification. Major rail spurs and transportation mobility routes provide quick access to the deep-water ports of Beaumont and Corpus Christi, Texas. These, combined with ready access to deployment airfields, make III Corps installations extremely valuable strategic power-projection platforms.

III Corps supports the combatant commanders in shaping the international environment and in responding to worldwide threats. The Corps helps the Army prepare for the future by reorganizing, modernizing, and training the first digital divisions and corps.

After almost three years of command, I have visited and observed the training and operations of each of the Corps' major units at home station, at our Combat Training Centers, and on operational deployments. I am confident they are manned, equipped, and trained to meet any contingency worldwide. Training molds soldiers and equipment into an effective combat-ready force.

"Encroachment" limits the effectiveness of this training in three significant ways: by limiting training in time, space, or realism. The national security demands that the Army trains in peace under the conditions it will face in times of crisis and war. To that end, the degree to which we can mitigate the effects of encroachment becomes – to a great extent – a measure of the command's ability to sustain readiness. At the tactical level within our divisions and brigades, we strive for a delicate balance between protection of the environment and training of mission essential tasks. At the operational level of the installations and corps, we must provide training resources to our commanders and implement an effective engagement strategy with those agencies whose charters are often not compatible with our training requirements. "Balance" and "Engagement" are the critical elements of our programs. While our efforts have produced effective results, we achieve the results only through a commitment of our training resources.

ENCROACHMENT ISSUES – INTRODUCTION

Fort Hood is the premier training installation for the United States Army. Fort Hood has 199,541 acres of training area, including a 63,000-acre impact area for live-fire training and a 134,600 acre maneuver area capable of accommodating a combat-heavy brigade consisting of 300 tracked and 900 wheeled vehicles. Fort Hood also operates the 15,900 square mile West Texas Training Area designated for aviation training. Fort Hood's live-fire ranges are operational 270 days out of the year and

consist of 24 multi-use ranges and 33 small-arms ranges. During the past calendar year, training areas on Fort Hood supported unit training for 196 brigade-sized units and about 500,000 soldiers.

Technology has significantly changed the way we train at Fort Hood. Digitization allows units to operate more independently and across greater geographical distances. Current doctrine embodies our force's modernized technology and requires that we train in a much larger battlespace. Units at Fort Hood continue to require more space to ensure realistic training. Amidst the growing restrictions on training, our need for training areas continues to increase.

I want to address several significant issues that we deal with in III Corps. My focus is on Fort Hood, but I will, as appropriate, include issues and details from Forts Riley, Carson, Bliss, and Sill. The specific issues I would like to discuss are: urban sprawl, endangered species and their habitats, bandwidth and frequency interference, historical and cultural resource preservation, flight restrictions, noise restrictions, digging restrictions, unexploded ordnance, and air quality and smoke restrictions. Solving each issue requires money, personnel, a commitment to environmental stewardship, and great working relationships with our community as well as federal, state, and local agencies. The local community and Fort Hood are so intertwined that it is imperative we work together to preserve a clean and healthy environment. I am confident that we are fully engaged in protecting the environment, and I am proud to

inform you that our efforts have been recognized. Fort Hood has received the following awards in just the past two years (1999-2000):

- Texas Environmental Excellence Award – Government Category for Recycling
- White House Closing-the-Circle Award, Recycling Category
- Hammer Award – Member of the Texas Pollution Prevention Partnership
- Secretary of the Army Environmental Security Award – Natural Resources Conservation – U.S. Army Forces Command (FORSCOM)
- Secretary of the Army Environmental Security Award – Environmental Quality – FORSCOM/Department of the Army (DA)/Department of Defense (DOD)
- Secretary of the Army Environmental Security Award – Pollution Prevention – FORSCOM/DA/DOD
- Secretary of the Army Environmental Security Award – Pollution Prevention – Individual – FORSCOM/DA/DOD
- Federal Energy Management Program Award for Renewable Energy

This recognition reflects the maturity of our environmental programs, the balance we have been able to achieve with our training mission, and the working relationships developed through constructive engagement at many levels with regulators. Attached to my remarks are several charts vividly demonstrating the tremendous importance Fort Hood places on environmental concerns and the commitment we make to protect our land. The Habitat chart depicts 66,000 acres or 33% of our training land committed to core and non-core habitat for two endangered species. The Cultural Sites chart shows the 2,219 protected cultural sites that result in some restrictions on 11% of our training

area. 128,000 acres have restrictions on digging, affecting 64% of our training area. The Smoke Restrictions chart shows that we prohibit smoke on 46,215 acres – 23% of our training area. Also shown are the noise restrictions on 1,082 acres of Fort Hood. The cumulative environmental restrictions, increased regulation, and growing population around Fort Hood, subject 84% of our total training area to some kind of limitation. This is happening at a time when realistic military training requires an ever-expanding area for maneuverability.

URBAN GROWTH

Urban sprawl and unchecked residential community growth present Fort Hood with ever-growing challenges as the noise, dust, and other natural effects of Army training increasingly affect our neighbors. When Camp Hood was first established in Texas in 1942, the area was rural, remote, and isolated from large population centers. That has drastically changed. Once far from public view, Fort Hood is now in the midst of a large and growing urban area. Army training involves noise, dust, the expenditure of munitions, and ground activities that some neighbors view as a nuisance and annoyance.

The vast majority of the people in the counties surrounding Fort Hood -- Bell and Coryell -- are linked in some manner to Fort Hood. Military families, retirees, government employees, and civilian contractors live and work in the local area. Many local businesses derive their livelihood from military customers and contracts. Fort

Hood is, by far, the principal employer in the region and one of the main reasons the community continues to grow at the rate it currently enjoys. We presently receive a minimal number of complaints. I am confident this is, in part, a direct result of the terrific relationships we have with surrounding communities. These relationships are important and nourished by both the military and community leaders. Also, our local communities understand the significance of our military training.

Although the number of military personnel has remained relatively constant, the civilian population around our installation has increased dramatically. In 1942, 45,000 soldiers were stationed at Camp Hood. Today, Fort Hood has about 42,000 military personnel. By contrast, Bell County has grown from 44,863 in 1940 to over 237,974 today. Coryell County's population mushroomed from 20,226 in 1940 to over 74,978 today. The population density of the two counties surrounding Fort Hood has increased over 481% since Fort Hood was established. Some housing developments share boundary lines with Fort Hood. The community's rapid growth drives many of Fort Hood's restrictions on noise, smoke, airspace, and bandwidth.

The City of Killeen, in partnership with the installation, is in the process of establishing the joint use of Fort Hood's Robert Gray Army Airfield, which will serve as a regional civilian airport. Along highway U.S. 190, new shopping malls, discount superstores, national chain restaurants, and hotels rapidly open in response to the area's explosive growth.

We take great pride in the tremendous relations we have with our neighbors. I also recognize the inherent tension between the national defense's needs for larger training and maneuver areas and the growing population around our military installations. Fort Hood is working with the surrounding communities to purchase or exchange land with little or no training value for land that is either more usable for training or contains endangered species habitat that can be used as mitigation for habitat degraded by training. We must continue to work closely with local community leaders to find common-sense solutions and reasonable responses to our problems.

ENDANGERED SPECIES

Fort Hood is home to two federally listed endangered species: the black-capped vireo and golden-cheeked warbler. Fort Hood is also home to a threatened species, the bald eagle.¹ These species are protected under the Endangered Species Act (ESA). Fort Hood is quickly becoming one of Central Texas' few remaining undeveloped and uncultivated natural habitat areas. These lands must remain undeveloped to conduct the realistic training required to sustain combat readiness. The undeveloped ranges on Fort Hood can support these endangered species and other wildlife in part because of Fort Hood's history of attentive land management. Fort Hood and the Army have long recognized the need to be good stewards of our training lands. We do this to protect

¹ The Bald Eagle winters on Lake Belton on the edge of the installation and does not inhibit training. Fort Riley also has Bald Eagle habitat that is located in areas away from training activity.

the environment and to ensure that our land is available to train future generations of soldiers. Our stewardship predates the Endangered Species Act. In close partnership with the U.S. Fish and Wildlife Service (USF&WS), Fort Hood has developed means of protecting these species while maintaining military readiness.

The protection of endangered species on Fort Hood affects training. A significant portion of Fort Hood's total landmass is habitat for the golden-cheeked warbler and the black-capped vireo. Protective measures for these two species restrict training on 66,000 acres of land or about 33% of Fort Hood's training area. The largest concentration of habitat occurs on the northeast side of the installation and outside the maneuver area. I would point out, however, that on the rest of the installation, from the 1950s until 1987 and 1990 (the years the vireo and warbler became endangered species, respectively), Fort Hood conducted unlimited maneuver training. Yet, after all of these years of unlimited training, significant numbers of the birds thrived on Fort Hood even in the maneuver areas.

During 2000, the USF&WS issued Fort Hood a "no jeopardy" biological opinion for its training activities. This opinion represented a great improvement over the original opinion issued in 1993. The original opinion recommended the prohibition of digging or other permanent destruction of habitat and prohibitions on any open fires in all habitats during the entire year. It also recommended prohibiting all bivouacking in habitat during the nesting season (approximately March to August).

Despite these recommended restrictions, in February 1996, three wildfires caused by live-fire training exercises burned about 6,700 acres of endangered species habitat. These fires caused Fort Hood to reinstate formal consultation with USF&WS, which resulted in the July 2000 biological opinion. In response to the 1996 fire, Fort Hood embarked on numerous scientific studies to document the effects of fires and to track habitat recovery. In partnership with The Nature Conservancy, Fort Hood is now the leading authority on the research and recovery effort for these two species.

Because of these good faith efforts and the mutual trust existing between Fort Hood land managers and USF&WS, the 1996 fires neither resulted in a single training cancellation nor increased restriction on training in habitat. These efforts also paid off in the less restrictive biological opinion issued in July 2000. The new biological opinion significantly reduced maneuver-training restrictions on the 70,000-acre major maneuver zone on the western portion of Fort Hood as well as several other key training areas. The opinion also reduced restrictions on more than 19,000 acres of now-designated non-core habitat scattered across almost 100,000 acres of maneuver training land.

In addition, the opinion sets the mitigation rate for habitat replacement at a ratio of 4 to 1. This means that for every acre of habitat destroyed (usually due to fire) during the year above the base allotment, Fort Hood must reclassify four acres of non-core habitat as core habitat. This provision gives Fort Hood an established mitigation rate, thereby giving the installation known mitigation requirements in the near term.

Despite these improvements, all former restrictions are still imposed on the remaining 46,620 acres of habitat on the installation. This does not significantly degrade training since the new biological opinion established no core habitat on the western side of Fort Hood – the area where most unit maneuver training occurs. Even in non-core habitat areas, however, units are restricted from clearing vegetation (mainly Ashe Juniper) without first obtaining USF&WS approval. This reduces visibility and line of sight for target acquisition during maneuver training (with laser engagement systems). As a result, force-on-force training exercises are limited to certain areas where visibility and line of sight are not hindered. This causes the overuse of these training lanes, which degrades their condition and increases soil erosion. This restriction also decreases the variability of scenarios that units may face, leading to predictable solutions. This degradation illustrates the need for a balanced response to satisfy competing environmental demands and achieve successful land management stewardship.

An additional problem is the 20,000 acres of habitat located inside the impact area of our ranges. During the dry season, these areas are extremely susceptible to fires. If fires endanger the habitat, units must cease training until the fires are brought under control. During the dry summer months, Fort Hood must maintain a minimum of two rotary-wing aircraft on standby to serve in a fire-fighting capacity. Last year, Fort Hood expended \$350,000 to support the flying hours necessary to accomplish this mission.

While these issues affect unit training, there has been no serious degradation in readiness. Units are familiar with procedures to protect the environment and plan accordingly to meet training requirements. The natural resources staff cooperates with the range and training staff to ensure the training mission is accomplished without endangering habitat.

Fort Hood currently has a good, non-adversarial working relationship with USF&WS. USF&WS's Austin Field Office understands the importance of training and readiness. In the future, Fort Hood plans to participate in an eco-regional planning partnership with USF&WS, the Texas Parks and Wildlife Department, and other interested parties to protect habitat throughout the recovery region. Increases in habitat conservation throughout the region reduce the percentage of habitat managed by the Army and the need for training restrictions on that habitat. Further, the Army plans to launch a conservation partnership program whereby habitat on non-federal lands near Fort Hood are protected through acquisition of title or conservation easements. These efforts will result in protecting habitat for species also found on our installations, decreasing the need for mitigation on the installation due to execution of military functions.

Through the work of its natural resource staff and the cooperation of USF&WS, Fort Hood strives to meet its readiness requirements as well as its statutory duty to conserve endangered species.

FREQUENCY ENCROACHMENT

Frequency encroachment is a serious problem throughout DOD, and Fort Hood is no exception. The use of various frequencies by the Army is essential to its ability to prepare for the fulfillment of its ultimate mission—to fight and win America's wars.

Over the past nine years, DOD has lost over 180 MHz of spectrum with considerable impact to operations and training. Further encroachment would critically strain DOD's limited resources and further restrict its proficiency in operations and training. Existing systems are critical to national security.

An example of DOD's loss of spectrum and its consequent effects on Fort Hood is the operation of the Low Earth Orbiting Satellite Program (Little LEOS). Fort Hood lost spectrum supporting Live Fire Range Target Systems, Sustainment Base, Tactical Land Mobile Radios (PRC-127), and other tactical radio systems. Specifically, the number of available frequencies was reduced from 28 to 16. This did not cause a total replacement of all equipment, but did limit the number of authorized networks available to units during training. Consequently, there was extensive congestion during training and exercises. This leads to confusion and missed communications.

Regarding the Live Fire Range Target Systems, communications technicians were forced to reprogram the systems using different frequencies to reduce the impact on training. Frequency congestion also adversely affects Sustainment Base

Operations, which include vital organizations such as the Department of Logistics, Department of Public Works, the Emergency Medical Service, the Fire Department, and the Provost Marshal's Office. The congestion caused by the limited number of networks does not allow these organizations to communicate efficiently. Finally, the impact of reduced networks on Tactical Land Mobile Radios in the field often results in delays in communication as soldiers experience problems using available frequencies on their communications equipment. As the Army becomes more reliant on network-centric warfare, this frequency congestion will increasingly impinge on training and operations.

One frequency band under consideration for the International Mobile Telecommunications 2000 (IMT 2000) is allocated on an exclusive basis to the federal government (1755-1850 Mhz). Loss of spectrum in this band (IMT 2000) without obtaining a comparable capability is a serious concern in the use of existing military equipment. Most notable is the Mobile Subscriber Equipment Band III, which operates at 1755-1850 Mhz and is crucial to the proper maintenance of command and control. DOD systems operating in this band are some of our most critical. Major systems affected include the Global Positioning System, Satellite Telemetry, Air Combat Training Systems, and Mobile Tactical Communications. The importance of these systems to the Army cannot be overemphasized. This is not only because of the critical role these systems play in our national security missions, but also because of the potential effect on our soldiers who depend, directly and indirectly, on the effective and efficient operation of these systems. I understand that DoD and other Executive

Branch agencies are working with the National Telecommunications and Information Administration, the Federal Communications Commission, and the commercial sector to ensure that critical national security considerations are met as this process moves forward.

A final area of concern is the direct impact of urban sprawl on the use of authorized spectrum. Fort Hood has received calls from the local community reporting interference with television reception, automatic garage doors, and cordless telephones. Through our "good neighbor" policy, we try to refrain from using frequencies that could cause interference; however, during major training events, all authorized frequencies must be used. The limited number of frequencies issued to Fort Hood must not only support our soldiers during training but all our garrison activities.

The Fort Hood Frequency Management Office receives an average of 32 calls annually regarding frequency interference issues. These are answered in a timely manner (one to three days), but they do strain our limited resources. Fort Hood is not presently equipped with proper Direction Finding equipment to resolve these issues in an expedient manner. This results in some interference problems taking as long as 30 days to resolve. As a result of the inability to resolve some of these issues effectively, the Spectrum Analysis Team from Fort Huachuca, Arizona, and the FCC are sometimes called for assistance.

CULTURAL AND HISTORIC PRESERVATION

Fort Hood has a statutory duty to protect its historical and cultural resources under a number of federal statutes. We currently spend almost \$750,000 per year to catalog and protect various cultural resources. These statutes, which include the National Historic Preservation Act of 1966, the Archaeological and Historic Data Preservation Act of 1974, and the Archaeological Resources Protection Act of 1979, combine to create a broad array of resources that must be protected. Consequently, of the 2,219 known cultural and historic sites, Fort Hood protects 1,178. Six hundred and seventy eight (678) of these protected sites are located in our maneuver area and affect maneuver training. The sites range from abandoned homesteads and cisterns to prehistoric campsites and rock shelters that sometimes include burial sites.

These sites directly affect training. Digging is not allowed within the boundaries of these sites and is generally, though not always, prohibited within a fifty-meter buffer around each site. This restricted digging area encompasses over 11,526 acres or 7.4% of our maneuver training area and over 6,198 acres or 12% of our live-fire area for a total of 17,724 acres of the installation or about 8.8% of our usable training area.

We have been able to mitigate these restrictions, however, by having unit personnel coordinate dig requirements through the installation cultural resource staff when conducting training in proximity to these sites. During FY 2000, only one requested dig permit was denied and it was later approved after revision. Units are

able to train and meet mission requirements and comply with the restrictions; however, these restrictions force units to use the same clear areas repeatedly, which overuses our training lanes and reduces the long-term sustainability of our ranges.

Dig restrictions associated with cultural resources will continue to affect training and intensify use of clear areas of our ranges for the foreseeable future. The surest way to remove the dig restrictions on a protected site is to conduct a full archeological data recovery dig. This process costs a minimum of \$5,500 per cubic meter of excavated earth. We estimate that it would cost over \$219 *billion* to excavate and remove the dig restrictions posed by the protected sites within its maneuver area alone. This is obviously not an acceptable option. If Fort Hood is to maintain readiness, some compromise must be reached regarding the protection of these sites. Digging is a critical battlefield skill and is an essential part of realistic military training.

To maintain the long-term capability of its ranges, Fort Hood should not continue to concentrate training and digging within the same training areas, yet we must. Training areas should be rotated and allowed to rest and recover from the effects of repeated training if they are to remain functional for the long term. Digging problems related to historical sites may be partially overcome through increased funding for research and new technology, such as remote sensing. Through further study, Fort Hood will be able to discern which sites are of the greatest historical value. Fort Hood can then determine which sites (in priority) justify thorough investigation and which sites

do not require any investigation, ultimately decreasing the number of protected historic sites, as well as obtaining maximum historical data from those that remain protected.

Forts Riley and Carson have more issues dealing with historic buildings than Fort Hood. They each have many historic buildings requiring frequent coordination with the State Historic Preservation Office (SHPO); however, there are buildings at Fort Hood that are becoming 50 years old, a key criterion of historicity under the National Historic Preservation Act. Like Fort Hood, Forts Riley and Carson have developed excellent relationships with regulatory agencies. The SHPO provides input through consultation regarding renovations and repairs to their historic buildings.

FLIGHT RESTRICTIONS

Most of our aviation training is conducted in a 15,900 square-mile area, the Western Training Area. There are 114 no-fly zones around Fort Hood, and the majority of them are located in the Western Training Area. All published no-fly areas were established as a result of overflight complaints regarding claims of damage to livestock, fences, homes, barns, hay fields, or personal injury.

These no-fly zones affect both individual aviator training and unit collective training. Aviation routes and missions are planned around no-fly areas, which constrains realistic combat-scenario development. For example, during a recent training exercise, an attack helicopter battalion was forced to fly to its attack position at

an altitude of 500 feet to avoid no-fly areas in the vicinity of their engagement area. Tactics, techniques, and procedures of attack helicopter units generally require attack helicopters to fly the last three to five kilometers at an altitude of 50 feet. As a direct result of the numerous no-fly areas, aviators had to fly at an altitude ten times the standard. Aviators need to rehearse nap-of-the-earth, contour, and low-level flights. Additionally, aviators spend hours keeping their digital and paper maps updated with current no-fly areas.

A review of Western Training Area maps with no-fly areas posted clearly depicts the high density of no-fly areas (27) located in a north to south belt about 50 kilometers west of Fort Hood. To avoid these no-fly areas and "fly friendly," many units fly at an altitude of 1000 feet above ground level until they arrive in the vicinity of the town of San Saba, which is about 90 kilometers west of Fort Hood. Once clear of the belt of no-fly areas, units descend to terrain flight altitude to perform tactical training. While this procedure prevents noise complaints, it requires additional flight time, increases Army airspace command and control requirements, and complicates expeditious refueling of aircraft. As the density of the no-fly belt increases, aviators continue to move their training further west. Increases in flight restrictions also reduce the amount of space available to aviators for training.

Because of our "good neighbor" policy, we require helicopters to avoid rural homes and herds of livestock. Aircraft must fly at least 500 feet away from the livestock and buildings to reduce noise disturbances. Still, noise caused by aircraft generates an

average of 47 complaints annually. Since 1997 landowners have filed 18 claims for overflight-related damage. Most damage was to animals (cattle and horses) and crops (hay). We paid almost \$130,000 to settle these claims.

The Western Training Area also encompasses the area bounded by several cities and towns including Gatesville, Comanche, Ballinger, San Angelo, Fredricksburg, and Copperas Cove, Texas. This area was established to provide airspace dedicated to military low-level maneuver training and was developed in consultation with the Federal Aviation Administration. Flight restrictions are gradually diminishing the training and operational value of this area.

UNEXPLODED ORDNANCE

Fort Hood has no closed, transferred, or transferring ranges; however, Fort Hood's active range area has been used for over 50 years. In October 2000, Fort Hood took water samples at the intakes for the two drinking treatment plants closest to the drainage leaving Fort Hood: City of Gatesville and Bell County Water Improvement District #1. In addition, in April 2001, the Center for Health Promotion and Prevention Medicine (CHPPM) sent a team to drill groundwater wells on the banks of the Cowhouse Creek at both the entrance and exit of the impact area. Groundwater and surface samples preliminarily indicate no detection of munitions constituents.

Fort Hood does not anticipate finding explosive residue in either groundwater or surface water connected with its operations on the impact area; however, it will continue monitoring surface and ground water. All indications are that unexploded ordnance and munitions constituents do not pose a problem at Fort Hood.

NOISE

Fort Hood has instituted voluntary noise restrictions on the installation's northwest boundary because of the close proximity of the civilian community. This causes about 1,082 acres, or less than one percent of the training area, to be off limits to rocket and artillery firing. Fort Hood has received 14 noise complaints regarding ground training during the past year. Range personnel investigate each complaint to determine if there is a safety concern and if training should be adjusted as a result of the complaint. To date, complaints have not caused training to be curtailed.

Army regulations require all installations to develop an Environmental Noise Management Plan, to include an Installation Compatible Use Zone (ICUZ) Noise Study. Fort Hood is currently operating under such a plan and updating its ICUZ study. These efforts ensure that community relations and safety are maintained without interfering with training.

At Fort Carson, a local developer sued the Army because of noise. While the suit was eventually dismissed, it demonstrates the need to deal with noise issues. Fort

Carson actively participates in its community zoning board to ensure the installation's concerns are addressed.

AIR QUALITY & SMOKE RESTRICTIONS

The major sources of air emissions related to training are smoke generators. These are considered mobile sources and are not regulated under Texas' State Implementation Plan of the Clean Air Act. Fort Hood is currently in an attainment area. An attainment area has air quality as good as or better than national standards according to the Clean Air Act and is not subject to strict controls on both stationary and mobile pollution sources. Although several metropolitan areas in Texas are either in non-attainment areas or in danger of becoming so, these areas will likely not affect Fort Hood in the foreseeable future. As the civilian population around Fort Hood grows, however, central Texas' contribution to air pollution in the Dallas-Fort Worth and Austin metropolitan areas may require us to revisit this issue.

Fort Hood limits its use of smoke and pyrotechnics in training to comply with the Endangered Species Act and for community relations and safety reasons. The importance of smoke training should not be understated. Liberal use of smoke is an essential element of the Army's maneuver doctrine. Smoke is used to obscure vision. This inhibits the enemy's ability to identify and kill friendly forces. Smoke allows forces to maneuver and attack without enemy detection. Realistic training includes the use of

smoke. Soldiers must learn how to deploy smoke properly and to operate effectively in an environment where sight is obscured by smoke.

Fort Hood prohibits the use of smoke, flares, chemical grenades, gas, or pyrotechnics on 46,215 acres or 23% of its training lands. Fort Hood places restrictions in some areas because of safety concerns. For example, Fort Hood allows no smoke within two nautical miles of Robert Gray and Hood Army Airfields and within 500 meters of public traffic routes or inhabited buildings. Additionally, urban encroachment and community relations' considerations have led to smoke use being prohibited within 1,000 meters of installation boundaries. Within the installation, smoke is not allowed within 100 meters or up-wind of any endangered species core habitat. Range control and natural resource personnel have been very effective at coordinating training to ensure continued use of smoke while complying with these restrictions.

The USF&WS approved Fort Hood's use of graphite as a smoke additive. The approval allows units to train with the most modern smoke generators. Fort Carson may not use graphite smoke throughout its training area and may not use any type of smoke within three kilometers of their boundaries.

Forts Hood and Carson have implemented coping strategies to maintain readiness. Like dig restrictions, however, smoke restrictions further concentrate training into the few relatively unrestricted areas, and this constriction inhibits Forts Hood and Carson's ability to manage and maintain the condition of their training areas.

DIGGING RESTRICTIONS

Many of the areas of encroachment I have discussed affect our units' ability to dig. The various encroachments have the cumulative effect of greatly limiting areas available to units for excavations. This has complicated readiness and placed increased strain on our ranges. Routine excavations are an essential part of training. I must emphasize that digging is an essential part of training – preparation of defensive positions and emplacement of vehicles greatly increase the survivability of soldiers and equipment on the battlefield. Digging also plays a key role in shaping the battlefield by channelizing and forcing the enemy to maneuver as we desire, thereby allowing us to dictate the terms of the battle. These are critical combat skills that must be constantly reinforced in training. Such skills cannot be effectively learned "on the fly."

Digging is restricted on approximately 128,000 acres or 64% of our training land. This is primarily the result of three restrictions. First, Fort Hood restricts digging within 50 meters of a riparian streambed. Second, digging is restricted on both non-core and core endangered species habitat. Third, digging is restricted on or within 50 meters of a protected cultural resource site. It is difficult to break down exactly how many acres each restriction affects since many of the areas overlap. For example, much of the golden-cheeked warbler habitat and many cultural sites are within 50 meters of a riparian streambed.

In addition, regardless of encroachment issues, sound land-management practices and safety dictate the prohibition of digging in some areas. For example, destruction of endangered species habitat or excessive digging near streambeds can cause serious erosion problems and damage to our ranges. In any event, encroachment related to endangered species, cultural resources, and possible water-quality problems significantly reduces the available training area. This contributes to the overuse and degradation of our available training lands.

Where excavation does occur, we recover and restore the site as closely to the original condition as possible. As training areas have decreased, mission requirements have increased. This has resulted in the general overuse of our available training areas. Training sites require a "rest period" to allow for the re-establishment of vegetative cover to prevent erosion. Increased demands on our available ranges has shortened these rest periods and created a significant erosion problem.

Fort Hood land managers make use of land-treatment methods, such as mechanical penetration of compacted soils to reduce erosion and spreading recycled mulch on bare soils in high-use areas to reduce erosion without interrupting training. These efforts have enabled Fort Hood to maintain mission readiness; however, erosion poses a long-term threat to the usability of our ranges and ultimately to readiness.

Units can apply for permits to dig during their training exercises, and all efforts are made to accommodate them. We have worked carefully with our local

archeological staff and state agencies to identify key areas for training where digging is allowed with minimum restriction.

The Army estimates maintaining the long-term sustainability of Fort Hood's training lanes will require \$200 million in increased spending over the next 10 years. If Fort Hood is to maintain readiness, training areas must be increased and proper resources spent on range maintenance and recovery.

MINIMIZING ENCROACHMENT'S IMPACT ON TRAINING

The most important factor to date in Fort Hood's ability to maintain readiness and meet its environmental obligations has been its relationship with federal and state regulators and the local community. Regulators at both federal and state levels have shown remarkable flexibility and sensitivity to Fort Hood's training and readiness needs. Building and maintaining productive relationships with the regulatory and local community is essential to meeting mission requirements in today's environment.

In addition to good relationships with the community and regulators, Fort Hood has attempted to minimize the impact of encroachment through proper coordination between environmental and range personnel and units. Fort Hood has a dig permit process whereby units ensure that excavations occur in free-dig areas. Many times, natural resource personnel will inspect a proposed site and allow digging in areas where it is otherwise restricted if the unit can show that the excavation will not damage

protected resources. Fort Hood range management also briefs every unit before training on the applicable safety and environmental considerations and restrictions. This process allows Fort Hood to maximize training while minimizing damage to natural resources.

As I discussed earlier, Fort Hood is actively trying to develop and concentrate endangered species habitat in areas unaffected by maneuver training. The new biological opinion recommends the most restrictive training limitations on areas of habitat concentrated on the eastern side of the post where topographic considerations prevent most maneuver training. Fort Hood plans to assist in the protection of endangered species habitat on non-federal military lands near the installation. This is a "win-win" solution: increased habitat outside Fort Hood's boundaries affords a greater probability for the recovery of the two bird species on Fort Hood, and may result in a decreased need for current training restrictions.

Fort Hood is lessening the burden on its ranges by using digital training methods. Although Fort Hood has the largest investment in training devices, simulations, and simulators in the Army (\$495 million), these training aids should complement the tough realistic training units execute in the maneuver areas and on live-fire ranges. Simulation is not a substitute for training in a live environment. Simulations cannot teach the stress of operating in the field in all weather conditions and working through real scenarios involving soldiers and their equipment. The actual execution of the training under realistic battlefield conditions, coupled with firing weapon systems,

greatly increases soldiers' and crews' confidence in their weapons, their ability to operate the equipment, and the units' ability to accomplish their warfighting mission.

The American people place their trust and confidence in me to prepare their sons and daughters for combat. To do this, I must be able to exercise units and their equipment under realistic battlefield conditions by actual maneuver and live-fire training. Simulation alone cannot produce adequate conditions and training.

RELATIONSHIPS WITH REGULATORS/COMMUNITY

Fort Hood training, range, and environmental managers face an increasingly difficult job. They must meet expanding mission and readiness requirements while ensuring the long-term stability of our ranges. This must be accomplished while complying with an increasingly complex, vague, and sometimes contradictory set of environmental regulations. Further, they must meet these goals under very tight budgetary constraints. To date, Fort Hood has done an outstanding job of maintaining readiness while at the same time being a proper steward of the land.

Fort Hood has been able to maintain readiness and also meet its statutory requirements because of its excellent working relationship with local and federal regulators, but there is no guarantee that the regulatory climate will remain this way indefinitely. While most environmental laws provide for Presidential exemptions and 10 U.S.C. §2014 provides for expedited Executive Branch review for administrative actions

that may impact readiness, these extraordinary measures have been rarely invoked. We will work with Congress and the Administration to reduce uncertainty and increase flexibility in laws and regulations so as to balance the needs of national security and the environment.

ENCROACHMENT COSTS

Fort Hood invests significant resources to deal with encroachment issues. Environmental Conservation funding is almost exclusively related to encroachment issues and used to protect resources in training areas, perform data recovery before damage, or mitigate damage that cannot be avoided. The three primary categories are funding for threatened and endangered species, erosion control, and cultural resources. The dollar requirement is growing in all categories, but particularly so for erosion control, which a recent Army environmental inspection estimated will require a significant increase in expenditures over the next ten years.

As Fort Hood upgrades and expands its ranges to meet the demands of the new digital force, the requirement for threatened and endangered species and cultural mitigation is expected to increase. Until the designs for these new digital ranges are developed and the impacts or value of individual sites analyzed, an estimate cannot be developed. Fort Hood's success in maintaining readiness in the face of encroachment has entailed significant expense to maintain the required balance and levels of engagement.

RECOMMENDATIONS

Our goal in the end should be to promote realistic training while protecting the environment. The present encroachment problems will grow exponentially over the next few years as technology and doctrine increase the battle space for maneuver commanders. To avert a collision of these competing demands, we need to arrive at a long-term solution. Areas to study would include:

- Reviewing the feasibility of protecting large buffer zones around key training areas from development. These buffer zones could provide environmental safe havens for endangered species; limit urban growth; and shield the local community from noise, smoke, and other effects of military training.
- Developing a more holistic approach to range management and environmental law. Laws that protect the environment are currently enforced independently of one another. Too often, this leads to the protection of some resources at the expense of others and the overall health of our ranges.

Further, we need to protect the spectrum of frequencies that the military needs today and those frequencies that future soldiers will depend upon. Large-scale sale of bandwidth has potentially disastrous consequences on future military operations. I understand that Congressional hearings will likely be conducted on this issue. It is an

important national security issue that grows in importance as we rely upon networks to support operational centric warfare.

In summary, I think our nation needs a balanced response to national security needs, environmental stewardship, and community relations. All are important. In addition to a balanced response to these issues, we must continue to work together to find solutions to the significant problems that we will face in the future.

CONCLUSION

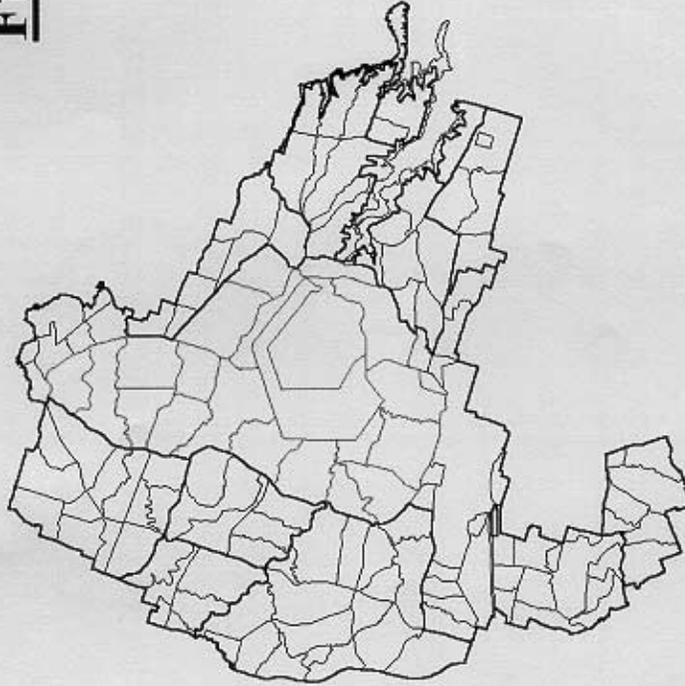
I sincerely thank this Committee for the opportunity to discuss these issues that are so important to the nation. Environmental stewardship and national defense goals are not incompatible with each other. We must find common-sense solutions to strike the right balance to achieve success in both areas. The complexity and significance of encroachment issues will only grow in the coming years. We need to work together to solve the present problems and attempt, as best we can, to avoid future problems. I know that a critical element to that process is a close working relationship with all the different regulators and the local community. I am thankful that this Committee is now working to find solutions, and I hope that my testimony today will be of assistance.

[CHARTS ATTACHED]

- Exhibit 1 Fort Hood Map
- Exhibit 2 Overhead View
- Exhibit 3 No Dig Area
- Exhibit 4 Non-Core Habitat
- Exhibit 5 Core Habitat
- Exhibit 6 Cultural Sites
- Exhibit 7 Smoke Restrictions
- Exhibit 8 Noise Restrictions
- Exhibit 9 Training Requirement

Ft. Hood, Texas

**199,541 acres
not including the
cantonment area**





Ft. Hood, Texas

No Dig Area

128,000 acres

64% of tng land



- No digging vehicle fighting positions, survivability positions, obstacles, or individual fighting positions.
- No digging within 50 m of riparian areas.
- Units must gain environmental division approval before they dig.

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Ft. Hood, Texas

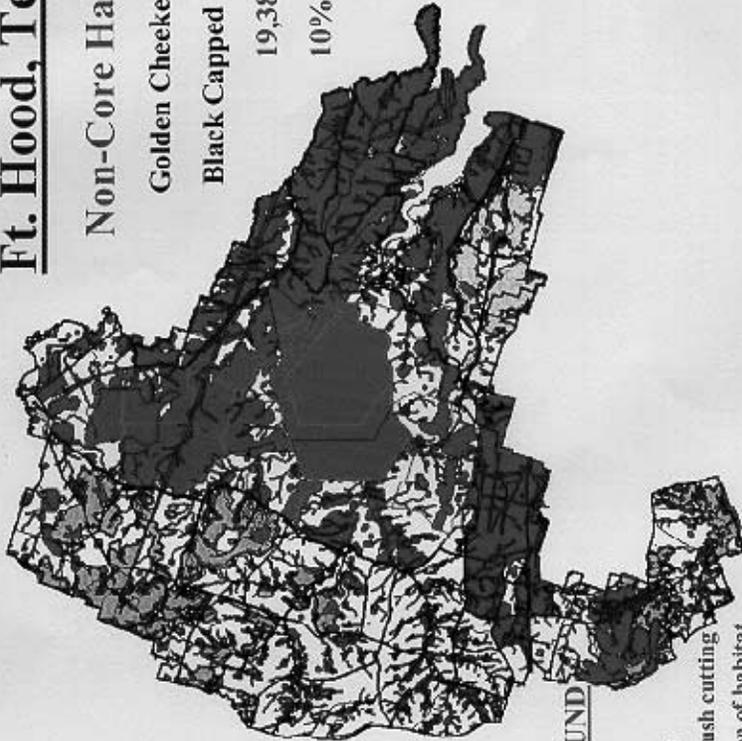
Non-Core Habitat

Golden Cheeked Warbler

Black Capped Vireo

19,380 acres

10% of tng land



YEAR ROUND

- No digging
- No open fires
- No tree or brush cutting
- No destruction of habitat

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Ft. Hood, Texas

Core Habitat

Golden Cheeked Warbler
Black Capped Vireo
46,620 acres/ 23% of tng land
(8K buffer acres not included)

Core and non-core
totals 66,000 acres
or 33% of tng land



MAR thru AUG

- No vehicle or dismounted maneuver
- Vehicles stay on established trails
- 2 hour limit on trails in habitat
- No arty firing, smoke ops, or chem grenades within 100 m of habitat
- No use of camo nets in habitat
- No bivouac in habitat

YEAR ROUND

- No digging
- No open fires
- No tree or brush cutting
- No destruction of habitat

155

Ft. Hood, Texas

Cultural Sites

1,178 Sites Protected

2,219 Sites Identified

- 17,724 acres

8.8 % of total land



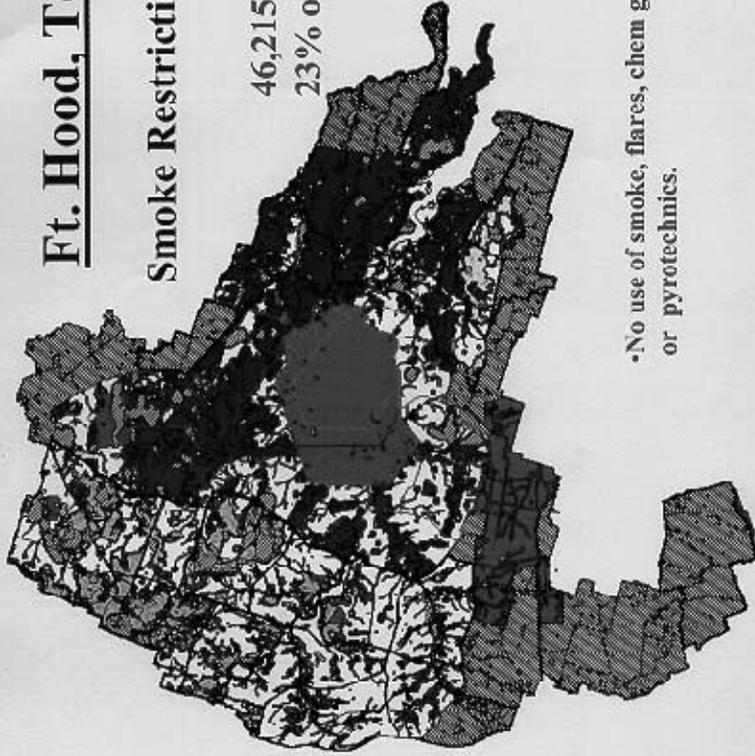
- No digging
- No construction
- No destruction
- Others currently being negotiated
- No traffic/maneuver

156

Ft. Hood, Texas

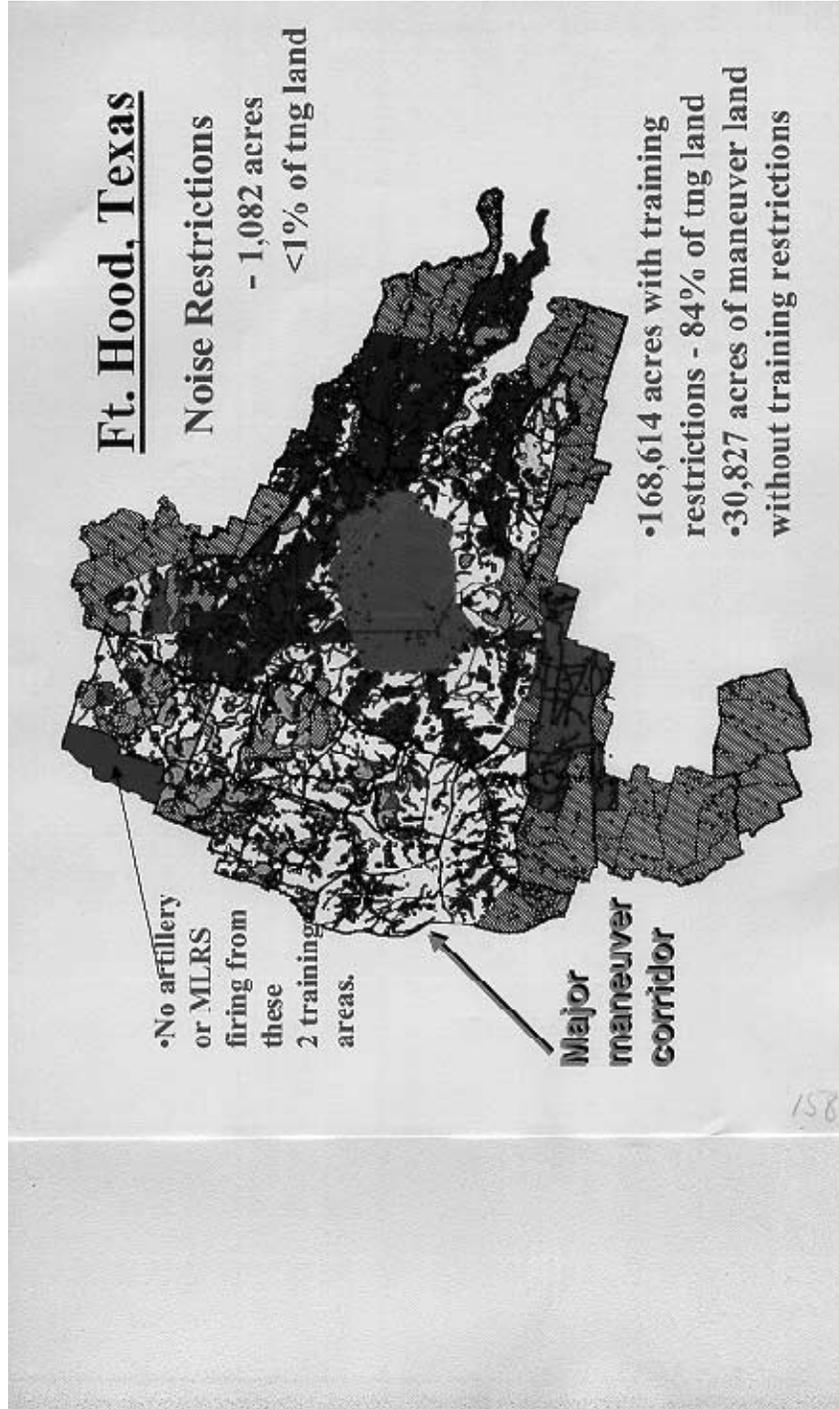
Smoke Restrictions

46,215 acres
23% of tng land

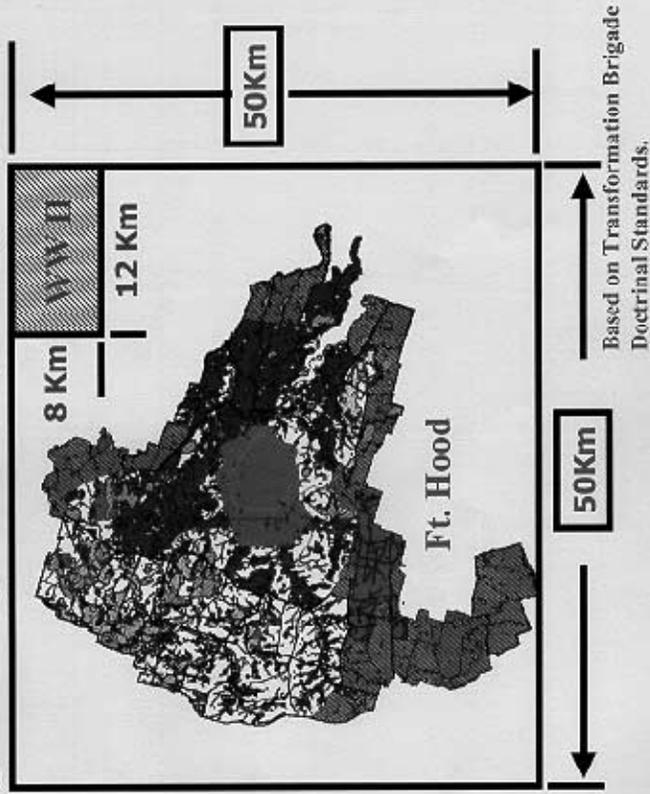


•No use of smoke, flares, chem grenades,
or pyrotechnics.

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Shrinking Installation - Expanding Training Requirement



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Mr. BURTON. General Battaglini.

General BATTAGLINI. I would like to get into the negative impacts of the training and how it has affected the Marines at I Expeditionary Force.

Our Marines are either forward deployed or they are training to deploy and because of that, we see it is imperative that we are prepared and we train the way we fight.

In addition to my duties as the Deputy Commanding Officer of the 40,000-plus Marines, I am also the Commanding General of the 1st Marine Expeditionary Brigade. The Brigade is our mid-level size air-ground task force that is our premiere force for response to small scale contingencies, short of when we would commit the MEF itself.

I thought it would be beneficial if I could provide you my own experience recently regarding the cumulative effects of encroachment on our training.

During the later part of March and into April we conducted a I Marine Expeditionary Brigade level size exercise called Kernal Blitz, conducted off the coast of southern California and on the beach at Camp Pendleton to the training areas at the base. The exercise included about 20 Navy ships, 50 Marine Corps aircraft we had operating off those ships and over 10,000 Marines and sailors participating.

I would like to begin with our landing on the landing beaches. Our movement from ship to shore during our amphibious assault as we call it, our tactical movement was restricted as we landed across the primary beach because of riparian habitat that supports several endangered species. I will try to draw a picture of what this does to us.

We land across the beach and have to take into consideration the habitat. Interstate 5 runs parallel to the beach about 1,000 meters inland, so between the beach and the highway we were limited to two single lane roads because of the habitat and archaeological site located in the area.

Once we get to the interstate, we take these two single lane roads, converge and we have one single lane road that goes under the interstate to the training area. We are moving across there, 2,500 Marines and 500 vehicles in the course of landing so it is very slow and very restricted.

Once in the training area, we also are restricted by the habitats and planning we have to do to get around the restrictions there. That was our primary beach. We used a second beach where we landed light armored reconnaissance company, strictly administrative rather than a tactical movement due to the presence of the endangered species the snowy plover, the Tidewater Goby and the California least tern. There were some people watching where we landed and directing us so we can move up and get into the training areas.

There are two other beaches we are allowed to use at Camp Pendleton to make it four but we are restricted to these two. The other two because of the season of the year, we couldn't land across those, so it restricted our tactical ability to employ any kind of options. We land across the beach and a second beach and move up to prosecute the rest of the exercise.

Once we land with our forces, our lead infantry units are moving inland, going after the enemy and the enemy is someone you are trying to have a mental game with, trying to outsmart him, trying to tactically out move him but he knows too that you are restricted here.

Our artillery lands behind our infantry and the intent is as the infantry moves forward, the artillery will provide support. The artillery commander and the tank commander wanted to set up firing positions in established areas to actually fire but were restricted from firing because of air space restrictions. We were restricted to 2,000 feet overhead.

We couldn't fire our guns, our forward observers in the impact area adjusting would get the training there and weren't able to and then the battalion staff and fire support coordinators were not able to get that training.

Our tank company commander comes ashore, he wanted to employ his tanks in a blocking position. Once he lands, he follows the road he has to follow to get to the training area and is going down to a flank of an infantry unit he is providing support but he has to move down a road which is not tactical and he gets to the position to set up the flank security, he can't get off road and he can't entrench himself so this prohibits him from doing the training he would be required to in combat.

Finally, so we can move through testimony, our infantry company commanders could not have the Marines set in a hasty defense using fighting holes because digging on Camp Pendleton must be preapproved after environmental analysis. That gets into a company commander being able to make a tactical decision where he wants to send in his people.

Those are but a few examples of the impact of encroachment on training and hopefully it provides some indication of what we face. For Marines to succeed, we must train as we fight. Our training must be realistic and allow us to exercise our mission essential tasks.

The key note of the effects of encroachment significantly reduce our training options, result in unrealistic training, create bad habits and severely limit the opportunity for junior leaders to develop their initiative and tactical judgment which is essential in combat.

We work hard to find ways to satisfy both our training requirements and the issues raised by encroachment. However, the problem we face, sir, is that every year additional encroachment issues and additional restrictions on our training. New restrictions are piled upon existing restrictions with the result that our ability to realistically train our Marines continues to significantly diminish. On behalf of all Marines, we appreciate your willingness to hear our concerns today. We would ask that you clarify environmental legislation when it conflicts with our Title 10 responsibility to train our Marines for combat.

Thank you, sir.

[The prepared statement of General Battaglini follows:]

NOT FOR PUBLICATION
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HOUSE GOVERNMENT
REFORM COMMITTEE

STATEMENT OF
BRIGADIER GENERAL JAMES R. BATTAGLINI
UNITED STATES MARINE CORPS
DEPUTY COMMANDING GENERAL, I MARINE EXPEDITIONARY FORCE
BEFORE THE
HOUSE GOVERNMENT REFORM COMMITTEE
ON
9 MAY 2001
CONCERNING CHALLENGES TO NATIONAL SECURITY;
CONSTRAINTS ON MILITARY TRAINING

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
HOUSE GOVERNMENT
REFORM COMMITTEE

I. Introduction:

Chairman Burton, Congressman Waxman, and distinguished members of the committee, it is my privilege to appear before you today to discuss the issue of encroachment. I serve as the Deputy Commanding General of I Marine Expeditionary Force (I MEF) and have personally observed and been affected by the results of encroachments on I MEF training.

The Commandant of the Marine Corps, General Jones, has identified encroachment as a serious threat to mission readiness. The cumulative threats from encroachment have a current and growing impact on realistic operational training. Encroachment issues often cause our pilots to fly administrative vice tactical routes, restrict the movement of our tracked and wheeled vehicles, limit the fire of our artillery, and introduce artificiality into the tactics of our infantry.

The primary cause of encroachment is urbanization. Urbanization, whether in the form of the loss of natural areas, increased civilian populations unwilling to accept military noise, airspace allotment to civilian uses, placement of infrastructure on military land, or loss of military spectrum frequency to civilian users, negatively impact the way that I MEF realistically trains the operational force.

The theme of this testimony is that we must train as we fight. We must train as we fight to ensure Marines are prepared for any contingency. We must train as we fight so that Marines can return safely home to their mothers and fathers, husbands and wives, and sons and daughters after they have completed their mission.

II. Overview of I Marine Expeditionary Force (MEF)

Before addressing encroachment it may be beneficial to provide an overview of the organization, mission and training of the operational forces of I MEF.

The operational organization for the Marine Corps' force in readiness is the Marine Air Ground Task Force (MAGTF). The MAGTF employs a scalable, versatile and flexible organizational approach to a ground, air, and logistics team that is centered on a robust command and control element. The MAGTF's are organized as Marine Expeditionary Forces (MEF), Marine Expeditionary Brigades (MEB), and Marine Expeditionary Units (MEU). They are organized to fit the specific mission and are able to respond rapidly and sustain themselves.

I MEF is the Marine Corps largest operational force consisting of over 45,000 Marines and Sailors. Headquartered at Camp Pendleton, it has units located at six bases throughout southern California and Arizona. I MEF's mission is to deploy and employ naval, expeditionary, ready, air-ground task forces

to the Pacific Command (PACOM) and Central Command (CENTCOM) areas of responsibility (AORs) in response to CinC/Component Commander taskings, to operate in joint/combined operations, to conduct small scale contingencies, and to win in combat. I MEF must be prepared to fight in the Arabian Gulf, in Korea, and be prepared to provide assistance in Africa and throughout the South Pacific. I MEF is structured to serve as the nucleus of a joint task force and is capable of operating ashore as the command element of multiple joint or combined divisions and wings.

In the event of a major theater war (MTW) I MEF is tasked with organizing a combat force made up of multiple divisions, aircraft wings, and force service support groups, which can respond on short notice to a trouble spot anywhere in the world. I MEF is also prepared for lesser regional contingencies, such as humanitarian assistance/disaster relief operations and the consequence management of the release of nuclear, biological or chemical contaminants.

1st Marine Expeditionary Brigade (1st MEB) is I MEF's mid-sized MAGTF. The MEB bridges the gap between our principal warfighter, the MEF, and our smaller MAGTF, the MEU. The MEB's task is to respond to a full range of crises, from forcible entry to humanitarian assistance. It is our premier response force for smaller-scale contingencies that are so prevalent in

today's security environment. As with our other MAGTF's, 1st MEB is a scalable force, and, depending on the mission, amphibious or Maritime Prepositioning Force (MPF), it can be as small as 4,000 Marines or as large as 18,000 Marines. Within the past 10 months, elements of 1st MEB have deployed for a major humanitarian assistance/disaster relief exercise in Kenya and conducted several local training deployments to ensure unit readiness. The MEB is the lead element of I MEF should a major contingency or major theater war develop in Southwest Asia or Korea. The MEB is always on call, able to commence worldwide deployment within seventy-two hours.

The Marine Expeditionary Unit (MEU) (Special Operations Capable) is our forward-deployed MAGTF and has approximately 2200 Marines. Three MEUs on the West Coast (11th, 13th, and 15th) spend a very detailed and extensive six-month work-up period in the Camp Pendleton area to prepare for deployment. They utilize a variety of venues to conduct specialized training. Additionally, this MAGTF trains and deploys aboard Navy amphibious ships (Amphibious Ready Group (ARG)) as part of a Navy-Marine Corps team. They are deployed to the Western Pacific and Arabian Gulf for six months. Currently, the 11th MEU is aboard ships from Amphibious Squadron-7 and recently completed a mission in East Timor in route to the Arabian Gulf. When a MEU is at sea, they are on call and are specifically designed to be

the Marine Corps' first on-the-scene force. They are equipped to conduct 15 days of operations ashore without re-supply, be "Special Operations Capable", be able to plan and execute any mission within six hours of notification, be able to conduct multiple operations simultaneously, and be capable of conducting amphibious operations, supporting operations, operations other than war (OOTW), and direct action missions.

Besides the MEU, I MEF has other forward deployed units. An F/A-18 squadron in Kuwait provides support for Operation Southern Watch and another F/A-18 squadron is deployed on the aircraft carrier USS Constellation. Two infantry battalions, two artillery batteries, a light armored vehicle company, an amphibious assault vehicle company, and two aviation squadrons are forward deployed in Okinawa, Japan. Depending on the cycle, two additional aviation squadrons are forward deployed to Iwakuni, Japan. All of these units deploy for a six-month assignment to III Marine Expeditionary Force, the Corps forward based MEF.

While these units are forward deployed, their replacements are training at I MEF. 15th MEU is currently training to replace 11th MEU. Similarly, two infantry battalions, other combat support units and aviation squadrons are preparing to replace the forward deployed units in Okinawa and Iwakuni, Japan. 1st MEB is also preparing for its next major training exercise this

fall, Bright Star 02, to be conducted in Egypt. Finally, the remainder of our 45,000 Marines are training to deploy as I Marine Expeditionary Force (MEF), if required. They participate in more than 40 exercises each year to include Ulchi Focus Lens, Lucky Sentinel and Natural Fire, to ensure I MEF can meet its requirements in both the Central Command and Pacific Command areas of operation. Overall, approximately 25% of I MEF is deployed at any given time.

The Commanding General I MEF is responsible for providing the appropriate training to all of these Marines so that they are prepared to address the multitude of potential combat and non-combat scenarios that may confront them. The cornerstone of our training is to make training as realistic as possible. We must train the way we fight in order to operate and survive in any environment. Unfortunately, encroachment often limits the rigor and realism that we are able to provide our Marines.

III. Encroachment

The cumulative impacts of encroachment have created a debilitating spiral in training capabilities and realism. A single regulation or restriction is an obstacle that may be overcome, but when several types of restrictions are layered on top of each other, training becomes inordinately difficult which negatively impacts our ability to train as we fight. The multiple impacts on training are from environmental constraints,

the presence of civilian infrastructure on military lands, airspace restrictions, noise restrictions, and interference of civilian frequencies on military frequencies.

The testimony provided earlier by Major General Hanlon discussed encroachment from the Marine Corps Base Commander's perspective and the difficulties that encroachment has on his ability to provide a training facility that meets the needs of the operational force. I will discuss encroachment from the operational level and how it impacts realistic training in amphibious operations, maneuver, combined arms, field fortifications, aviation training, spectrum frequency (communications), and tactical judgment and initiative.

Amphibious Operations

Camp Pendleton is the Marine Corps' most complete amphibious training base, yet a doctrinal landing of a Regimental Landing Team cannot be conducted. Environmental constraints and civilian infrastructure (e.g., State Park, San Onofre Nuclear Generation Station, Interstate 5 (I-5), railroad) preclude the use of most of Camp Pendleton beaches, including the most tactically desirable. The expansion of the force beachhead line and maneuver of ground combat units ashore is forced into narrow movement corridors due to the presence of I-5 and parallel railroad right-of-way, and to comply with endangered species and archaeological restrictions. The

movement of combat and service support loads by externally loaded helicopters is prohibited across I-5 because of restrictions on over-flying this public highway. The delivery of artillery fires from doctrinal support positions, once ashore, is restricted by airspace restrictions. These restrictions severely limit the execution of battalion and regimental size landings, which in turn degrade our ability to train as we fight.

For example, during a recent large-scale amphibious exercise, Kernel Blitz 01, (conducted March-April 2001) the Regimental Landing Team was restricted as it landed across one of the two available beaches (Red Beach) because of riparian habitat that supports several endangered species. Additionally, movement between the beach and I-5 was limited to two single lane roads due to the presence of an archaeological site. Finally, the location of I-5 and the railway further funneled our 2,500 Marine landing force and their 500 supporting vehicles under the interstate on one single lane road.

On a second beach (White Beach) the landing of a light armored reconnaissance Company was degraded from a tactical movement to an administrative movement due to restrictions imposed for endangered species that inhabit the beach and estuaries. These restrictions further reduced the realism of the landing.

In our initial plan, we had considered a tactical mission across a third beach (Green Beach), however, movement across that beach into the inland training area was not possible because of endangered species concerns. This reduced our tactical options and eliminated the valuable experience our Marines would have gained from such tactical play.

The cumulative result of these environmental constraints was a landing that was largely defined by encroachment related restrictions vice tactical rationale.

In conjunction with the amphibious landing, the service support unit wanted to realistically exercise its ability to rapidly move supplies from the beach inland by helicopter external lift. To exercise this capability, the unit would be required to fly over I-5. The unit was unable to exercise this critical airlift function because of airspace restrictions governing over-flight along the interstate.

Finally, with the lead infantry units ashore and moving inland, the Regimental Landing Team's artillery battalion proposed to use established artillery firing areas within positions in the beachhead and provide fire support to advancing infantry by shooting into the base impact area. However, the artillery was prevented from exercising this capability because required airspace was not available to support the firing.

Maneuver

Maneuver on our training ranges is restricted by a host of encroachment issues. Many of the maneuver areas at Camp Pendleton can only be used for a portion of the year. Other areas preclude wheeled or tracked vehicles traveling off the road. Because of these restrictions, the maneuver of mechanized company and battalion formations are severely constrained. This inability to train to standard in the fundamentals of mechanized maneuver degrades the ability to meet wartime tasks assigned in operational plans.

For example, during a recent light armored vehicle battalion's combat readiness evaluation, a delaying action and rearward passage of lines was planned through Las Pulgas canyon. This required movement by successive bounds and occupation of over watch positions by light armored vehicles along the hills. Restrictions imposed to protect riparian habitat prohibited tactical movement through the canyon and a realistic rearward passage of lines. During the same evaluation a light armored vehicle company that belonged to the same battalion was tasked to maneuver along a coastal road and set in a screen line. The company's movement was constrained to existing roads because the off-road area supports endangered species and archeological sites. Upon reaching the destination the company was unable to

establish a tactical screen line due to restrictions protecting vernal pools and riparian habitat.

Combined Arms Training

The combined arms employment of naval gunfire, air, artillery, mortars and direct fire weapons in conjunction with maneuver is essential to the effectiveness of the Marine Air Ground Task Force (MAGTF). Combined arms training is degraded at many of our ranges. Naval gunfire is prohibited due to overhead fire restrictions (e.g., airspace, land use, noise). Artillery, mortar and air fires are constrained by airspace restrictions. Artillery, mortar and direct fire weapons are constrained by air space, noise, and environmental concerns. The cumulative effect of these encroachments severely degrades I MEF's ability to conduct combined arms training at Camp Pendleton.

When Marines forward deploy to Okinawa, and I MEF MEU's transit Hawaii, their ability to conduct combined arms training is further degraded. Artillery and naval gunfire are prohibited on Okinawa. Ranges that support live fire and maneuver are limited in Hawaii and do not exist in Okinawa. The use of military aircraft in Hawaii and Okinawa are also limited by noise and airspace constraints. Restrictions such as these make stateside ranges critical during pre-deployment training.

Field Fortifications

The timely preparation of defensive positions is essential to the continuum of offensive operations. This timeliness is a measure of tactical judgment that must be developed in a flexible environment with the opportunity for executing various courses of action. Digging on Camp Pendleton must be pre-approved after environmental analysis. A Company Commander cannot stop where he assesses to be the most tactically effective position, and set in a hasty defense using fighting holes.

This problem is not confined to the infantry. Artillery regiments possess 25% of a divisions engineering equipment. The ability to dig in a firing battery while it continues to answer calls for fire is an intricate process that requires practice by the engineers and the battery personnel. Choosing the appropriate position requires tactical judgment developed in the field. Once again, restrictions at Camp Pendleton greatly restrict independent decision-making by Marines to conduct this type of training.

The Training Area known as DZ Tank Park exemplifies this problem. This area doctrinally supports the position of artillery in the expansion of the force beachhead line in an amphibious operation. Tactical occupation of this area is

impossible, as off road travel is prohibited due to endangered species concerns and archeological sites.

Developing field fortifications is an essential skill for artillery units. These skills protect artillery from counter fire. Our artillery, if protected, will in turn support and protect our infantry's ability to maintain offensive momentum on the battlefield. Because of limitations on field fortification training, skills that were painstakingly re-learned, developed and used during Operation Desert Storm have not been maintained. If we cannot train and re-train our Marines in these skills today in places like Camp Pendleton, they may have to acquire these necessary skills in combat on the next battlefield.

Even the tank battalion is affected by the restrictions on digging in the training areas. For example, during the major amphibious exercise described previously, a tank company commander intended to employ his tanks in a blocking position to protect the flank of his supported infantry unit. In his tactical movement from the landing beach, he was constrained to road movement due to various encroachment issues. Upon reaching his desired position he was unable to position off of the road due to various archeological sites and endangered species restrictions. In this type of position and mission, he needed to deploy laterally and entrench his tanks. Because he could

not deploy or entrench, he was unable to train his unit in this combat essential task.

Aviation training

A further impact associated with encroachment is the restrictions associated with airspace. The increasing civilian aviation community, both commercial and private, coupled with urban expansion, has resulted in degraded aviation training opportunities.

The commercial demands for military airspace are continually expanding. For example, recently the Federal Aviation Administration Los Angeles Center informally asked the Marine Corps Air Station, Yuma air traffic control to determine the impact of lowering from 33,000 feet to 27,000 feet a commercial air corridor that runs through the northern confines of the Chocolate Mountain Gunnery Range located in Southeast California near Yuma, Arizona. This range is the Marine Corps' premier fixed wing air to ground training area on the West Coast. I MEF F/A-18 Hornet Group (MAG-11), a principal user of the range, indicated the proposal would have a negative impact on its training and cautioned against any encroachment into existing special-use airspace, as restrictions may limit the use of current and future weapons systems. Although the Federal Aviation Administration has taken no further action,

encroachment such as this may restrict current and future military training for I MEF aviation units.

Another encroachment example pertains primarily to I MEF's helicopter assets. Due to the population growth around Camp Pendleton (Temecula Valley, Oceanside, Fallbrook, San Clemente) helicopters must fly a minimum of 1000' above ground level (AGL) anytime they transit or train outside of Camp Pendleton's restricted airspace. Since flying at that altitude does not facilitate a majority of the type of training required (low-level navigation, night (aided night vision goggles (NVG)/unaided, threat counter tactics)) many training sorties are diverted to Marine Air Ground Task Force Training Center (MAGTFTC) 29 Palms, Ca. (40 minute flight) or Marine Corps Air Station (MCAS) Yuma, Arizona, (1 hour flight) in order to conduct the necessary training. This restraint can add several hours in transit flight time, which reduces sortie based training, and erodes preservation of our warfighting assets (fuel, parts, maintenance man-hours, readiness).

Spectrum Frequency

Essential to the success of a Marine Air Ground Task Force is its ability to command and control. This is achieved by numerous communications systems that use the entire military frequency spectrum. The impact of the loss of military spectrum via encroachment from the civilian sector or from the sell-off

of military band frequencies will severely degrade I MEF's combat capability, training and readiness. Additionally, Marine Corps exercises and operations aboard Camp Pendleton require full use of available frequencies in the military spectrum. Therefore, the loss of any frequencies or interference with any frequencies in the military spectrum jeopardizes command and control and safety of both personnel and equipment. For example, due to interference with a neighboring country's civilian frequency spectrum, the Marine Corps was required to relinquish use of 34 nationally assigned radio frequencies in the military spectrum in January, 2000. The result of this loss of frequencies has reduced the number of available frequencies used for training, operations and has also increased concern for effective command, control and safety.

Tactical Judgment and Initiative

The lengthy list of encroachment related restrictions have created an inflexible training environment. Tactics, which is the embodiment of judgment and initiative, requires the ability to change the direction of attack at a moments notice. Judgment and initiative can only be trained in a flexible environment where leaders are confronted with various courses of action and must make decisions.

The maze of restrictions created by encroachment creates a situation where there is often only one course of action. The

Tank Commander who can only drive on existing roads, the regimental commander who may only exit the beach along one predetermined route, and a host of other examples where encroachment issues dictate the tactics that are employed, illustrates this problem. This lack of flexibility impacts the effectiveness of training and the development of tactical judgment and initiative in our junior leaders that is essential for survival on the battlefield.

IV. Conclusion

For Marines to succeed, they must train as they fight. Training must realistically simulate the environments that Marine's may encounter. Exercises must not only exercise our machines, but they must exercise the decision-making capabilities of every Marine. The cumulative impacts of encroachment reduce our training options and increase artificiality. The end result is a degraded ability to train as we fight.

We work hard to find ways to satisfy both our training requirements and the issues raised by encroachment. However, the problem we face is that every year additional encroachment issues result in additional restrictions on training. New restrictions are piled on top of pre-existing restrictions with the result that our ability to realistically train our Marines continues to significantly diminish.

Chairman Burton, Congressman Waxman and distinguished members of the committee, on behalf of all Marines, we appreciate your willingness to hear our concerns today and ask that you clarify environmental legislation when it conflicts with our Title X responsibility to train our Marines for combat.

Mr. BURTON. Let me ask, you were describing a combat operation and training exercise and if you have that in writing, is there any way I can get that in writing so we can incorporate that into our correspondence with the President and the Secretary of Defense? We would like to have that.

Captain McRaven.

Captain MCRAVEN. I also appreciate the opportunity to speak to you today on how encroachment is affecting the readiness of the Navy Seals.

In 1987, Congress established into law the Special Operations Command and as a result of that legislation, the Navy Seals and Special Operations Forces at large are better manned, trained and equipped than at any time in our history. Our ability to conduct combat missions wherever our Nation needs us has never been greater. However, as a result of environmental restrictions and urbanization, the costs in manpower, money and operational tempo to maintain that high degree of readiness have risen dramatically. As an operational commander, these costs have a direct impact on our command's ability to prepare for combat.

There are four thoughts I would like to leave you with today. First, in order to be ready for combat, we have very specific training requirements that must be met. The majority of that training takes place on ranges. Second, owing to encroachment, quality and availability of our training ranges has diminished dramatically. Third, in order to maintain my high state of readiness I have developed workarounds but unfortunately these workarounds are expensive and require my personnel to be away from their home station. Finally, when you combine these factors with the new law that limits a servicemember's time away from home, you will find that our ability to maintain our combat edge is in serious jeopardy.

The Navy Seals have two primary missions: reconnaissance and what we call direct action, raids, ambushes, sneak attacks and obstacle clearance for amphibious landings. Most of these missions originate from the water and require us to work in small units, behind enemy lines at night with little or no outside support. In each of these missions, our readiness is directly related to the quality of our training ranges, in particular, those ranges situated near the water which allow the Seal platoon to come across the beach and engage targets with live fire and explosives.

Seals average 103 days per year on a range. Learning these skills is not just a matter of proving one's professional knowledge in combat, these skills are a matter of life and death. Unfortunately, the Seals' ability to train on these ranges is becoming increasingly difficult. Environmental regulations enforced by Federal, State and local agencies have placed a significant financial and manpower burden on our staff, but more importantly, these restrictions limit training and force my Seals to seek ranges outside of California. This subsequently decreases the quality of training and increases the Seals already excessive time away from home.

Let me give you a couple of examples of how encroachment is impacting the quality of my training of my Seals. On San Clemente Island, we have a range called Eagle Point. It was an over the beach, live fire range used during the 1960's, 1970's and the early 1980's. Unfortunately, in early 1990, Eagle Point was placed off

limits owing to the nesting Sage Sparrow and Island Night Lizard. The Westside Range, typically used for 50 caliber and live explosives, has also been shut down to accommodate the expansion of these nesting areas. In 1997, one-third of San Clemente Island was designed an Island Night Lizard nesting area. Subsequently, no live fire, no demolitions, and no ground disturbing activity is permitted in that area.

Camp Billy Machen located near the Sultan Sea in Imperial Valley was established in 1966 at the south end of the vast expanse that makes up the Chocolate Mountain Bombing Range. Seals preparing for deployment to Vietnam would spend months living at Camp Billy Machen training on the range. Here they exercised long foot patrols from the camp site, across the desert to the Chocolate Mountains. Through the desert and mountain passes, they were able to conduct 360 live fire operations simulating engaging enemy targets from any threat sector. This ability to quickly respond to an unanticipated threat from any direction provided unparalleled combat training.

After Desert Storm, the demand for training at Niland increased and in 1994 Naval Warfare constructed a new \$10 million facility at Camp Billy Machen. Unfortunately, in 1996, a large portion of the Chocolate Mountain Bombing Range was set aside as a critical habitat for the Desert Tortoise thereby limiting ground activity. In order to preserve this vital range, the Navy and the Marine Corps were forced to restrict the usage of the Chocolate Mountain Bombing Range to air access only and while Camp Billy Machen still has some superb static ranges, no where is there the ability for Seals to foot patrol and conduct 360 degree live fire.

Since 1980, the Naval Amphibious Base Coronado has become increasingly restrictive due to the nesting by the Western Snowy Plover and the Least Tern. Seals no longer conduct significant maneuver or dive training around the base.

As the quality of the ranges in southern California diminish, Seals are exploring other options to maintain their combat edge. With the current limitations on live fire on maneuver ranges, Seals have resorted to using blanks, paint ball, laser tag, and simulated ammunition. While each of these methods has some training value, none of them, absolutely none of them, has the stress effect of live fire. While there are some quality live fire ranges in the United States, the Seals have to travel out of the area to reach those ranges.

Complicating our readiness is an issue with the 2000 National Defense Authorization Act which limits the number of days a servicemember can be away from home. It requires a four star, flag or general officer waiver for any member that is away from home for more than 220 days in a rolling 365 day period. While I strongly support this law, when one considers that a normal Navy overseas deployment is 182 days that leaves only 30 or 40 days available for training away from your home station. Consequently, the availability of quality ranges in the vicinity of one's home station is absolutely essential to maintaining readiness.

While I have focused almost exclusively on Navy Seals, this encroachment issue affects every Special Operations Force assigned to the U.S. Special Operations Command from our Army Green Be-

rets and Rangers to the Air Force and Army aviators who fly our rotary and fixed wing aircraft, restrictions on land, air and water ranges extol large costs in money, manpower and operational tempo. If this encroachment continues, the cost of doing business will severely impact the combat readiness of these soldiers, sailors and airmen.

The reduction in our combat capability will not be immediately apparent. Command leadership will identify reasonable workarounds that simulate combat conditions as best as possible but make no mistake about it, over time the combat edge will become dull.

Special Operations personnel have one goal in mind to win in combat and bring their men home alive. There are countless ways to go through the motions but to build a war-fighting capability that will succeed on the battlefield and keep America's young men and women safe, we need ranges that provide the whole spectrum of combat skills training.

While combat readiness is our No. 1 priority, it has always been our intent to be good stewards of the environment. I look forward to working with those local, State and Federal agencies responsible for the oversight to develop a reasonable, balanced approach.

I thank you for your time and interest on this very important issue and I stand by to answer any questions you might have.

[The prepared statement of Captain McRaven follows:]

NOT FOR PUBLICATION UNTIL
RELEASED BY THE HOUSE COMMITTEE
ON GOVERNMENT REFORM

STATEMENT OF
CAPTAIN WILLIAM H. MCRAVEN
COMMANDER, NAVAL SPECIAL WARFARE GROUP ONE
BEFORE THE
HOUSE OF REPRESENTATIVES COMMITTEE ON GOVERNMENT REFORM
ON
CHALLENGES TO NATIONAL SECURITY;
CONSTRAINTS ON MILITARY TRAINING
9 MAY 2001

NOT FOR PUBLICATION UNTIL
RELEASED BY THE HOUSE COMMITTEE

Good morning. Mr. Chairman and members of the Committee, I'm Captain Bill McRaven the Commander of Naval Special Warfare Group ONE. I command all the operational SEAL Teams on the West Coast. I report to the Commander of Naval Special Warfare Command, RADM Eric Olson. Admiral Olson is both the U.S. Navy's Special Operations Component Commander and the Maritime Component Commander for U.S. Special Operations Command.

I appreciate the opportunity to speak to you today on how environmental encroachment is affecting the readiness of Navy SEALs. I will begin by giving a brief overview of the mission and training of Navy SEALs followed by a discussion on the impact of encroachment on our training ranges in Southern California. I will also outline the operational costs for the SEALs to meet the environmental guidelines directed by law. Finally I will summarize my testimony with an overview of how the SEALs are attempting to comply with the Navy's strategy to be good stewards of our environment.

I. MISSION OF NAVAL SPECIAL WARFARE GROUP ONE

In 1987 Congress established into law the U.S. Special Operations Command. As a result of that legislation, Navy SEALs and Special Operations forces at large, are better manned, better trained and better equipped than at any time in our history. Our ability to conduct combat missions wherever our Nation needs us has never been greater. However, as a result of environmental restrictions the costs in manpower, money and operational tempo to maintain that high state of readiness have risen dramatically.

As Commander of Naval Special Warfare Group ONE I have two responsibilities; first, I am a force provider responsible for manning, training and equipping SEAL platoons to deploy to both the Pacific and Central Commands. Second, during a major theater war, I am an operational commander and my Group and I go forward as a battle staff working for either the Fleet or theater Special Operations Commander.

Under my command are SEAL Teams ONE, THREE, and FIVE, each composed of approximately 30 Officers and 200 enlisted men, and SEAL Delivery Vehicle Team ONE (of equal size) responsible for manning and operating wet and dry submersible craft.

Additionally, I serve as the administrative commander of two Naval Special Warfare Units forward based in Guam and Bahrain. These units support SEAL and SEAL Delivery Vehicle platoons when they are forward deployed. I manage the daily activities of all subordinate commands with a staff of approximately 250 personnel.

I typically have six SEAL platoons deployed overseas supporting the theater Special Operations Commands and the 5th and 7th Fleet Commanders. I also have eighteen SEAL platoons stateside in the rotation preparing for deployment. When deployed, these platoons participate in missions such as Maritime Interdiction in the Arabian Gulf, support to military operations in East Timor and contingency response missions. Additionally, we are an integral part of the CinC's Theater Engagement Plan annually participating in over seventy-two Joint Chiefs of Staff (JCS), Joint Combined Exercise for Training (JCETs) or Fleet Bilateral Exercises.

II. BASIC TRAINING

The SEALs assigned to me undergo a rigorous selection and training process prior to deploying overseas. After graduation from either Navy Recruit Training or one of several Officer Commissioning sources, a prospective SEAL is sent to Basic Underwater Demolition/SEAL Training (BUD/S) at Coronado, California. BUD/S is a 26-week course designed to identify and train those officers and enlisted men who have the motivation, physical stamina and mental acuity to be SEALs.

The curriculum is divided into three phase; Phase I focuses largely on physical training, Phase II teaches the student basic SCUBA and closed circuit diving and Phase III provides instruction in land warfare including basic marksmanship, demolition, and tactics.

Upon completion of BUD/S the student goes to basic parachute training at Ft Benning Ga and then reports to SEAL Qualification Training (SQT). At SQT he spends another three months in intermediate training honing basic skills and learning new tactics, techniques and procedures necessary for his assignment to a SEAL platoon.

Upon graduation from SQT he is awarded his Naval Enlisted Code and becomes a qualified SEAL. Immediately afterwards the new SEAL reports to his operational unit.

Upon arriving at his new command the SEAL will undergo an additional 12-18 months of individual skills and platoon training prior to deploying overseas as a member of a SEAL platoon.

III. ADVANCED TRAINING

Under Title 10 the United States Special Operations Command is responsible for training CONUS based special operations forces in nine core missions. These missions are Counter Terrorism, Counter Proliferation of Weapons of Mass Destruction, Foreign Internal Defense, Special Reconnaissance, Direct Action, Unconventional Warfare, Psychological Operations, Civil Affairs and Information Operations.

Of these nine core tasks Naval Special Warfare concentrates primarily on Special Reconnaissance and Direct Action.

Our essential training for these core missions includes such tasks as: tactical ambushes, sniper assaults, close quarter combat, underwater demolition, combat swimmer attacks, close air support, naval gunfire support, raids and hydrographic reconnaissance.

Our Special Boat Squadrons, which operate and maintain our Patrol Coastal ships, rigid hull inflatable boats and MK V Special Operations Craft also conduct essential training to include waterborne assaults, fire support and combat craft direct fire.

In each of these missions our combat readiness is directly related to the quality of our training ranges. In particular, those ranges that are situated near the water which allow the SEAL platoons to come across the beach and engage targets with live fire. We call these Over-the-Beach operations and they are the essence of what SEALs do in combat.

While Naval Special Warfare has some of the finest combat equipment in the world, what sets us apart is the individual SEALs' ability to operate in high stress and ambiguous environments. Short of war the only place we can create those conditions are our training ranges.

IV. RANGES

SEAL platoons average 103 days per year on a range prior to deploying. This equates to over 800 platoon days per team and over 2400 platoon days for Naval Special Warfare Group ONE at large. It is on these ranges that the SEALs are taught basic and advance fire and movement, ambushes, urban warfare, demolition and standoff weapons. Learning these skills is not just of matter of improving one's professional knowledge, in combat they are a matter of life and death.

Naval Special Warfare Group ONE SEALs train on four primary ranges within the Southern California area. These ranges include the Mountain Warfare Training Facility at La Posta, California; the Desert Training Facility at Niland, California; the Camp Pendleton Range Complex and the Maritime Operations Facility at San Clemente Island.

These facilities provide a controlled environment in which to simulate threats and conduct realistic combat training. Our SEAL instructors use a Crawl, Walk, Run approach to training thereby ensuring the platoon members are fully qualified before moving on to the next level.

With each step the degree of difficulty is increased, the level of stress rises and the ability to operate in a combat environment is improved. It's not surprising that we have found a direct correlation between quality training and performance in combat.

The SEALs' ability to train on these ranges is becoming increasingly difficult. Environmental laws and regulations enforced by federal, state and local agencies have placed a significant financial and manpower burden on my staff, but more importantly, require my forces to seek training outside California thereby increasing their already excessive time away from home.

V. THE IMPACT OF ENVIRONMENTAL ENCROACHMENT

A. Background

Naval Special Warfare forces have been training at Naval Base Coronado since 1945, San Clemente Island since 1950, and Camp Billy Machen, Niland, CA since 1966. These facilities offer great insight into the ever-increasing effect of encroachment on SEAL training.

Naval Base Coronado has been the home to Navy Frogmen and SEALs since their inception in the Pacific. All the basic skills from diving to hydrographic reconnaissance have been taught on the beaches and in the bays surrounding the Naval Base.

During the Korean conflict, the Navy Underwater Demolition Teams (UDTs), the predecessors to today's SEALs, conducted extensive demolition training, land warfare

and live fire operations in and around San Clemente Island. It was the premier location for over-the-beach live fire training. This was the kind of training that prepared them for amphibious operations and inland demolitions raids on the Korean Peninsula.

During Vietnam, UDTs used San Clemente Island to develop the full range of combat skills, concentrating primarily on live fire direct action missions. The platoon could conduct a beach landing on any number of open beaches, have the entire island to maneuver to their objective, lay up in the dense underbrush and then using a variety of standoff and close in weapons, assault the target.

In 1962 President Kennedy commissioned the first two SEAL Teams. On the West Coast, SEAL Team ONE trained extensively at Camp Billy Machen at Niland in the Imperial Valley near the Salton Sea. In the vast expanse of unoccupied land around Niland, SEAL platoons could conduct 360-degree live fire operations thereby honing their combat skills in preparation for tours in Vietnam. In Desert Storm, every West Coast SEAL platoon that deployed to Saudi Arabia had trained extensively in basic, intermediate and advance land warfare at Camp Billy Machen. In all three cases, encroachment has required SEALS to develop operational workarounds costing money and manpower that directly impacts training and readiness.

B. San Clemente Island

San Clemente Island is situated sixty miles off the coast of San Diego and is administered by the Department of the Navy. The island is approximately 24 miles long by four miles wide. It is inhabited by thirteen (13) threatened or endangered species. Every SEAL

since Vietnam has trained at San Clemente Island. Unfortunately because of several environmental issues the quality of that training has diminished dramatically in the last fifteen years.

Eel point, an over-the-beach live fire training area for SEALs during the 60s, 70s and early 80s, was placed off limits in early 1990s by the Navy to provide protection for nesting Sage Sparrows and the Island Night Lizard. The West Side Range, historically used for .50 caliber and live explosives has also been shut down to protect these nesting areas.

In 1997 one third of San Clemente Island was designated an Island Night Lizard management area by the Navy. These limitations restrict training to 10-man foot patrols because of the potential impact to the habitat and species. However, no live fire, demolition, or ground disturbing activity is permitted.

U. S. Fish and Wildlife Service (FWS) has also raised concerns over fire destroying the San Clemente Sage Sparrow habitat. The FWS has indicated the possibility of a Jeopardy Opinion related to Navy activities that could start fires. The Navy believes historical data on San Clemente fires that indicates otherwise. To protect the sparrow's habitat, the Navy prohibits SEALs from using tracer rounds or pyrotechnics during the dry season and must have an approved fire management plan prior to commencement of any training. The inability to train with tracers and flares to mark and illuminate the target greatly reduces the realism. Along with a fire management plan SEALs must procure the

equipment necessary to be first responders in the event a fire breaks out. For Naval Special Warfare Group ONE these costs will exceed \$100K per year.

Interestingly enough the Whale Point Range, a live fire demolition range that has been in use by SEALs since 1950, continues to support a thriving Sage Sparrow population. Per acre, this range has as high a Sage Sparrow population as any other suitable habitat on the island.

A major concern for Naval Special Warfare is the potential to lose our only underwater demolition range. Located inside Northwest Harbor on SCI this range has been used for basic and advanced demolition training for fifty years. One of our primary missions as Navy frogmen is to clear the beaches of obstacles (mines, concrete barricades, steel obstructions, etc.) in preparation for amphibious landings. The only underwater demolition range in CONUS capable of meeting SEALs training requirements is located in this small harbor.

Recent initiatives by the NOAA-Fisheries Service to limit the use of active SONARs on other Navy ranges will undoubtedly raise the specter of noise abatement on underwater demolition ranges. If this occurs, Navy SEALs will have no capability in CONUS to conduct obstacle loading with live ordnance, mine countermeasure or limpet mine emplacement training.

Finally, the Shore Bombardment Area (SHOBA) Range, which is used by a variety of naval surface and aviation units, in addition to the SEALs, was found to be a habitat for the San Clemente version of the Loggerhead Shrike. To protect the Shrike, the Navy jointly developed a management plan with the FWS which has resulted in a loss of over 100 training days per year owing to Shrike management. This obviously has limited the SEALs and Special Boat Units access to SHOBA and seriously curtailed our ability to conduct naval gunfire and close air support.

All of this environmental encroachment not only impacts the SEALs' ability to train, it also costs time, money and manpower for my staff to meet the mandated regulations dealing with the habitat and species issues addressed above. In an effort to address these concerns, we have initiated the environmental review process mandated by the National Environmental Policy Act (NEPA). For example, an Environmental Assessment (EA) was initiated in 1996 for six SEAL ranges on San Clemente Island. Recognizing the potentially serious issues identified in the EA, an EIS was initiated in 1997 to analyze the impact of all existing military activities on San Clemente Island. This EIS (which includes the SEAL ranges) has cost the Navy \$3.6M to date and is years away from completion. Naval Special Warfare has spent over 500 man-hours supporting this initiative. It is important to note that all the funds used for Environmental Assessments, Environments Impact Statements and mitigation are funded from within the command's Operations and Maintenance (O&M) account. Anticipated requirements that occur arise during the year come directly from O&M accounts. This money could normally be applied to readiness and sustainability for our force.

C. Camp Billy Machen, Niland, CA

Camp Billy Machen was established in 1966 with a few small tents on the south end of the vast expanse that makes up the Chocolate Mountain Bombing Range. SEALs preparing for deployment to Vietnam would spend months living at Niland and training on the range. Here they exercised long foot patrols from the campsite across the desert to the Chocolate Mountains. In the open desert and mountain passes they were able to conduct 360 degree live fire operations simulating engaging targets from any threat sector. This ability to quickly respond to an unanticipated threat from any direction provided unparalleled combat training.

After Desert Storm the demand for training in Niland increased and in 1994, Naval Special Warfare constructed a new \$10M facility at Camp Billy Machen. In 1996, a large portion of the Chocolate Mountain Bombing Range was set aside as a critical habitat for the Desert Tortoise, thereby limiting ground activity. This forced the Navy and Marine Corps to restrict usage of the Chocolate Mountain Range to air assets only in order to ensure future utilization of this vital bombing range was not threatened.

While Camp Billy Machen still offers a wide array of static ranges to include a 1000m sniper range, a demolition range, pistol and rifle range; nowhere is there the opportunity to conduct 360 degree fire and movement. SEALs must fire their weapons in the same direction each time thereby eliminating many realistic scenarios and severely limiting the

training value. The ability to engage targets from any direction is absolutely essential to be a combat effective SEAL.

D. Naval Base Coronado, San Diego, CA

Naval Base Coronado (NBC) is located over the bridge from San Diego and maintains land on both the beach and bayside of Coronado Island. The ability to operate on the beaches and in the waters surrounding the Naval Base has been dramatically curtailed during the breeding season of the endangered least tern and Western snowy plover.

NBC supports sensitive natural and cultural resources including two federally protected shore birds. Federal laws, Department of Defense (DOD) regulations and the Department of the Navy instructions such as the Endangered Species Act, DOD Directive 4715.3 and OPNAV Instruction 5090.1b prohibit damage or disturbance to these natural resources. As part of the management plan for protected resources, all details of our training operations must be approved in advance. Once a training operation has been approved, the users must conduct training exactly as specified, thereby limiting the opportunity to build tactical uncertainty into the training.

For decades SEALs, Marines, Beachmasters and Amphibious Construction Battalions conducted amphibious landings off the Coronado Silver Strand Beach. However in the early 1980s the Western Snowy Plover and Least Tern began to nest on the beach. Environmentalists were rightfully concerned that tracked vehicles and foot patrols would destroy the bird's habitat. In order to mitigate the potential damage, the nests were moved across the highway to a spit of land inside the bay called Delta Beach. Delta

Beach is used by students from Basic SEAL training and SEALs assigned to operational units as the extraction point at the completion of their bay training dives.

Nevertheless this compromise seemed like a reasonable solution to maintain open beach access. However, as the Least Tern population grew on Delta Beach the birds have extended their habitat back to the ocean beaches forcing the Navy to shut most over-the-beach amphibious landings. In fact, Naval Base Coronado has lost over 80% of its usable training beaches to encroachment.

Additionally, in an effort to increase the bird population SEALs assisted environmentalists in planting eelgrass in the area surrounding the Naval Base. The eelgrass sustains a fish eaten by the Least Tern. The grass has subsequently spread to a much larger area further limiting SEAL diving operations around Naval Base Coronado.

VI. WORKAROUNDS

As the quality of ranges in southern California diminishes, SEALs are exploring other options to maintain their combat edge. With the current limitations on live fire and maneuver ranges SEALs have resorted to blanks, paint ball, laser tag and simulated ammunition (simunitions). While each of these methods has some training value, none of them produce the stress effect of live fire.

The other primary limiting factor in SEAL training is the absence of large maneuver areas. With the restrictions at San Clemente Island, the Chocolate Mountain Range and Camp Pendleton, SEALs on both coasts must compete for available ranges outside their home station.

As a matter of routine SEALs train at Fort Chaffee, AR; Ft Polk, LA; Eglin Field, FL; Hurlburt Field, FL; Bangor, WA; Ft A.P. Hill, VA; Kirkland AFB, NM, and many other areas that are remote from where the SEALs live. While these areas provide unfamiliar terrain and the potential for improved training, they are also constrained by encroachment issues.

Complicating this matter is the new law that limits the number of days a service member can be away from home. The DOD monitors these days away based on three thresholds. At threshold one (182 days within a 365 day rolling window), a service member is identified as a "high deployment" individual. If he exceeds 182 days (threshold two) he must receive a waiver from the first general officer in his chain of command. If he exceeds 220 days (threshold three) he must receive a waiver from the first four-star general officer in his chain. And, any member who exceeds 401 days out of any 730 days will receive high-deployment per diem. When one considers that a normal Navy overseas deployment is approximately 182 days, that leaves very little time to train away from your home station. Consequently, the availability of quality ranges in the vicinity of one's home station is essential to maintaining readiness.

In the past we were able to mitigate some of the lost stateside training by using a variety of ranges overseas. With the loss of key bases in the Philippines and restrictions in Okinawa and Guam, even this opportunity is limited. When the ranges in the local areas

are insufficient to maintain combat readiness, striking a balance between combat proficiency and personnel tempo can be a difficult undertaking.

On a final note, although some environmental laws contain a national security exemption, such an exemption is, historically, rarely utilized and only in extreme circumstances.

VII. THE FOUR PILLARS

While my primary concern is developing and maintaining the combat effectiveness of deploying SEAL platoons, I fully support and genuinely believe in the Navy's approach to managing their environmental resources. In VADM Amerault's testimony before the Senate Armed Services Committee he outlined the Navy's strategy in four pillars; a sound legal position; knowledge superiority; policy and procedures; and education and engagement. Within Naval Special Warfare we work hard to implement both the letter and the spirit of that strategy.

A. Sound Legal Position

Naval Special Warfare has worked closely with Navy Region Southwest and all the appropriate agencies to develop the proper documentation (EAs, EIS, BO) in hopes of establishing our legal position to use our four primary range facilities. While attempting to meet the conditions and restrictions imposed by the various agencies is operationally frustrating, we understand the law and the implications of non-compliance.

B. Knowledge Superiority

In an effort to ensure Naval Special Warfare remains current on all local, state and federal laws and regulations, environmental experts have been hired to provide advice and

counsel to personnel in key leadership positions. These civilians also provide tremendous continuity and corporate knowledge on range issues that frequently take years to resolve.

C. Policy and Procedures

Naval Special Warfare works with agencies throughout DOD to ensure our concerns are incorporated into appropriate policies and procedures to develop a reasonable and balanced approach to range management and environmental protection.

D. Education and Engagement.

Education and engagement is a two-way street. Our SEALs work hard to educate personnel outside the Naval Special Warfare community about the need for realistic training ranges and balanced regulations. Conversely, inside the SEAL community we spend a great deal of time and effort to educate our sailors on the need to be good stewards of our land and water resources.

Naval Special Warfare is also exploring a variety of options to maximize local training and minimize the impact to the environment. In particular, we have plans for a large indoor range that would provide both live fire and simunitions. If this range were built in an area near Coronado, this would reduce operational tempo, maintain combat proficiency and minimize the impact to the environment. In the end we will all be better served by a consistent, pragmatic and reasonable approach to managing our combat training and the environment.

VIII. SUMMARY

While I have focused almost exclusively on Navy SEALs, this encroachment issue affects our Special Warfare Combatant-Craft Crewmen and every other special operations force assigned to the U.S. Special Operations Command.

From our Army Green Berets and Rangers to the Air Force and Army aviators who fly our rotary and fixed wing aircraft; restrictions on land and water ranges extol large costs in money, manpower and operational tempo.

If this encroachment continues, the cost of doing business will severely impact the combat readiness of these soldiers, sailors and airmen. The reduction in our combat capability will not be immediately apparent. Command leadership will identify reasonable workarounds that simulate combat conditions as best possible. But make no mistake about it, over time the combat edge will become dulled.

Evaluating a SEAL platoon's combat readiness is both a science and an art. I can easily articulate the number of lost training days, the mission critical skills not exercised and the percentage of platoons that failed their readiness evaluation.

However, what is harder to quantify is the loss of platoon combat intuition--that tactical sense that is developed with high quality training, conducted under adverse conditions that simulate combat as closely as possible.

SOF operators have one goal in mind-to win in combat and bring their men home alive. There are countless ways to go through the motions, but to build a warfighting capability

that will succeed on the battlefield and keep America's young men and women safe, you need ranges that provide the full-spectrum of combat skills training.

While combat readiness is our number priority, it has always been our intent to be good stewards of the environment. I look forward to working with those local, state and federal agencies responsible for the oversight to develop a reasonable, balanced approach to range management. Mr. Chairman and members of the committee, I thank you for your time and interest in this very important issue.

Mr. BURTON. Thank you, Captain.
Colonel Carlisle.

Colonel CARLISLE. I also would like to thank you for the opportunity to talk with you today. I would just like to make a brief statement from an Operational Commander's perspective.

The single greatest advantage we have over our potential adversaries is the way we train. Not too long ago, we enjoyed a significant technological advantage over our adversaries. Unfortunately, that is no longer the case not with the current systems we fly and employ today. In many cases, adversaries are at parity with us and in some cases, they are actually better than us. So the importance of how we train and the importance of these discussions cannot be overstated.

I have submitted my written testimony, so I am ready to answer any questions you might have.

[The prepared statement of Colonel Carlisle follows:]

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DEPARTMENT OF THE AIR FORCE

PRESENTATION TO THE HOUSE COMMITTEE ON
GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

SUBJECT: TRAINING ENCROACHMENT ISSUES

STATEMENT OF: COLONEL HERBERT J. "HAWK" CARLISLE
COMMANDER, 33D FIGHTER WING
EGLIN AIR FORCE BASE, FLORIDA
AIR COMBAT COMMMAND
UNITED STATES AIR FORCE

9 MAY 2001

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Mr. Chairman and members of the committee, thank you for the opportunity to speak to you about the 33d Fighter Wing's airspace range requirements and utilization. The 33d Fighter Wing is an Air Combat Command wing, with over 1,800 assigned personnel, 54 F-15C air superiority fighters, and a deployable air control squadron. We comprise 20% of the United States Air Force's active duty forces charged with providing CINCs air superiority whenever and wherever called upon. During this fiscal year, we have had our two fighter squadrons and air control squadron deployed as portions of two different Air Expeditionary Forces to Operation SOUTHERN WATCH. When not deployed, our units train for combat operations flying over 10,000 sorties and 14,000 flying hours a year.

We consider training airspace and ranges as crucial national assets. They are directly linked to our readiness to deploy and execute our wartime mission. There are four key elements of training airspace:

Volume--enough to accomplish the training mission and objectives

Proximity—distance to Eglin AFB

Time—available when required

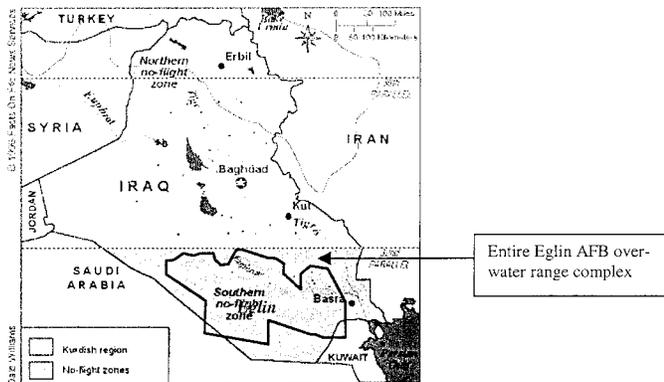
Attributes—ability to accomplish specific tactics

Although we do some necessary training over land, over 85% of our training is accomplished over-water in the eastern Gulf of Mexico. These ranges encompass approximately 25,000 square miles of airspace and are generally larger, authorized for supersonic flight, allow electronic counter-measures training, and more available than our over-land ranges. From the inception of the Air Force, we have learned that we must train like we fight. In other words, our peacetime training must mirror the combat environment we expect to encounter. That training encompasses tactics

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development and execution, simulated and live weapons employment, and large force employment practice. Honing these combat skills in peacetime makes us more survivable, lethal, and successful in war. Our high performance F-15C aircraft, long-range precision air-to-air weapons such as the AMRAAM, and tactics require large amounts of airspace to adequately train. This airspace is not only needed to practice weapons employment, but also to practice the pace and cadence of communications, radar employment, and formation maneuvering required for combat employment. For comparison, please note the map below depicting the relative size of our total over water training airspace to the southern no fly zone over Iraq, where the wing has deployed squadrons nearly continuously since the Gulf War.



Note the relative size of the depicted training airspace in relation to the size of the no-fly zone. On any given training mission, we have a fraction of the depicted training airspace to practice in, yet in combat the assigned area of responsibility may be as large as the entire over water airspace. As you know, one of the more recent tactics the Iraqi's have used is to lure a coalition aircraft close to a surface-to-air missile site, or anti-aircraft artillery battery in order to shoot down an aircraft. To train against this tactic in peacetime requires airspace that not only allows for a simulated location for those threats, but also airspace

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for our aircraft to execute their assigned mission while avoiding those locations. The more realistic the training environment, the better prepared we are to execute the mission for real.

Currently we are fortunate in attaining the type and amounts of airspace we require for our training. Encroachment issues have not affected our capability to train like we fight in our current ranges. However, future encroachment actions that affect the characteristics of the airspace I described would impact our training and readiness for combat operations. In summary, we rely heavily on having sufficient amounts of properly sized and readily available airspace for training to maintain our readiness for war.

Mr. BURTON. Thank you very much.

Let me start with you, General LaPorte. You said 84 percent of Ft. Hood is restricted at some time for some purposes?

General LAPORTE. Yes, sir. I have some exhibits that could show you the cumulative effect of that encroachment.

Mr. BURTON. I would like to see those.

General LAPORTE. Would you put up exhibit No. 1, please? This is an outline of Ft. Hood. It is nearly 200,000 acres and does not include the contonement area, it is all contiguous.

The next exhibit is an example of the encroachment from Killeen. The northern part of Ft. Hood is north of that yellow line. You can see to the south right around one of our major air fields, the city of Killeen is built right up to the fence line. That is a significant challenge to us to conduct training and night aviation operations.

The next exhibit shows the no dig areas on Ft. Hood, 64 percent of the area on Ft. Hood is listed as no dig.

Mr. BURTON. Explain to me, when you say no dig, you mean you can't even dig a foxhole?

General LAPORTE. No, you can't dig a foxhole, can't dig fighting positions.

Mr. BURTON. What percent, 64 percent?

General LAPORTE. 64 percent.

Mr. BURTON. Why is that?

General LAPORTE. It is a combination of protected Corps and non-Corps habitat for endangered species.

Mr. BURTON. What endangered species would cover 64 percent of the land mass from digging a foxhole?

General LAPORTE. We have two endangered species at Ft. Hood, the Black-capped Verio and the Golden-cheeked Warbler.

Mr. BURTON. What are those? The warbler is a bird, isn't it?

General LAPORTE. Two birds.

Mr. BURTON. How is digging a foxhole going to hurt the bird?

General LAPORTE. You can't disturb their core or non-core habitat. There is no digging allowed. The opinion issued by the U.S. Fish and Wildlife Service creates that sanctuary for the birds and during the nesting season, which is March to September. You can't go through there at all, so there is no training allowed whatsoever in that training area.

Mr. BURTON. Are we videotaping this? I want to send a copy of the videotape, along with our stuff. This is ridiculous. I am a little upset as well because I had to dig and I hate it that these guys don't have to dig anymore. The ground was hard and it was cold. [Laughter.]

General LAPORTE. We teach soldiers that dirt is a combat multiplier and if you dig holes you can survive on a battlefield. This is why we suboptimize training.

Mr. BURTON. I know.

General LAPORTE. This an example of the non-core habitat. I will tell you that the Fish and Wildlife Service has worked with us in reclassifying what was core to non-core habitat which gives us a little more flexibility but in non-core habitat, you can see year around, no digging, no open fires, no tree or brush cutting, no destruction of the habitat, which for a mechanized force becomes

challenging. That is 10 percent of the training area. Go to the core habitat.

The core habitat year around has the same restrictions as non-core habitat but during the March through August period, there are no vehicle or dismounted maneuver, no movement whatsoever, you have a 2-hour limit to transit the area, you can't use any smoke, artillery, any type of bivouac or camouflage nets.

Mr. BURTON. You can't bivouac in that area?

General LAPORTE. No, sir, not during the mating season.

Mr. BURTON. I wouldn't have minded that because I didn't like bivouac anyhow. It was five above zero the last bivouac we had and it was cold. I had an air mattress that had a hole in it. Back in those days, you had an air mattress and you put your sleeping bag on top of the air mattress and every time I got the thing blown up, which we had to do manually, the air would start leaking out of it. Just about the time I would get to sleep, I would hit the ground again and wake up. [Laughter.]

General LAPORTE. These are cultural sites that are safeguarded under various National Historic Preservation Acts. At Ft. Hood, we have nearly 1,200 sites protected, nearly 2,200 sites identified. What that means is you can't dig within 50 meters, no construction or destruction and no traffic moving through any of those sites. So you see how it starts adding to it. Next slide.

We have restrictions on the use of smoke and a mechanized force, obscuration of the battlefield is a critical combat multiplier that we want to train on at every level. Because of encroachment, primarily urban encroachment, we are no longer allowed to use smoke in the areas covered in that purple color. Next slide.

Finally, Ft. Hood has a great relationship with the surrounding community and noise encroachment is a very manageable problem. We still have problems with the northwest side of our reservation in terms of artillery fire but you can see the cumulative effect of all that is 84 percent of the training area has some form of restriction for a mechanized force.

The last slide, to keep this in perspective, a brigade in World War II used a terrain about 8 kilometers by 12 kilometers. That is what they fought in. The brigade we just trained at the National Training Center, the digitized brigade of the Fourth Infantry Division, trains and is expected to operate over a 50 x 50 kilometer space. You can see the significant requirements that we now have and we have shrinking insulation to execute this mission essential training.

Mr. BURTON. General Battaglini, it is my understanding that the First Marine Division practiced at Camp Pendleton beaches for 6 months before they assaulted the island of Iwo Jima in World War II. Are you allowed to train the same way today and if not, can you tell us why?

General BATTAGLINI. The base was established back at that time, I believe around 1940 or 1941 around the time of the Second World War obviously for the use of the beaches in preparation for Marines to go overseas. Restrictions as we know them today were not existent.

I would make the point that weaponry since that time have changed throughout the years. The restrictions we find ourselves in

now that they did not have then, a lot of the ranges were set up for the capabilities of that time and now we find we need to maximize every available bit of space for our training.

Mr. BURTON. You have weapons that are much more far reaching than what you had in World War II when you used the Browning automatic rifle and the M-1 and you don't have any space for it?

General BATTAGLINI. We need to maximize the space that we have to accommodate the weapons that we have, sir. As we look to the future in all of our ranges, we need to be able to accommodate by adjusting the space that we have to the enhancements in technology that will affect our weaponry and our tactics.

Mr. BURTON. Ms. Davis.

Ms. DAVIS. Thank you.

Colonel Carlisle, you are here as a representative of all Air Force combat pilots?

Colonel CARLISLE. Yes, ma'am.

Ms. DAVIS. If we were to have a commander come from each base, do you think they would say the same things you have, that encroachment is a critical problem for them?

Colonel CARLISLE. Yes, ma'am. Actually, I don't think you would have to restrict it to Air Force. I think you could restrict it to every service because every service has some form of air power that participates in the overall game plan for a joint force that we put forth in any contingency. Clearly, even the Navy's impact of the AK's and we add the honor of hosting them at Eglin because they had to go somewhere, but that all puts training on everybody's range as we get more and more restrictions. Even Ft. Hood when we do close air support with those guys and take up our A-10's, those air space restrictions can cause havoc with our aviators and their aviators. So it wouldn't be just the Air Force; I believe it would be all the services, range encroachment has a significant impact.

Ms. DAVIS. Do you think it affects morale and that question would be for all of you?

Colonel CARLISLE. I definitely think it affects morale. Clearly, we have been fortunate to be on a winning team, we love to win, everybody wants to win and we have been very fortunate to do that. Part of winning is training the way you are going to fight like everyone said before me. Clearly when we go to a combat region, we were employed to win, so we have to train that way. If we are air space restrictions were kept and altitudes we can't go above, that is not realistic or we can't go supersonic because of noise complaints, that is not realistic. All those make you less capable of doing the mission the way you will do it to go out and win. That clearly has an impact on morale.

Ms. DAVIS. Do you think this is affecting retention in any of the services?

Colonel CARLISLE. I do personally. I would say there are a bunch of factors that affect retention as everyone knows. There is a push-pull, there is being pushed out of the military and there is the pull of the economy which everyone talks about. The push part of the military, one of them is the way we train, there are a bunch of components. Clearly the ability to train the way we are going to fight and the ability to employ our airplanes the way they are designed to be employed is a factor.

Ms. DAVIS. I think we all know F-15 pilots sort of have an ego anyway, so if they can't train, then they probably aren't too happy.

As a Wing Commander, do you or any of your staff meet with the FAA?

Colonel CARLISLE. Yes, ma'am. At Eglin, it is a very, very big process. We have three different flying wings, four different total wings. We have what we consider a national treasure in the range space. The Eglin air space is truly a national treasure and an asset that every service uses and participates with. We all participate in that. We all meet with the FAA on a normal basis. We have representatives from all the different wings and we have a fairly large agency on Eglin that deals with them a lot and we all have members of that board.

Ms. DAVIS. Do any of the others of you want to comment on anything?

General LAPORTE. Your question on retention, I don't know if there is a direct correlation but our young officers and NCOs understand task conditions and standards, that is the way we train. They are executing a task, not to standard because the conditions under which we conduct that training do not allow them to do that. That is frustrating to them.

Ms. DAVIS. I will yield the balance of my time.

Mr. BURTON. Mr. Schrock.

Mr. SCHROCK. I would like to ask you a question, Mr. Chairman. In Captain McRaven's testimony, he said he has to deal with environmental laws and regulations enforced by Federal, State and local agencies. I thought if it was on a Federal reservation—maybe I am wrong—local and State regulations had no bearing. Is that right or not?

Mr. BURTON. I think we had better ask the panel. I am not familiar. Since it is a military base controlled by the Federal Government, don't they have control and don't they supersede the State and local requirements?

Captain MCRAVEN. Yes, sir. I am not so much sure it is the law itself but the interpretation of the law at the local level that is presenting some problems for us. As an Operational Commander, I deal through my chain of command and Naval Base Coronado has an environmentalist in the Natural Resources Branch that works with all of the local agencies to ensure we are in compliance with the law. Again, a lot of that comes down to the regulators and how they interpret the Federal, State and local laws and how that impacts us at that level.

Colonel CARLISLE. I also believe the EPA delegates a lot of their authority to the local and State level, so they actually have Federal authority at the local and State level. We may own the base but if we have to fly over or traverse part of the local area to get to a training range, that also becomes a factor.

Mr. SCHROCK. Then you have three masters to deal with?

Colonel CARLISLE. Yes, sir.

General LAPORTE. We deal with them equally, State, local and Federal because of the way the law is written.

Mr. SCHROCK. This is the most educational day I have had since I have been here. Like the chairman, I can't believe some of this stuff exists. We have to do something about this and quick.

Mr. BURTON. We will summarize the points raised by both panels and ask members of the committee to co-sign a letter authored by me to both the President and the Secretary of Defense. Also, we will look at legislative proposals to correct that. We have asked the first panel and we will also ask this panel for any recommendations or insights you might have on legislative reform that would correct the situation. We hope you will give us that information so we can try to deal with this problem.

Mr. SCHROCK. I would like to be at the front of the line with any legislation to help you.

Mr. BURTON. Ms. Davis.

Ms. DAVIS. That brought up a point. I am assuming sometimes you are forced to build in areas where you train and where you just conduct mitigation. What agency do you work with if you have to conduct mitigation and where do you get the money for the mitigation?

Colonel CARLISLE. In my case, we work with all three: local, State and Federal. Clearly the Federal level delegates a lot of that down to the State, so we have to deal with all the different levels of the Government. The money is out of pocket to a large extent. Eglin in particular spends about \$20 million a year on environmental issues. That includes compliance and endangered species, a variety of things and it is basically O&M, operations and management money that you don't fix the infrastructure, you spend it on environmental compliance instead.

Ms. DAVIS. You mean the money that you won't have to pay your electric bill this August 1?

Colonel CARLISLE. That would be the same money, yes.

Captain MCRAVEN. That is actually the money that goes toward readiness and sustainability of the force as well. One of our biggest problems at my level, I am only an O6 Commander but when you take \$1.6 million over 3 years in order to conduct environmental assessments and impacts statements out of my budget, that budget takes care of one SEAL team for an entire year, just to give you an idea how much of an impact it has had on us.

Colonel CARLISLE. There was one case where we had grates at Langley that because of the age of the base, they were decaying. We put a left main landing gear of an F-15 through a grate, the airplane fell on its side, bent the nose gear, popped the tank, it was a bad day. We spent money to buy a Fish and Wildlife assessment person to make sure we didn't kill any Canadian geese instead of spending money to fix grates on the runway.

Ms. DAVIS. That wouldn't have been the same Canadian geese that were on the golf course?

Colonel CARLISLE. Those would be the very same.

Mr. BURTON. And they all ought to be shot. If you have ever played on a golf course with a lot of those geese, you can't hit a shot.

Ms. DAVIS. I am more concerned about them going into the plane's engines and losing a pilot.

Mr. BURTON. I am concerned about that too.

One question we didn't get to ask of the first panel was in the last quarterly readiness report to Congress in 2000, the Air National Guard received a C4 rating in operations and training. Can

you tell us what that means? We are relying more and more on the Air National Guard and the National Guard, is this affecting our capability and readiness?

Colonel CARLISLE. Yes, there is a portion of that coming from the range encroachment. The Air National Guard, obviously are in every State and very prolific with different ranges and different air fields and are not as centrally located in a lot of cases as the active because they will basically have one squad with airplanes at different bases.

The ability to get to a range they can actually use and if you use the restrictions they have to fly under with respect to altitude, subsonic flight, that poses a significant effect on their abilities.

Mr. BURTON. Just like it does the active military?

Colonel CARLISLE. Yes, sir, but they have to deal with a lot more than we do. They have less time to go to Nellis, less time to UTTR and less time to come down to Egin to fly with us.

Mr. BURTON. So if they are called up on active duty and have to go into a combat situation, even as a backup, and get into combat, they have some severe problems?

Colonel CARLISLE. Potentially, some of the units could have problems, yes, sir, because of their ability to spin up and spin time. With the AEF, we are trying to make it predictable and schedule their training in those good ranges like Nellis and UTTR and down at Egin right before they go on an AEF cycle. In the past, that was not that way.

Mr. BURTON. All of you served in Desert Shield and Desert Storm with great distinction and we appreciate that. 293 American men and women were killed in these operations and another 467 were injured. All of you can answer but General LaPorte, do you believe your units are able to train today like they did for Desert Storm and if not, I would like you to explain briefly what this means in terms of loss of life in the event we have to go into a combat situation as we did with Desert Storm and Desert Shield.

I know it is tough to do because it is hard to compare what you think is going to happen with what did happen but it sounds to me like if we went into a combat operation like that today, we would probably lose considerably more personnel and have more injured. Am I correct or not?

General LAPORTE. I was the Chief of Staff of the First Cavalry Division and we left Ft. Hood and went into Saudi Arabia with 2½ months of unrestricted training we were able to conduct as a division before we went north. I don't believe any adversary is going to give us 2½ months to conduct unrestricted training in the future. That is why it is so important, very similar to the Seals that we are able to train at home station so we deploy right from Ft. Hood. We get on boats and planes and land someplace that we are able to fight without a major opportunity for training.

Colonel CARLISLE. The only comment I would make is in the 1980's, our pilots flew more sorties than they did in the 1990's.

Mr. BURTON. Training sorties?

Colonel CARLISLE. Yes, sir, and there are a variety of reasons for that. We are flying 10 year older airplanes, aging airplanes is a factor, some issues with MC rates and declining MC rates. When we

went into Desert Storm, the average pilot got more sorties in the 1980's than he has in the 1990's. That would have an impact.

Mr. BURTON. Was the maintenance better on the equipment then?

Colonel CARLISLE. There are a variety of reasons why the MC rates have gone down, the age of the aircraft, some parts shortages, and also manpower and retention. Our maintenance manpower is significantly different. We also train to a different concept. We train to fill the gap, the host squadron deploys and fights a war in Central Europe and we are all there at one time. Now, I send six airplanes to Northern Watch, six airplanes to Iceland and six airplanes to Keyflavic or to Southern Watch. Now, I am taking that maintenance unit and splitting it into thirds. All those things are different than they were in the 1980's which has a big impact.

Mr. BURTON. Captain McRaven.

Captain MCRAVEN. About the mid-1990's, we have flat lost a lot of our tactical training range, particularly at San Clemente Island owing to a lot of encroachment issues there. Some of those ranges were absolutely key in our ability to come over the beach, engage a target with live fire and retract back over the beach. Certainly by virtue of the fact we have lost some ranges, a lot of that capability has diminished.

We have developed some pretty good workarounds but part of my biggest concern when we look at encroachment, I view it not only as the environmental and urbanization and accessibility, but the National Defense Authorization Act talks about the amount of time my Seals can be away from home, when you take a hard look at that, that is absolutely going to encroach on my ability to train.

We talked earlier about is there a wall out there? In all honesty, I can tell you that wall is a lot closer than a lot of people think when you start laying what we call eye tempo act over the ranges where we have to conduct our workarounds are outside the southern California area. We will not be able to stay within the law and still conduct the level of training we have historically conducted.

Mr. BURTON. General.

General BATTAGLINI. I would merely say that I agree with General LaPorte, I think we need to caution ourselves if people refer to the Gulf war as any sort of measure of readiness for the reasons the General said. We all went there and were able to train. Our mission is to be prepared and we need to be prepared now to go and to engage, to be committed to combat and if we are not prepared, we are doing a great disservice to those young men and women that all of us are responsible for.

Mr. BURTON. Let me conclude by saying to you, the first panel and everybody in the military, we really appreciate your dedication and your service and everything you do for this country. I am appalled as my colleagues are. I am sorry we didn't have more on the other side of the aisle to hear this because I think it is a bipartisan issue or nonpartisan and everyone ought to understand the problems you are facing.

We are going to try to make sure we raise hell until people start listening and I promise we will do that. I am known to do that around here, so we will make sure some fences are rattled. Perhaps we will get something accomplished for you. We want to make sure

you are ready to go into combat, God forbid you ever have to do that again.

I hope you will submit your views in writing so we can incorporate that in the correspondence we are going to give to the relevant people.

With that, thank you very much for being here.

I ask unanimous consent that Representative Janice Schakowsky of Illinois be appointed to the Subcommittee on Criminal Justice, Drug Policy, and Human Resources and without objection, so ordered.

Thank you for being here. We stand adjourned.

[Whereupon, at 3 p.m., the committee was adjourned, to reconvene at the call of the Chair.]

[Additional information submitted for the hearing record follows:]

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TO: MEMBERS OF THE COMMITTEE ON GOVERNMENT REFORM
FROM: CONGRESSMAN DAN BURTON, CHAIRMAN
DATE: MAY 4, 2001
RE: Committee Hearing entitled "Challenges to National Security – Constraints on Military Training," 10A.M., Wednesday, May 9, 2001, in Room 2154 of the Rayburn House Office Building

SUMMARY:

The ability of the military to execute realistic air, ground and naval training across the country is eroding. Constraints on the use of training ranges are limiting the ability of the services to "train as they fight," affecting readiness. (Attachment 1)

Broadly termed "encroachment" by the military, the availability of land, navigable waters, airspace and radio frequencies for training at military bases across the country has been curtailed due to urban and suburban development, increased commercial air traffic, and compliance with a growing body of federal and state regulatory requirements. The Department of Defense (DOD) Senior Readiness Oversight Council (SROC) has been studying the problem since 1999. (Attachment 2)

The purpose of the hearing is to discuss the extent of the encroachment problems being encountered by the armed forces and to better understand the cumulative effects of so-called "work-arounds" and training constraints on the quantity and quality of military training.

WITNESSES

These witnesses represent the highest levels of the military service commands, including operational commanders who have come from their bases to speak on behalf of the men and women they are responsible to train.

Panel One:

This panel was asked to focus testimony on training encroachment issues most critical to each service branch: specific bases and ranges where training has been affected and unit proficiency degraded, costs and other impacts of performing training "work-arounds," challenges in meeting federal statutes and regulations, and long-term strategies to minimize the impact of encroachment on readiness. Panel One witnesses include:

Admiral William J. Fallon, United States Navy, Vice Chief of Naval Operations;

General John P. Jumper, United States Air Force, Commanding General, Headquarters Air Combat Command, Langley AFB, Virginia;

Lieutenant General Larry R. Ellis, United States Army, Deputy Chief of Staff for Operations and Plans;

Major General Edward Hanlon, Jr., United States Marine Corps, Commanding General, Camp Pendleton, California.

Panel Two:

This panel has been asked to focus specifically on the experiences and responsibilities of specific military units in working around encroachments:

Lieutenant General Leon J. LaPorte, United States Army, Commanding General, III Corps and Fort Hood;

Major General (Select) James R. Battaglini, United States Marine Corps, Deputy Commanding General, I Marine Expeditionary Force;

Captain William H. McRaven, United States Navy, Commodore, Naval Special Warfare, SEAL Group One;

Colonel Herbert J. Carlisle, United States Air Force, Commander, 33rd Fighter Wing, Eglin AFB.

BACKGROUND

Encroachments on military training occur in various forms and combinations, specific to training mission and locale. In general, encroachment issues fall into the following categories:

Urban Growth and Development

Regulatory Compliance:

Endangered Species Act and Critical Habitat Designations
Maritime Restrictions

Airspace Restrictions

Airborne Noise Abatement

Radio Frequency Spectrum Limitations and Conflicts

URBAN DEVELOPMENT

The nation is experiencing rapid development in areas once distant and rural. Many military installations and ranges, created during or soon after World War II, are now surrounded by sprawling urban and suburban development. Bases located on the coasts are particularly affected, but even facilities in rural areas have seen residential and commercial development march right up to their fence lines.

Although most communities appreciate the economic benefits of military facilities and personnel in their midst, many do not wish to hear or see military training or operations. Wanting to be good neighbors, many of the service bases have been very active in local community groups and events to help explain their mission, but that doesn't stop all complaints or the desire of some developers to purchase open land around military installations.

Working with local officials, some base commanders and range managers have sought easements and buffer zones to address encroachment issues, but these options have had only limited impact. (Attachment 3)

REGULATORY COMPLIANCE:
ENDANGERED SPECIAL ACT, CRITICAL HABITAT DESIGNATIONS,
MARITIME RESTRICTIONS

The increasing urbanization around military installations is transforming many DOD testing and training areas into “islands of biodiversity,” where the protection of endangered species and their habitats presents a demanding challenge that affects the conduct of training and testing activities and can prevent the use of training ranges entirely. Furthermore, there are often gaps in the scientific data needed to support informed decisions by national and regional Fish and Wildlife Service officials for critical habitat, and any necessary mitigation or compliance actions. For the military, the challenge is that the scientific standards change, mitigation levels vary between states and regions, and regulatory decisions often seem arbitrary.

Adding to the uncertain compliance burden, Fish and Wildlife Service final rules are subject to legal challenges by individuals and groups. This private right of action has been used extensively. FWS uses most of its resources defending against lawsuits and is unable to perform other ESA functions. Private lawsuits have resulted in the loss of varying degrees of access to military training facilities. (Attachment 4)

The military has taken its environmental stewardship responsibilities seriously. Many bases have environmental programs under which species of animals, birds, and plants have thrived. The Department of Defense, owners of less than 3% of all federal land, is also responsible for the majority of listed endangered species. (Attachment 5) As development erases open spaces near training ranges, DOD facilities’ environmental management challenges will only increase. Witnesses represent Camp Pendleton, Eglin AFB, San Clemente Island, NAS Coronado and Fort Hood, Texas, all of which have thriving and awarded environmental programs. The Committee has requested a General Accounting Office study to assess the service-by-service and DoD-wide costs of compliance affecting training exercises and ranges.

Maritime resource protection laws, executive orders, and interpretations of federal and state regulations have affected the conduct of marine test and training activities. The Marine Mammal Protection Act, like the Endangered Species Act, has generated litigation against the National Marine Fisheries Service. Despite scientific findings of little or no environmental impact, novel or extreme interpretations of statutory and regulatory standards have been allowed to limit military testing and training.

AIRSPACE RESTRICTIONS

Commercial air traffic is expected to increase at a rate of 6 percent annually, increasing the overall demand for airspace. Military use of airspace will also increase with the next generation of high-performance weapon systems, longer-range standoff munitions, and unmanned aerial vehicles. In many instances, the military's use of airspace is tied directly to its ground base, which cannot be changed -- just like commercial airports and their routes.

The Federal Aviation Administration, through the Air Traffic Airspace Management Office, is actively pursuing "National Airspace Redesign," which may challenge the military's exclusive use of currently designated, special use airspace (SUA). Sharing airspace or loss of air space for training has already taken place in many areas of the country. The services are concerned about their input into the new plan as access to current military operating areas (MOA's) is not always given the priority or timely consideration once afforded. The technology to manage newly designed "free" airspace is still being developed, raising safety concerns for commercial and military flights traveling in closer proximity than today.

AIRBORNE NOISE ABATEMENT

Concerns over airborne noise are most often related to urbanization and the proximity of test and training areas to noise sensitive land uses. The development of new weapon systems presents new noise characteristics and training needs, which under some interpretations, lead to environmental challenges based on federal regulations and enforcements. In response, the services have elevated flight operations, re-routed low-level flights, restricted flight operations during certain times of day and restricted use of selected airspace. These measures have often come at the expense of training realism. The cumulative restrictions across the country have left the air forces with very few realistic options.

RADIO FREQUENCY SPECTRUM LIMITATIONS AND CONFLICTS

On March 30, a study commissioned by the Clinton Administration was released by the National Telecommunications and Information Administration, an arm of the Department of Commerce. The study looked at the feasibility of selling or sharing federal government-owned bandwidth to commercial Third Generation telecommunications services companies. Although no recommendations were made, the Department of Commerce hopes to decide by July what to do with the bandwidth.

The DoD provided the NTIA with an accompanying report that documents the DoD's assessment of what it would take to accommodate the loss or sharing of bandwidth. The DoD determined that loss of currently used bandwidths would be "infeasible" and highly disruptive to many essential military functions. (Attachment 6) The military uses bandwidth for critical national defense systems including satellite control, precision guided weapon system data links, tactical radio communications, navigation, and air combat training systems. With the current emphasis on national security based on satellite technology, long-range aircraft and weapons systems, and quick expeditionary ground communications, commercial encroachment of the frequency spectrum represents a serious loss of future military training and national security operations.

Newport News (Va.) Daily Press
December 15, 2000

ATTACHMENT ONE

Military Update

Military Sees Environmental Demands Impacting Readiness

By Tom Philpott

At key military training ranges, laws and regulations to mollify local communities and protect the environment are taking a toll on readiness, Pentagon officials contend.

Top military leaders are concerned enough to press federal, state and local agencies routinely to rebalance priorities when the choice comes down to giving troops realistic training or accommodating a rising tide of environmental or encroachment issues.

"We've been able to adjust with compromises and concessions. But over the last couple of years we've just about mitigated all we can," said Rear Adm. John Byrd, assistant deputy chief of naval operations for plans, policy and operations, in a recent interview.

"Noise [complaints], assaults on our [radio] frequency spectrums, regulations associated with the environment, such as the Endangered Species Act, the Marine Mammal Protection Act, the Clean Water Act, are causing us to change the way we do business," Byrd said. "We've got to realize environmental protection is not more important than national security."

Navy officials are not alone in sounding an alarm. Every service has seen a rise in legal and public relation issues over where, when and how they train.

"There are a whole range of encroachment issues that, in their totality, are having a relatively serious impact on our testing and training activities," said Thomas K. Longstreth, deputy under secretary of defense for readiness. "They run the gamut, from compliance with environmental legislation to the impact of urbanization around previously isolated bases and facilities."

In some locations, radio frequencies that ranges rely on for training instrumentation are being auctioned off to the burgeoning communications industry. Suburbs around cities like Phoenix and Las Vegas are spreading out to previously isolated training areas.

"It's just a number of issues, any one of which has some impact on test and training activities," said Longstreth. "But when you look at them comprehensively, the cumulative impact is even more substantial."

Until a year ago, the services usually handled such issues through environmental staffs that advise commands on compliance with laws, regulations and local ordinances. But as complaints about the impact on training rose, defense leaders came to recognize the issue as critical to readiness. It is now discussed monthly by service leaders at meetings of the Senior Readiness Oversight Council, chaired by Deputy Defense Secretary Rudy de Leon. Longstreth is SROC's executive secretary.

"We said, 'These test and training ranges are essential to national security, to keeping us the best-trained force in the world. How do we sustain them over the next several decades?' So we're putting together plans to address these encroachment issues."

For the Navy, restoring live-fire training on the Puerto Rican island of Vieques is paramount. Local protesters in 1999 shut down the amphibious training ground, used since World War II, after a stray bomb killed a local security guard. After a year, Atlantic Fleet units resumed training last May but are limited to using inert or "dummy" ordnance under a temporary deal between the Clinton administration and Puerto Rico. Whether the sea services ever again conduct live-fire exercises there will be determined

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by a referendum of Vieques residents next November.

Meanwhile, the Navy says it has no training ground to match it. So sailors and Marines deploy to combat areas like the Persian Gulf less than fully prepared.

The services argue with environmentalists that they are responsible stewards of natural resources on ranges, to the point that many are now habitats for otherwise endangered species. Ironically, this only brings greater scrutiny and stiffer controls. It happened on Vieques, Byrd said. When the Navy regained limited use of the property, it invited environmental agencies to check its plans.

"They started imposing increased migration measures on us," Byrd said. "For example, they told us how often we can use flares during naval surface gunfire support. Only so many hours a night because the lights affect the turtles. We didn't want them to lose sleep. Seriously."

Now also, after every attack run, the Navy must inspect impact areas to ensure that turtles haven't crawled or fallen into danger. "We have to delay the normal sequence of operations to account for these inspections," Byrd said.

In other training areas, Marines before digging foxholes have to assess how they might injure wildlife. The active sonar of surface ships, conducting choke-point exercises against submarines in certain ocean areas, have been blamed for beached whales.

The Army has pressed for 15 years to expand the National Training Center at Fort Irwin, Calif., the only stateside area where it can exercise brigade-size units. When NTC was established in 1981, the Army engaged an enemy to a maximum of 12 miles. Today, it can strike out to 60 miles. It moves tactically at 25 miles an hour versus 10 two decades ago. These changes drive NTC's need for more space.

Some environmental groups oppose a compromise expansion plan finally worked out last month between the Army and the Interior Department. It will endanger the desert tortoise, a plant called the Lane Mountain milk vetch and other species, they argue.

Bill Broyles, a more moderate environmentalist, is familiar with encroachment pressures at the Goldwater Air Force Range, 4100 acres between exploding populations of Yuma and Phoenix, Ariz. He said the Air Force and Marine Corps have been good stewards.

"But I don't think in America, given the number of people we have, that you ever again are going to have a blank spot on the map where you can do anything and everything you want," Broyles said. "That's their dilemma."

But protecting the environment can't be the top priority, said Byrd.

"It's our sons and daughters we're putting in harms way," he said, "and their lives are at least as important as the snail darter."

Military Services Sound Alarms On Training Range Encroachment

All four services are sounding alarms that public challenges to training ranges across the United States -- based mostly on environmental concerns -- will degrade their readiness to achieve military missions, according to a report the Pentagon sent to Congress this week.

The Defense Department's Monthly Readiness Report for July 2000 says service training and test facilities are under fire from the public, which has raised a variety of concerns ranging from noise levels to commercial competition for airspace or frequency spectrum.

"Encroachment on DOD ranges and training centers presents a serious and growing challenge to force readiness," states the new report, obtained by Inside the Pentagon. As a result, the Defense Department has launched "an analysis of range encroachment issues and will be developing a comprehensive plan to address these issues," according to the report.

No overt references to the most widely publicized training range issue of late -- the Navy's training range on Vieques Island, Puerto Rico -- appear in the three-page document. There, local politicians and activists have called on the Navy to close its bomb-training facility and allow for commercial development. After months in which protesters occupied the Vieques training range, preventing visits by Navy ships preparing for deployment, the service complained its force readiness in the region had declined.

Instead, the report describes other examples of training range encroachment the services briefed at a June 20 meeting of the Pentagon's Senior Readiness Oversight Council. Service representatives reportedly told the panel they all face similar encroachment issues, but highlighted a few examples of their particular concerns.

Navy officials chose to call attention to the effect their use of warfighting systems like active sonar may have on marine mammals, according to the report. "Laws protecting marine mammals could impede the development of new shallow-water sonar technologies," the report states.

"The Army reported that chemicals released from unexploded ordnance at some training ranges may be contaminating soil and area water aquifers in some regions of the country," according to the document. "If so, this contamination may need to be located and removed from sites across the country at considerable cost."

For its part, the Marine Corps cited the "rapidly expanding urbanization [that] has affected air and ground training at Marine bases in several states." One example is the approximately 60,000 acres proposed as "critical habitat" at Camp Pendleton, CA, which could reduce the area available for amphibious force training, according to the report.

Finally, "the Air Force highlighted a variety of issues, such as noise abatement, unexploded ordnance and environmental regulation that affect air-to-ground training," the report states. "Similarly, [Air Force officials] explained how demographic shifts and population growth have increased commercial demand for airspace and present an emerging challenge for the Air Force in accommodating the needs of all airspace users safely and efficiently."

The new seriousness with which the encroachment issue is viewed reflects a growing realization on the part of the services that training ranges they had counted on indefinitely are no longer a certainty.

"The department has traditionally viewed its major air, land and sea ranges and training centers as being available over the long term to support the readiness of U.S. armed forces," the report states. "Increasing challenges resulting from different types of encroachment suggest that the department needs to develop a comprehensive strategy to ensure that our forces continue to have adequate access to training and testing ranges, and that those ranges have the capabilities to support the readiness of our forces over the long term."

At the same time, the military is increasingly utilizing instrumentation and simulation to substitute for certain types of training. Instrumentation of the kind built into DOD's major training facilities -- Fallon Naval Air Station and Nellis Air Force Base in Nevada and the Army's National Training Center at Fort Irwin, CA -- "allows our forces to conduct realistic simulated weapon engagements while providing feedback to tell who shot whom and how," the report says.

"By using instrumentation to better replicate the realities of combat, we can minimize potential environmentally destructive aspects of training," according to the report. But shrinking funds to modernize these facilities remains a challenge, the report says.

Meanwhile, with environmental issues often managed and decided at the local, state or regional levels by federal or state agencies, it frequently falls to military commanders on the scene to fight to maintain readiness. "With this decentralization, local military commanders have had to engage the issues directly -- a task for which they may be under-resourced and untrained," the report states.

— Elaine M. Grossman

Naval Base Squeezed For Space

Navy, Escambia to meet today to discuss area's development

By David Tortorano

The Navy is altering flight training at Pensacola Naval Air Station because of rapid development in southwest Escambia County.

If unchecked, the Navy says this might eventually jeopardize the base, which is responsible for an almost \$5 billion annual economic impact and employs 17,000 people.

"I don't want to see more houses pop up," said Capt. Randy Bahr, commanding officer of the Naval Air Station.

Navy and county officials will meet today to share information in an attempt to begin working out long-term solutions to the problem.

Because of encroachment, the Naval Air Station already has been forced to alter its training.

"To be a good neighbor we have significantly reduced the amount of flying we do on north-south," Bahr said. "We actually will use the east-west runway, even though we have a north-south wind if it's not out of limits."

Landing patterns, too, have been changed in some cases, he said.

District 3 Commissioner Willie Junior says the county needs specific information from the Navy regarding its flight paths and what development is not compatible with the base's mission.

For example, maps used by the county to enforce its zoning and density laws show the Naval Air Station's runway in a different location than Navy maps, said Nancy Stuparich, the county's growth management director.

"We have to be correct and clear on our mapping issue" before other questions can be resolved, she said.

Developers "absolutely" have complied with zoning rules currently on the books, she said.

But county regulations allow buildings in areas surrounding the base that have a higher probability of an accident, the Navy says, including a home being built immediately adjacent to the runway.

"What I'm obliged to support is that development of homes" so close to Navy crash zones "is not compatible," Bahr said.

County and Navy officials believe one option might be for the county to rezone land around the base, while another would involve government purchases of nearby property.

"I can't worry about the developer and the homebuilder," Junior said. "My concern is we should all be able to co-exist. If you don't have the Navy, you may not need to build a home."

Buying and protecting vacant land near the Naval Air Station appears to hold promise.

Efforts to protect the Perdido Pitcher Plant Prairie already have helped to some extent. About 3,000 acres are now part of a preserve, and plans are being considered to add another 500 acres to connect the

prairie to the Jones Swamp Creek preserve.

But the government will have to work fast. Already, about 1,000 acres of the prairie have been developed.

"From our perspective, the Pitcher Plant Prairie strikes a perfect balance between development and conservation," said Mark Gibson, the Navy's natural resource manager for the Pensacola area.

The county is also looking at another area near Garcon Swamp as a preserve, Stuparich said.

"Our goal would be to establish - it plays in well with the Navy's need - a greenway connecting Bayou Chico to Perdido Bay," said Keith Wilkins, director of neighborhood and environmental services for the county.

Altogether, the three preserves would represent 4,000 to 5,000 contiguous acres, he said.

Those on both sides agree that a deal will be struck to solve the problem.

"I think we're at the point now where everybody recognizes the need to finalize something," District 5 Commissioner Terry Smith said.

"I want everyone to have a better understanding of what all the issues are," Bahr said. "There are solutions that everyone can support. I don't think people understand what all the options are."

"I'm very optimistic that the community will be able to work with the Navy and preserve the future of our bases," District 4 commissioner Tom Banjanin said. "This community is strongly in support of the Navy and the military in general, so our whole orientation is in working things out."

U.S. Fish & Wildlife Service**FLOOD OF COURT
ORDERS PRECLUDE
NEW LISTINGS OF
THREATENED AND
ENDANGERED SPECIES
IN FY 2001**

Contacts

NOVEMBER 22, 2000

Hugh Vickery 202-208-5634

U.S. Fish and Wildlife Service announced today that it will be unable to consider adding any new species to the Endangered Species List, except on an emergency basis, for the remainder of the 2001 Fiscal Year because all available funding must be allocated to conduct critical habitat designations required by **court orders** or settlement agreements.

"We have reached the point where the staff time and funding needed to list species have been consumed by the requirement to do **court-ordered** critical habitat designations stemming from a flood of lawsuits," said Service Jamie Rappaport Clark. "Unfortunately many species that should be listed in the coming year won't be listed."

Other than **court-ordered** critical habitat designations, the only listing actions the Service will take will be emergency listings, where a species is in imminent danger of extinction, and those either in the final stages of approval or funded by leftover appropriations from Fiscal Year 2000, Clark said.

"We won't be able to complete the listings of species we already proposed as needing protection such as the Chiricahua leopard frog in Arizona, the Mississippi gopher frog in Mississippi, the Mountain yellow-legged frog in California, the Vermilion darter in the Southeast, the coastal cutthroat trout in the Pacific Northwest, and the Buena Vista Lake Shrew in California," Clark said.

In addition, the Service will not be able to consider the 245 species currently on the candidate list--or any other species which are petitioned by the public--for Endangered Species Act protection, Clark said. Candidates are species which the Service believes are already in sufficiently dire condition to be listed, but for which the Service lacks the resources (in funding and staff) to develop proposed listing rules.

"When we look at what we can do to pull plants and animals back from the brink of extinction, we believe that getting them protected under the Act is the highest priority," Clark said. "The lawsuits are forcing us to use our resources do something that will provide much less benefit to threatened and endangered species."

President Clinton requested \$7.2 million for the Service's listing budget for FY 2001, which includes the funding both for listing new species and designating critical habitat for already listed species. Congress ultimately appropriated \$6.35 million, up from \$6.2 million in FY 2000.

Virtually all of the funding will be used to issue 57 critical habitat proposals or final rules that will cover about 300 species, as a result of court orders and legal settlements of lawsuits. FY 2001 began October 1, 2000 and will end September 30, 2001.

The Endangered Species Act requires the Service to designate critical habitat for species at the time they are listed. Critical habitat identifies geographic areas that are essential for the conservation of a threatened or endangered species and which may require special management considerations. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands and does not close areas to all access or use. Rather, its impact is that Federal agencies must consult with the Service on activities they undertake, fund, or permit that may affect critical habitat.

For most of the history of the Act, the Service has made designating critical habitat for species a low priority because the agency believed it was more important to devote limited resources to listing threatened and endangered species. As a result, the Service has designated critical habitat for only 134 of 1,234 U.S. species listed to date.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 93-million-acre National Wildlife Refuge System which encompasses more than 530 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 66 national fish hatcheries, 64 fishery resource offices and 78 ecological services field stations. The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

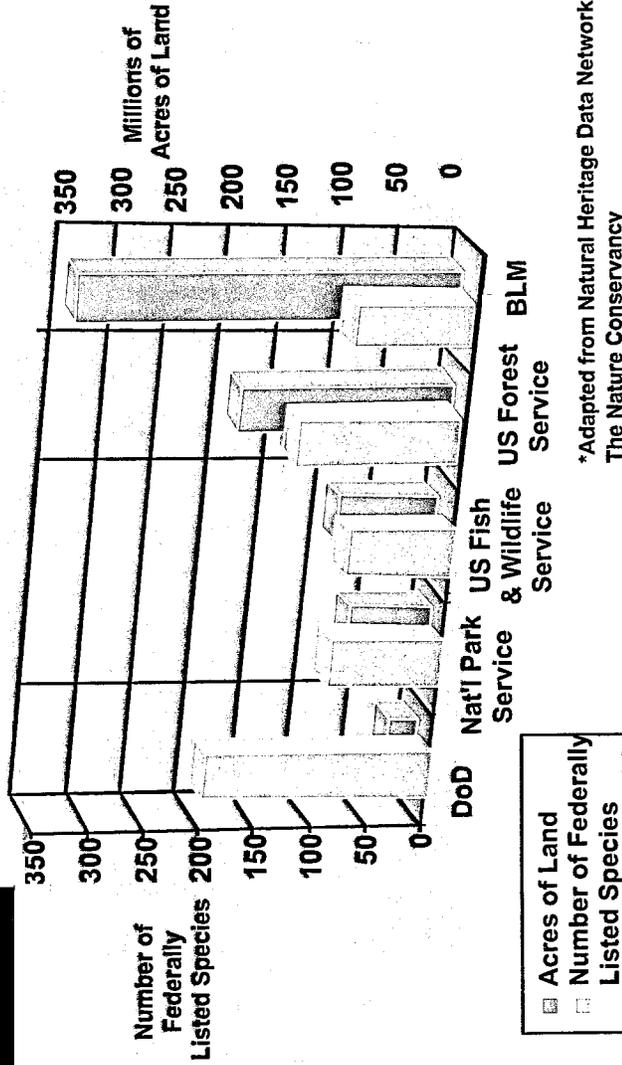
- FWS -

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ATTACHMENT
FIVE

E-Species and DoD's Share



ATTACHMENT SIX

COMMERCE NEWS

UNITED STATES DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration - Washington DC 20230

For Immediate Release
Friday, March 30, 2001

Contact: *Ranjit de Silva*
(202) 482-7002

NTIA RELEASES TECHNICAL STUDY ON ACCOMMODATION OF THIRD GENERATION (3G) WIRELESS SYSTEMS IN U.S.

Limited sharing of 1710-1850 MHz band an option, report says

WASHINGTON-Limited sharing of government-controlled radio frequency bands between commercial and government users and band segmentation to accommodate high-speed mobile Internet service (third generation wireless) in the U.S. may be possible under certain conditions that will be explored further, the Commerce Department's National Telecommunication and Information Administration (NTIA) said in a report released today.

"This report indicates that certain sharing/segmentation options may be possible in the 1710-1850 MHz band," John Sopko, acting assistant secretary of commerce for communications and information, said. "The Commerce Department's report and the Federal Communications Commission (FCC) report on the 2500-2690 MHz band will help the Commission, in coordination with the department, proceed with the task of identifying additional spectrum for third generation wireless systems," Sopko said.

The NTIA report is a technical analysis of the potential for third generation wireless systems to operate without causing interference in the 1710-1850 MHz radio frequency bands now used exclusively for critical radio communications by the Defense Department and other federal government agencies.

A companion study by the FCC focused on the 2500 -2690 MHz band which is used mostly by educational institutions and multi-point distribution systems. The two frequency bands were among others identified at the World Radiocommunication Conference last year as potential bands for third generation wireless systems, an advanced mobile telecommunications service that includes high-speed Internet access.

The NTIA analysis looked at current spectrum uses, the potential for sharing in the band, and cost estimates for relocating incumbent government users, if such relocation becomes necessary. The study, which includes an analysis by the Department of Defense, said that unrestricted sharing of allocated spectrum by third generation wireless systems and existing federal government users will not be possible. But it noted that certain viable sharing and segmentation options exist if critical government communication systems are protected, if funds are made available to relocate federal government systems if relocation is necessary, and if comparable spectrum can be found for relocated systems.

The study was conducted in response to a directive issued last October by then President Clinton which directed the Secretary of Commerce, in cooperation with the FCC, to begin the process of selecting spectrum for third generation wireless systems. The report released today follows interim reports issued by NTIA and the FCC last November.

NTIA said it will continue to explore various options in the days and months ahead. Under a plan developed last year, the FCC will decide this July, in consultation with NTIA, what spectrum will be allocated for third generation wireless systems.

Note: The full text of the report can be accessed through NTIA's web site www.ntia.doc.gov

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INFORMATION PAPER

SALL

May 8, 2001

SUBJECT: Massachusetts Military Reservation (MMR)

Purpose. Massachusetts Military Reservation Information Paper.

Background.

a. Massachusetts Military Reservation (MMR) is a 22,000-acre installation on Cape Cod used by the Massachusetts National Guard for training. MMR is comprised of Otis Air National Guard Base, Camp Edwards, a Coast Guard Station, and a Veterans Administration Cemetery. MMR contains approximately 11,000 acres of training and maneuver area including a 2,200-acre impact area. The land is owned by the state, leased to Army and Air Force (AF), and licensed back to the MA National Guard. The leases expire in 2026. Underlying MMR is a sole source aquifer; the primary drinking water source for upper Cape Cod.

b. The Environmental Protection Agency (EPA) Region 1 has issued four Administrative Orders (AO) to the National Guard Bureau (NGB) (2 of the 4 were also issued to the Massachusetts Army National Guard (MAARNG)). AO #1 requires the NGB to perform various actions that include completing an Impact Area Groundwater Study (IAGWS) to characterize the condition of the aquifer. AO #2 impacted training by requiring the MAARNG to suspend the use of lead rifle and pistol ammunition and suspend the use of propellants and pyrotechnics and high explosives. This halted all mortar and artillery firing and the use of maneuver training devices like smoke grenades, artillery simulators and signaling devices. The IAGWS sampling results have identified munitions constituents in the soil and groundwater. AO #3 required the cleanup of soil contamination at six specific locations, and requires execution of four Feasibility Studies (FS), including an Unexploded Ordnance (UXO) FS. The legal basis for EPA Region 1's actions under these three AOs was its emergency powers under the Safe Drinking Water Act (SDWA).

c. EPA-1 issued AO#4 on 4 January 2001. This AO requires NGB to employ a contained detonation chamber or other EPA approved methods for disposal of munitions that were previously buried or otherwise disposed of at MMR. Unlike its predecessors, AO#4 exercises EPA-1's imminent hazard authority under Section 7003(a) of the Resource Conservation and Recovery Act (RCRA).

3. Facts.

a. On October 24, 2000, the Under Secretary of the Army appointed the Assistant Secretary of the Army for Manpower and Reserve Affairs (ASA-M&RA) to lead the Army's effort in resolving training and environmental issues at MMR.

INFORMATION PAPER

SALL

May 8, 2001

b. The Army's objectives were to: a) establish a dialog with the Commonwealth of Massachusetts regarding the Army's lease and overall reservation management; b) ascertain long-term effects on readiness, training and force structure; and c) maintain environmental protection (land and water).

c. The ASA-M&RA, along with principals from the Assistant Secretary of the Army (Installation and Environment), Assistant Chief of Staff for Installation Management, National Guard Bureau and the Office of the General Counsel, met with key Commonwealth, local and National Guard officials at MMR on October 31, 2000.

d. The MMR Task Force, introduced at the October 31st meeting, reconvened at Falmouth, Massachusetts on December 14, 2000. The Task Force held an open forum for members of the four surrounding communities to voice their concerns. The Task Force was strictly in a "listening mode" during this meeting. The Task Force promised those gathered that their ideas and concerns would be shared with the Army leadership.

e. The ASA (M&RA) hosted a daylong open forum on January 6, 2001, at Mashpee High School. Individuals and special interest groups participated in one of three panels, headed by senior Army officials that focused on compatible training, lease and long-term management and environmental protection standards. Commonwealth officials and community members present viewed this effort as a positive step by the Army to take an active role toward resolving issues at MMR.

f. The Task Force reemphasized the Army's commitment to the community and informed them that a follow-up workshop would be conducted with a team of subject matter experts in 30-60 days to revisit issues raised by the three panels. The Task Force announced that the Army would establish a permanent MMR Task Force with career Army personnel.

g. Following the January 6th forum, representatives from the National Guard Bureau and Massachusetts Army National Guard have conducted several productive follow-on sessions with the panel groups. The ASA (M&RA) appointed Army Secretariat and Army Staff members to the permanent MMR Task Force on January 19, 2001.

h. On May 1, 2001, the Acting Secretary of the Army wrote to the Acting Governor requesting her to designate a member of her staff to represent the Commonwealth in discussions with respect to the long-term management of the reservation. Mr. Ray Fatz, the Acting Assistant Secretary of the Army (Installations and Environment) was appointed to represent the Army. Telephonic contact has been made between the offices of the Commonwealth Chief of Staff and Mr. Fatz.

Inquiry Information

**Inquiry Information**

Inquiry Number: 200105231231

[Load Inquiry](#)**Chairman Burton****Questions for the Record all the Witnesses of Panel One:**

How many bases in the continental US provide your personnel the ability to completely fulfill combat ready certification for all mission essential tasks? Please list.

How has encroachment affected training in foreign countries? Why? Does your service pay foreign countries to be permitted to train in them? Is so, please provide some examples and what the fees are.

Before the establishment of a training range review group by DoD's Senior Readiness Oversight Council in June 2000, did any military directives or policies come out that have helped stop the loss of degradation of training ranges? Have any directives or policies been issued to date?

Please ask your service chief to provide examples from January 200 to the present a report listing all of your military units with fluctuating C-ratings attributable to T codes: Incomplete training, Insufficient training time or Inadequate training areas as identified in GSORTS.

Is there enough description in the GSORTS system to enable Congress to monitor training range challenges as they appear? If not, do you have recommendations on how to enhance readiness reporting? Does your service have its own method for measuring encroachment impacts on training? If so, please explain in detail.

It is the Committee's understanding that the Sikes Act, amended in 1996, sets a statutory deadline of November 18, 2001, for completion by the service's of their Integrated Natural Resources Management Plans (INRMPS) for their bases and ranges. Will you meet the deadline? Are you receiving the assistance you need from other federal agencies and services to prepare these intense environmental studies? Please estimate the type and amount of resources you have dedicated to this process?

Under a Clinton Administration directive, the National Technology and Information Administration released a report on the possible sharing or sale of government owned radio bandwidth. How will the loss or sharing of radio spectrum frequency impact your services ability to train and operate?

Has your service or any of your bases, installations or ranges entered into any MOU (Memorandum of Understanding) with any other federal government department or agency that addresses training range management and other encroachment policy issues? If so, please

07/12/2001

Inquiry Information

provide copies of these MOU's to the Committee.

Mrs. Davis and Mr. Burton:

Please provide estimated costs in personnel and resources to your service for environmental litigation over the last 5 years. Where does the personnel and money come from? If it is from the base/installation level, how are the costs reported to your service chief?

Each witness should provide in writing, a comprehensive list of suggestions on how Congress might be able to address some of the encroachment issues deemed important to your service.

Chairman Burton**Questions for the Record of all the Witnesses of Panel Two**

The Committee is very concerned about training and safety especially in light of some of the tragic accidents this year. Can you tell us generally about the relationship between inadequate training opportunities and increased accidents?

Each witness should provide in writing, a comprehensive list of suggestions on how Congress might be able to address some of the encroachment issues deemed important to your operations. Please list top areas of concern if suggestions are not specific.

Chairman Burton of General Hanlon Questions for the Record

What you have done to facilitate communications between Camp Pendleton and the regulatory agencies? With your local and state officials? With your community groups? Will you please detail your "outreach" program and also highlight what has been most effective for Camp Pendleton training and what has been the least effective?

Chairman Burton of General Battaglini Questions for the Record

In the event of increased tension in the Pacific, what are the implications on Marine training at Camp Pendleton? In Hawaii? Okinawa?

It is my understanding that sometimes deployed Marines have been diverted enroute to their original destination demonstrating the need for among many things, highly skilled diversified training. Can you give me some examples of these diversions?

I see from your biography that you have commanded many units at Camp Lejuene, North Carolina. Was training impacted by regulatory or commercial encroachments when you were there? What is the situation today?

How will I MEF operations and training be affected if more government owned radio frequency is auctioned off? Please be specific for each of your elements.

Have you ever personally met with the regional officials of the Fish and Wildlife Service or the National Marine Fisheries Service to discuss range management or participate in consultations where you have the opportunity to explain the important of your military training? If you have not, have you been asked for your input from those at Camp Pendleton

Inquiry Information

who do? If so, is this a formalized process?

Mr. Shays for General Hanlon

1. The Navy consistently asserts the Vieques training complex is "essential" to the readiness of Atlantic Fleet sailor and Marines. When Vieques is closed to you, or when access is limited, how do Marine expeditionary units train up to readiness standards?
2. In the event the Navy loses all access to Vieques, what will the Marine Corps do?
3. Is there one place that can provide the scope of joint Marine training now conducted on Vieques? If not, how do you determine the readiness of a combined force that has only trained separately?

QUESTIONS FOR PANEL ONE

1. One of the common complaints is that military bases are forced to engage in mitigation should they need to build on lands qualified as wetlands under federal law. To make matters worse, different agencies have different standards for what constitutes wetlands. Therefore, what standards does your base use to determine whether an area of land constitutes wetlands?
2. Can you provide a breakdown of total yearly wetlands mitigation costs (including federal, state, and local agencies) for your base for the last five years?
3. Does your base have a policy of complying with all state and local regulations with respect to wetlands mitigation?
4. Do you have any concrete suggestions as to how Congress can assist in reforming the wetlands mitigation process for DOD?
5. What percentage of time do you estimate your local *commanders spend in researching* and complying with environmental regulations?
6. **General Jumper:** What regulations are most irksome to you with respect to the flight training at Langley?
7. **General Jumper:** What changes would you suggest to better train our force with **respect** to air combat? Would you expand on those and address specifically what you think Congress could do to better enhance our air combat training capabilities with respect to the environment and flight restrictions?

QUESTIONS FOR PANEL TWO

1. **General LaPorte and General Battaglini:** You explained the problems that your commanders face when they are forced to comply with regulations that restrict digging and earth moving during training. What practical reforms would you suggest to allow for more

Inquiry Information

effective training with respect to digging and earth moving?

2. General LaPorte and General Battaglini: Does your command use the fourteen point method of testing for wetlands, or the three point test for wetlands?

3. General LaPorte and General Battaglini: What were the costs for mitigation permits for your command over the past five fiscal years. Please break down these numbers by cost per fiscal year.

4. General LaPorte and General Battaglini and Captain McRaven: What restrictions have your commands put on the use of lead based bullets since 1990?

5. General LaPorte and General Battaglini and Captain McRaven: Do you, personally, believe that many of the federal regulations regarding species protection has hurt our ability to train for and execute wartime missions? Do the training restrictions you are forced to comply with ultimately risk our troops safety?

Comments:

Inquiry Information	
Time & Date Info	
Due to Local Coordinator on:	06/11/2001 (MM/DD/YY) 02:00 PM (HH:MM)
Due to P&R Analyst on:	06/18/2001 (MM/DD/YY) 02:00 PM (HH:MM)
Due to RFC (or OLA) on:	06/20/2001 (MM/DD/YY) 02:00 PM (HH:MM)
Due to External Source on:	06/22/2001 (MM/DD/YY) 02:00 PM (HH:MM)
Related Documents:	

HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON: ENCROACHMENT
09 MAY 01
QUESTION FOR THE RECORD
QUESTION # 1

Chairman Burton: How many bases in the continental US provide your personnel the ability to completely fulfill combat ready certification for all mission essential tasks?

Please list them.

Major General Hanlon: There are no Marine Corps bases in the continental US that allow our operating forces to “completely fulfill combat ready certification of all mission essential tasks”. The majority of our bases provide us with a good capability to support training for units up to the company level. Beyond that our ability to train battalion and larger sized units is progressively more restricted, especially when conducting training for combined-arms, joint, or amphibious operations. To mitigate these limitations we consistently deploy units to other locations like 29 Palms, Ca., where we can employ the full capabilities inherent in a Marine Air-Ground Task Force. In addition, places such as San Clemente Island and Vieques, are among the few locations where the full Navy-Marine Corps team can conduct training in realistic live-fire environments. As we lose our ability to train at these locations, either through reversion or increasing encroachment, the requirement to identify and procure “full-use” military training areas/ranges becomes increasingly important to the future capabilities and survivability of our military forces. Simulators and their synthetically derived environments will offer us some relief, but they will never replace the requirement to experience a fully integrated combined-arms exercise in a demanding real-life environment.

HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON: ENCROACHMENT
09 MAY 01
QUESTION FOR THE RECORD
QUESTION # 2

Chairman Burton: How has encroachment affected training in foreign countries? Why?

Does your service pay foreign countries to be permitted to train in them? If so, please provide some examples and what the fees are.

Major General Hanlon: Encroachment has affected Marine Corps training in foreign countries with the existence of environment, political, and monetary restrictions. Some examples of encroachment in these areas are:

1. **Okinawa, Japan.** Due to environmental and political reasons the ability to fire and conduct artillery training on the island of Okinawa has been halted, and all artillery live fire training has been moved to mainland Japan. The necessity to conduct live fire training, and the restrictions in conducting artillery training on the mainland, poses additional costs to the Unified Commander in the way of transportation, support, and sustainment.

2. **Korea.** During Bi-Lateral training exercises with the Republic of Korea Marine Corps (ROKMC), exercises such as Foal Eagle in Pohang, and RSOI in Yongson, both U.S. and ROK forces desire to conduct amphibious landings with Marine Expeditionary Unit (MEU) size units (2,000 personnel /3 ship group) or larger. Due to the lack of authorized available beach sites capable of landing a large size force, the only beach-landing site available is Tak Sok Ri with very limited corresponding training area.

3. **Thailand.** While training with the Thailand Marine Corps (TMC), the desire for both U.S. and Thai forces is to conduct close air support training with high explosive ordnance. Due to the lack of live fire ranges this has become increasingly difficult and in most cases the close air support training is limited to practice bombs instead of high explosive.

Does your service pay foreign countries to be permitted to train in them? Is so, please provide some examples and what the fees are.

France - For a MEU(SOC) training event with the French at Camp de Conjeur, the "Head Tax" would be \$320,000.00 USD for 220 Marines. MEUs no longer conduct this valuable field and live fire training due to associated costs.

Albania - The latest Range usage fee during Exercise CORNERSTONE in Tirana, Albania was \$10,000.00 USD (total) for six rotations of 70 Marines.

Croatia - A MEU(SOC) recently completed training during Exercise SLUNJ, Croatia without incurring fee charges, but the host nation has indicated that in the next iteration scheduled from 5-20 Sep 01, there will be charges in the following areas: Facilities and Services, Road repairs, Range repairs, Environmental repair, and Security services. This is a partial list of charges that were being negotiated between MEU(SOC) and Government of Croatia.

PART I - Facilities and Services

21 buildings	\$114,168.00
Electricity	2,353.00*
ASP usage	698.00
Water (anticipated)	8,310.00*
Fuel (anticipated)	37,212.00*
Gravel	160.00*
Fire Protection	4,560.00*
Fire wood	<u>706.00*</u>
	\$168,167.00

(* These items are already budgeted for \$45,309.00)

PART II - MTA Road Repair Costs due to vehicle usage

HMMWV \$5.00/VEH/DAY	\$6,180.00 (106 HMMWVs)
5 TONS - \$10.00/TRK/DAY	3,960.00 (33 TRUCKS)
LAVs - \$70.00/LAV/DAY	5,880.00 (7 LAVS)
TANKS - \$500.00/TNK/DAY	30,000.00 (5 TANKS)
AAVS - \$150.00/AAV/DAY	9,000.00 (5 AAVS)
ACE - \$100.00/ACE/DAY	2,400.00 (2 ACEs)
FORKS - \$5.00/4K/DAY	180.00 (2 4Ks)
EBFLs - \$20.00/EBFL/DAY	480.00 (2 EBFLs)
TRAMS \$20.00/TRAM/DAY	<u>720.00 (3 TRAMS)</u>
	\$58,800.00

PART III - Range Repair based on ammo fired - only able to capture large quantity and big-ticket items in time allotted - this list will grow based on other types/ quantities of ammo fired:

5.56/7.62 @ \$00.10/rd	\$21,500.00 (215,000rds)
60mm/81mm @ \$20.00/rd	48,000.00 (2,400 rds)
155mm @ \$100.00/rd	<u>76,600.00 (766 rds)</u>
	\$146,100.00

PART IV - Environmental Repair - another category that has the potential to grow exponentially based on real or perceived environmental damage and/or loss of wildlife:

20% non-refundable wildlife charge	\$48,000.00
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295

Fee for environmental assessment tm \$16,043.00
\$65,043.00

PART V - fees for security services provided by MPs - \$16,000.00

ESTIMATED TOTAL \$454,110.00

HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON: ENCROACHMENT
09 MAY 01
QUESTION FOR THE RECORD
QUESTION # 3

Chairman Burton: Before the establishment of a training range review group by DoD's Senior Readiness Oversight Council in June 2000, did any military directives or policies come out that have helped stop the loss of degradation of training ranges?

Have any directives or policies been issued to date?

Major General Hanlon: DODINST 4715.3 of 3 May 96 addresses natural and cultural resources management on military installations. This instruction requires natural and cultural resources management be conducted so that there is no net loss of military readiness per the Sikes Act (16 USC 670). Specifically, the instruction requires each agreement with federal or non-federal entities addressing the management of natural and cultural resources management recognize that:

- (1) The primary DoD mission is the protection of national security. DoD activities on military lands are vital to fulfillment of that mission.
- (2) Actions specified in those agreements should not detract from the military mission.
- (3) Military lands cannot be used for the mitigation of impacts of actions occurring off the installation that affect the environment.
- (4) Military lands cannot be set aside as permanent environmental preserves. The Department of Defense must maintain the flexibility to adapt our defense mission to political and technological developments.

This instruction has been used to prevent attempts by State and local governments to use military lands as mitigation offsets for nearby private development activities.

DODDir 4715.11 and 4715.12, Environmental and Explosives Safety Management on Department of Defense Active and Inactive Ranges within the United States and outside the United States, respectively (17 Aug 99), establish policy and sustainable use and management of DOD's active and inactive ranges and for protecting DOD personnel and the public from explosive hazards on these ranges.

These directives will be used by the services as the framework for the development of range management plans to ensure the long-term viability of our ranges.

HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON: ENCROACHMENT
09 MAY 01
QUESTION FOR THE RECORD
QUESTION # 4

Chairman Burton: Please ask your service chief to provide examples from January 2000 to the present a report listing all of your military units with fluctuating C-ratings attributable to T codes: Incomplete training, Insufficient training time or Inadequate training areas as identified in GSORTS.

Major General Hanlon: Since January 2000, only one USMC unit has reported, via SORTS, that encroachment had affected its readiness. The Marine Expeditionary Unit (Special Operations Capable) that sailed in February 2000 rated themselves T-2 "due to training areas being unavailable during the Supporting Arms Integration Exercise (SACEX) in Vieques, Puerto Rico." The MEU deployed to the Mediterranean not having trained in the integration of live fire Naval Surface Fires and aviation-delivered ordnance. The MEU was unable to conduct the required training enroute and remained at T-2 for the entire deployment.

Most of the information collected by Marine Corps Units on the effects of encroachment has been anecdotal. Due to its insidious nature, until recently, encroachment was not looked upon as a stand alone, single source of training and readiness degradation. Units had been able to mitigate the negative effect with work-arounds being the exception rather than the rule. As work-arounds become the rule rather than the exception, the cumulative effects manifest themselves in junior leaders who are inexperienced in the basics of maneuver, combined arms operations and tactical decision making. SORTS is the means by which units can report encroachment's impacts on their training and overall readiness. The Marine Corps has educated the SORTS-reportable units, through Mobile Training Teams and advisories, of the necessity to report encroachment's impacts on their readiness. Additionally, the Marine Corps has recommended to the SORTS community that a new Training code be established to represent inadequate training due to encroachment.

An additional source of reporting is via the Joint Monthly Readiness Review (JMRR). In JMRR's 4-01 and 7-01, Commanders, Marine Forces Pacific and Atlantic have reported that encroachment on training ranges and areas has become a growing concern.

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QUESTION FOR THE RECORD
QUESTION # 5

Chairman Burton: Is there enough description in the GSORTS system to enable Congress to monitor training range challenges as they appear? If not, do you have recommendations on how to enhance readiness reporting?

Does your service have its own method for measuring encroachment impacts on training? If so, please explain in detail.

Major General Hanlon:

The GSORTS system is not suitable to enable Congress to monitor training range challenges as they appear. The reasons are:

- GSORTS does not function as a detailed management information system objectively counting all conceivable variables regarding unit readiness, such as encroachment.

- The insidious nature of encroachment has resulted in many junior unit leaders not fully recognizing the restrictions placed upon their training. Workarounds, which are increasingly frequent and difficult to accomplish, are looked upon as "a way of life" or a normal part of training.

- Large unit commanders and base and installation commanders, vice the small unit commanders who make the majority of GSORTS reports, are the leaders that best recognize the restrictions that encroachment imposes on the training of their Marines and Sailors. Base and installation commanders do not report in GSORTS for the Marine Corps. The Marine Corps has no singular method for measuring encroachment's impact on training, but has used Congressional testimony, the Joint Monthly Readiness Review, and the Senior Readiness Oversight Council to bring encroachment's training restrictions out into the open.

Past attempts to deal with encroachment usually fell on the shoulders of base and installation commanders, who compromised with regulators and local communities in order to remain good neighbors while trying to salvage training opportunities. Unfortunately, these compromises cost time and money, decreased training realism, set precedents that resulted in the imposition of restrictions elsewhere, and failed to stem an erosion of our ability to train effectively. A proactive, comprehensive DoD-wide approach to ensure the Services' have continued access to the ranges, airspace, and frequencies that they require is necessary. The Marine Corps endorses DoD's Sustainable Ranges Initiative, which takes such an approach in dealing with encroachment.

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QUESTION FOR THE RECORD
QUESTION # 6

Chairman Burton: It is the Committee's understanding that the Sikes Act, amended in 1996, sets a statutory deadline of November 18, 2001, for completion by the service's of their Integrated Natural Resources Management Plans (INRMPS) for their bases and ranges. Will you meet the deadline? Are you receiving the assistance you need from other federal agencies and services to prepare these intense environmental studies? Please estimate the type and amount of resources you have dedicated to this process?

Major General Hanlon: With the exception of the Goldwater Range INRMP, we expect all required INRMPS for USMC installations to be completed by the deadline of November 18, 2001. Assistance from Federal agencies in developing INRMPS has been adequate. Some regions of the U.S. Fish and Wildlife Service are currently under-resourced to achieve review necessary for mutual agreement. This is due partly to the surge of INRMPS coming to completion in the next five months. The U.S. Fish and Wildlife Service is working closely with us to help overcome this problem.

The Goldwater Range INRMP will not be completed by the deadline. We are working diligently with the Air Force, Department of the Interior and State of Arizona to complete an INRMP. We are also preparing an Environmental Impact Statement to evaluate the impacts of INRMP implementation. However, the DC District Court ruling on February 12, 2001, remanded five Biological Opinions, the Sonoran Pronghorn recovery plan, and two Environmental Impact Statements to the Department of Interior and Marine Corps due to inadequate consideration of cumulative effects on the Sonoran Pronghorn of federal activities. The ruling required completion of these efforts by November 16, 2001. Although most of the Goldwater INRMP/EIS can be prepared separately from the remanded documents, significant portions of the INRMP/EIS are dependent on the outcome of the remanded Biological Opinions. As a result, a minimum of 30 days is needed to incorporate changes into the INRMP/Draft EIS once the Biological Opinions are available. The net result is that completion of the EIS/INRMP will be delayed until June 2002.

The Marine Corps spent about \$1.3M on INRMP preparation in FY00.

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QUESTION FOR THE RECORD
QUESTION # 7

Chairman Burton: Under a Clinton Administration directive, the National Technology and Information Administration released a report on the possible sharing or sale of government owned radio bandwidth. How will the loss or sharing of radio spectrum frequency impact your services ability to train and operate?

Major General Hanlon: Sharing of frequencies between DoD and commercial systems is not feasible due to prohibitive separation distances. The successful simultaneous operation of DoD and commercial systems in a number of populated regions will be prevented by the interference interactions expected between DoD systems and commercial systems. It is not known whether the potential impact or possible mitigation restrictions on commercial systems are acceptable to industry, however those that may be imposed on DoD systems would have unacceptable impacts. These include major limitations on airborne operations involving aircrew training and weapons testing. Tactical communication systems would be limited in operation to only remote areas and even then would require significant coordination efforts. The ground network used for the primary control of critical DoD satellites could be required to limit operational parameters (satellite contact frequency and duration, contact time of day, transmitter power, etc.), which would put the health of all constellations at risk. On-orbit spacecraft would be susceptible to interference from aggregate commercial system emissions to the point that effective spacecraft control could be lost.

Specific restrictions on the use of military frequencies would impact operations as they are conducted today. Restricting transmitter/receiver locations and antenna pointing directions will limit realistic training of units and limits the commanders' ability to realistically deploy signal assets. Restricting training deployments to pre-planned, pre-coordinated sites exercise-after-exercise does not enhance the military's combat skills. The learning curve for establishing tactical links in actual deployment situations will be steeper and longer because of the lack of realistic field exercise training. The time required to establish effective command and control, especially in the information intensive battleground today, may be a deciding combat factor. Reserve component units located primarily in urban/suburban areas may be severely restricted in training opportunities because of their proximity to civilian frequency operations. If these units are restricted from training operations at home locations, then the units must deploy to the nearest training area thereby imposing increased costs on training that are accomplished today with relatively small expenditures.

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QUESTION FOR THE RECORD
QUESTION # 8

Chairman Burton: Has your service or any of your bases, installations or ranges entered into any MOU (Memorandum of Understanding) with any other federal government department or agency that addresses training range management and other encroachment policy issues? If so, please provide copies of these MOU's to the Committee.

Major General Hanlon: The Marine Corps has MOUs for the following:

MOU between DOD (Air Force and Dept. of the Navy) and Department of the Interior (DOI) relating to the Cabeza Prieta National Wildlife Refuge - the primary purpose of the Refuge is the conservation and development of natural wildlife resources. The primary mission of the military with respect to airspace overlying the Refuge is to provide realistic, advanced aviation training in the interest of National Defense. The MOU primarily focuses on airspace coordination issues overlying the Refuge.

Cooperative Agreement between the USAF, DON, DOI, and the State of Arizona to implement the Military Lands Withdrawal Act of 1999 at the Barry M. Goldwater Range, Arizona. All parties agree to jointly prepare, administer and update an ecosystem-based Integrated Natural Resources Management Plan.

A terminated Special Use Permit has also been included to highlight the types of MOUs the USMC Reserves have to enter into in order to train.

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QUESTION # 9

Chairman Burton and Representative Davis: Please provide estimated costs in personnel and resources to your service for environmental litigation over the last 5 years. Where does the personnel and money come from? If it is from the base/installation level, how are the costs reported to your service chief?

Major General Hanlon: Although the Department of the Navy has not conducted a full-scale analysis of litigation costs related to environmental legal compliance, an estimate of \$3,755,000 for costs that were directly and easily attributable to litigation, i.e., damages paid, expert witness services, cost of production of documents, attorney fees paid, and travel costs, for the time period from 1995 to January 2001 has been developed by the Litigation Section of the Office of General Counsel.

The \$3,755,000 estimate was based only on the cost factors above, and therefore, understates the real total cost of preparing for, and defending against, an environmental legal challenge. For example, the indirect costs of Department of Navy attorney labor and the cost of the labor expended by many other Department of Navy personnel to support our litigation was not included in that estimate. It is not unusual for environmental litigation cases to be intensely active for several years while involving twenty or more attorneys (civilian and military), several hundreds or thousands of hours of non-lawyer support efforts by senior civilians, technical experts and administrative staff, and to include the personal participation of the General Counsel of the Navy. Due to the nature of most environmental litigation, costs are not incurred for monetary damages, opponent's attorney fees or the cost of documents produced for the opponent. In short, the total actual costs of labor and overhead actually required to litigate environmental cases are many times the stated estimate.

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QUESTION FOR THE RECORD
QUESTION # 10

Chairman Burton: The Committee is very concerned about training and safety especially in light of some of the tragic accidents this year. Can you tell us generally about the relationship between inadequate training opportunities and increased accidents?

Brigadier General Battaglini: We have examined our FY01 On Duty mishaps and they seem to be unrelated to any training shortfalls. There does not appear to be a causal relationship between inadequate training opportunities and recent accidents. Although our On Duty Ground mishaps have increased during FY01, our Aviation Class A Flight Mishaps have decreased 50%, and our Off Duty Private Motor Vehicle mishaps have decreased 50% when compared to the same time period in FY00. We are unable to draw any conclusive relationship that training restrictions we are forced to comply with ultimately risk the safety of Marines during peacetime.

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QUESTION # 11

Chairman Burton: Each witness should provide in writing, a comprehensive list of suggestions on how Congress might be able to address some of the encroachment issues deemed important to your operations. Please list top areas of concern if suggestions are not specific.

Major General Hanlon & Brigadier General Battaligini: The Marine Corps would like Congress' help in addressing the following concerns:

- Legislative clarification – In order to maintain military readiness, national security issues (Title 10) must be acknowledged in developing, reauthorizing, and implementing environmental laws and regulations (Title 32).
- Recognition of the unique military mission and the land and airspace requirements for that mission.
- Identify “military training land” as a specific land use category to be considered by federal, state and local governments in their planning and regulatory processes.
- Achieve the appropriate balance between military readiness and competing demands for scarce resources.

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QUESTION # 12

Chairman Burton: What have you done to facilitate communications between Camp Pendleton and the regulatory agencies? With your local and state officials? With your community groups? Will you please detail your "outreach" program and also highlight what has been most effective for Camp Pendleton training and what has been the least effective?

Major General Hanlon: We have been and will continue to be vigorous in our outreach, and, while our considerable outreach efforts have produced much good will, the tangible benefits have been marginal in protecting our fence lines and operations from urban sprawl and requests for non-military land use. Our experience has been that our outreach has been most effective in eliciting understanding and verbal support for our presence and operations with broad sectors of the communities. Our outreach has been least effective in resolving issues driven by agendas of special interest groups. Specific elements of our (Marine Corps Base, Camp Pendleton) outreach program are attached.

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QUESTION # 13

Chairman Burton: In the event of increased tension in the Pacific, what are the implications on Marine training at Camp Pendleton? In Hawaii? Okinawa?

Brigadier General Battaglini: The implications would be small. Two-thirds of the operating forces of the Marine Corps are already oriented towards the Pacific. As the nations "Force in Readiness," the Marine Corps trains on a daily basis to accomplish the missions which would be assigned to them in the case of increased tensions in the Pacific.

However, if the increased tensions were of such duration and intensity that the National Command Authority determined that the number of Marine Corps forces assigned to the Pacific should be increased, the training load in Camp Pendleton would increase. Increasing the number of Marines assigned to the Pacific could be accomplished through either the activation of significant numbers of reservists and/or as the result of an end-strength increase authorized by Congress. It is unlikely that the Marine Forces which have the responsibility of providing forces to the European Command would lose that mission and be re-assigned to the Pacific region.

Reserve units headed to the Western Pacific would most probably complete assembly and conduct any additional training at Camp Pendleton due to logistical reasons before being transported to the Western Pacific. An increase in our end-strength would also increase the numbers of Marines training at Camp Pendleton. Currently, four of the twelve weeks of training that all recruits receive at Marine Corps Recruit Depot, San Diego take place at Camp Pendleton. After graduation from recruit training, all Marines train at the School of Infantry at Camp Pendleton for either 17 or 42 days more, depending on their Military Occupational Specialty, before being assigned to their first unit.

In the case above, the impact on training in Hawaii would still be minimal. If Marines being transported towards the Western Pacific stop at all in Hawaii, it would be for short-term staging periods only. The same rationale applies to Okinawa--it would be used as a staging location for short-term periods. Although some sustainment training would be conducted on the island, it would be minimal.

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QUESTION # 14

Chairman Burton: It is my understanding that sometimes deployed Marines have been diverted enroute to their original destination demonstrating the need for among many things, highly skilled diversified training. Can you give me some examples of these diversions?

Brigadier General Battaglini : Listed below are several examples that demonstrate the unique and multiple capabilities that our Marine Expeditionary Units (Special Operations Capable) (MEU(SOC)) units deploy with. The purpose and value of the MEU(SOC) is that it is forward deployed and able to respond quickly and effectively to emerging situations. While we plan for a 6 month deployment to include exercises, engagement activities, training and port calls, our mission is to support CINC's emerging needs and missions. The MEU(SOC) can also move quickly and loiter in an area to send a strong signal or prepare to respond, if needed. Some recent examples that demonstrate this:

East Timor Peace Keeping (PK) Operations 99-Present:

SEP-OCT 1999, 31st MEU Supports East Timor Peace Keeping (PK) operations:

Operation STABILIZE

The 31st MEU (SOC) aboard the USS Belleau Wood deployed to East Timor to assist in restoring civil order in the violence-ravaged island. The MEU supported the Australian-led International Forces in East Timor. In the wake of civil disorder in East Timor, a province of Indonesia, some 900 Marines and Sailors of the 31st MEU aboard the USS Belleau Wood (LHA 3) deployed to the Timor Sea in early October in order to provide heavy-lift helicopter support to the Australian-led International Forces in East Timor (INTERFET). Violence erupted across the province of East Timor in early September when its population voted overwhelmingly for independence from Indonesia, and militias opposed to the vote went on a rampage forcing over 250,000 inhabitants to flee the province.

26 OCT- 7 DEC 99, 11th MEU (SOC) relieved 31st MEU providing support to Operation STABILIZE.

The MEU, relied heavily on the aviation assets of HMM-165(Rein), which flew 556 sorties and logged 786 flight hours while delivering nearly 1.5 million pounds of food, supplies, and equipment while deployed to East Timor. The 11th MEU(SOC) completed their 6-month deployment and returned to Camp Pendleton.

21-29 FEB 15th MEU (SOC) provided support to Operation STABILIZE.

Again the MEU drew heavily on it's aviation assets to deliver over 1 million pounds of food, building supplies and equipment to support the multinational forces in East Timor. The

Amphibious Ready Group (ARG) conducted split ARG operations in order to provide more support throughout the island in the short period of time the ARG was available for the Humanitarian Assistance (HA) Operation.

14-16 SEP 2000, 600 Marines from the 13th MEU(SOC) and the Tarawa Amphibious Ready Group deployed to East Timor to assist in medical, dental, and logistics efforts with Australian peacekeepers. They delivered 570 tons of supplies and tended to nearly 900 patients during the 3-day deployment. Their activities included demolishing buildings deemed uninhabitable and aiding the construction of schools on the island. There were nine Marines in East Timor prior to the deployment of the larger force. A group of 35 Marines stayed to continue a variety of humanitarian tasks. This humanitarian mission was part of a rotation that included previous stops by the 11th, 15th, and 31st MEUs.

07-12 APR 2001. BOXER ARG/11TH MEU (SOC) support HA projects in East Timor.

Over 400 Marines and Sailors worked ashore each day in support of assigned mission. MEU Aviation assets conducted numerous lifts to transport food and sheet metal roofing for houses, to remote areas of the Island. 11th MEU (SOC) / BOXER ARG successfully completed the largest logistics evolution supported by USGET to date. Outstanding Medical and Dental support was also provided to the three clinics in Dili. Of particular merit was the education and integration of East Timorese medical students in a clinical environment by USGET medical staffs. Overall 660 medical/241 dental patients were treated during the visit.

Operation Determined Response

16 October 2000. When a terrorist bomb killed 17 sailors and wounded 39 others aboard the USS Cole (DDG-67) in Yemen, the 13th MEU(SOC) and Tarawa ARG were called upon again to respond to a crisis and were dispatched to provide support in the port area, forming part of Joint Task Force (JTF) Determined Response.

Shipboard Security

Jun 01 - TBD. Marines from 11th MEU(SOC) are currently embarked aboard designated ships in the CENTCOM area of responsibility providing Anti-terrorism and Force Protection support.

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QUESTION FOR THE RECORD
QUESTION # 15

Chairman Burton: I see from your biography that you have commanded many units at Camp Lejeune, North Carolina. Was training impacted by regulatory or commercial encroachments when you were there? What is the situation today?

Brigadier General Battaglini: The success of Camp Lejeune is based on its ability to provide adequate training facilities for elements of II MEF to create a force that is always ready and prepared to respond to local, national, and international crises. The MEF's training must be pro-active in that casualties are minimized by following time-tested procedures when entering new/hostile environments. There are currently two issues that must be addressed to ensure Camp Lejeune's continued ability to support this type of training:

1. **Endangered Species Encroachment:** Over the past decade, MCB, Camp Lejeune has been a proven steward in the environmental protection and management arena. In several instances, species, which are threatened or endangered, have become more populous and better protected under military environmental management. The base conducts environmental assessments, abides by federal, state, and local environmental law, and works closely with outside groups to ensure that the wildlife, flora and fauna on our installation is protected, cared for, and managed properly. As a result, Camp Lejeune has become a haven for selected endangered species that cannot grow or live in the surrounding heavily populated and developed areas. Instead of recognizing this, federal, state, and local environmental groups seek to further restrict training activities on the base instead of recognizing or rewarding our environmental stewardship. As an example, we presently have approximately 1600 acres of training areas with restrictions to protect habitat for the Red Cockated Woodpecker (RCW), a federally listed endangered species. With our requirements from the Endangered species Act to manage our natural resources for endangered species, the RCW will undoubtedly continue to expand in population, and the associated number of acres, which will increase training restrictions. Of additional concern, are recent requests for military bases to take a disproportionate burden of endangered species protection in order to allow private development to continue. We understand that these issues are important, however, a balanced approach is required.

2. **Community Encroachment:** Community development threatens to curtail our training operations to make them more compatible with surrounding land uses. We recently completed development of the Greater Sandy Run Area, (41,100 acre land acquisition) which includes three multi-million dollar state-of-the-art automated live fire ranges. Without these new ranges, II MEF units traveled to other military installations at great expense to satisfy documented training

standards and prepare for contingency deployments. Now that these new ranges are operational, the surrounding community has placed great pressure on the base to close them as a means to reduce noise complaints. Of note is a recent letter from the Onslow County Commissioners asking the Marine Corps to close the recently completed \$6.5M Combat Vehicle Crew Qualification Range. Further, we recently learned that two new housing developments have been approved and are currently under construction within 2500 meters of two of the new Greater Sandy Run Area ranges. Despite these pressures, we remain good neighbors and enjoy good civil-military relations. We work diligently to accommodate the demands of adjoining communities without degrading training and the mission effectiveness of our training areas. However, unless joint civil-military land use studies are agreed upon and implemented, community growth will affect readiness in the years ahead with increasing frequency, complexity and cost.

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QUESTION FOR THE RECORD
QUESTION # 16

Chairman Burton: How will I MEF operations and training be affected if more government owned radio frequency is auctioned off? Please be specific for each of your elements.

Brigadier General Battaglini: Sharing of frequencies between DoD and commercial systems is not feasible due to prohibitive separation distances. The successful simultaneous operation of DoD and commercial systems in a number of populated regions will be prevented by the interference interactions expected between DoD systems and commercial systems. It is not known whether the potential impact or possible mitigation restrictions on commercial systems are acceptable to industry, however those that may be imposed on DoD systems would have unacceptable impacts. These include major limitations on airborne operations involving aircrew training and weapons testing. Tactical communication systems would be limited in operation to only remote areas and even then would require significant coordination efforts. The ground network used for the primary control of critical DoD satellites could be required to limit operational parameters (satellite contact frequency and duration, contact time of day, transmitter power, etc.), which would put the health of all constellations at risk. On-orbit spacecraft would be susceptible to interference from aggregate commercial system emissions to the point that effective spacecraft control could be lost.

Specific restrictions on the use of military frequencies would impact operations as they are conducted today. Restricting transmitter/receiver locations and antenna pointing directions will limit realistic training of units and limits the commanders' ability to realistically deploy signal assets. Restricting training deployments to pre-planned, pre-coordinated sites exercise-after-exercise does not enhance the military's combat skills. The learning curve for establishing tactical links in actual deployment situations will be steeper and longer because of the lack of realistic field exercise training. The time required to establish effective command and control, especially in the information intensive battleground today, may be a deciding combat factor. Reserve component units located primarily in urban/suburban areas may be severely restricted in training opportunities because of their proximity to civilian frequency operations. If these units are restricted from training operations at home locations, then the units must deploy to the nearest training area thereby imposing increased costs on training that are accomplished today with relatively small expenditures.

The frequency range in question is utilized by units throughout I Marine Expeditionary Force (I MEF) for short to medium range (0-25 miles) data and voice communications at medium data rates (288-576 kilobits per second.) At the I MEF headquarters element, the equipment that

utilizes this frequency range is used to establish both voice telephony trunks and wide area data networks at the unclassified and classified level in order to provide command and control down to the ground combat element (GCE,) air combat element (ACE,) and combat service support element (CSSE.) In 1st Marine Division, the equipment that utilizes this frequency range is utilized at the division, regimental, and battalion levels to establish command and control using voice telephony, wide area data networks, and local area data networks at the classified and unclassified level for command and control down to the infantry battalion level. In the 1st Force Service Support Group (FSSG,) the equipment that utilizes this frequency range is utilized at the group and battalion levels to establish command and control using voice telephony, wide area data networks, and local area data networks at the classified and unclassified level for command and control down to the combat service support detachment level. In the 3d Marine Air Wing, the equipment that utilizes this frequency range is utilized at the wing, group, and squadron levels to establish command and control using voice telephony, wide area data networks, and local area data networks at the classified and unclassified level for command and control down to the squadron level. Additionally, frequencies in this range are utilized in the operation of unmanned aerial vehicles (UAVs.)

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QUESTION FOR THE RECORD
QUESTION # 17

Chairman Burton: Have you ever personally met with the regional officials of the Fish and Wildlife Service or the National Marine Fisheries Service to discuss range management or participate in consultations where you have the opportunity to explain the importance of your military training? If you have not, have you been asked for your input from those at Camp Pendleton who do? If so, is this a formalized process?

Brigadier General Battaglini: I have not personally been involved in the myriad negotiations between Camp Pendleton and the U.S. Fish and Wildlife Service and National Marine Fisheries Service. Base environmental staff, under the leadership of MGen Hanlon, the Base Commanding General, conduct these negotiations. However, my input is frequently solicited to ensure that a negotiating strategy is focused on my requirements to ensure my Marines are combat ready. During negotiations, my staff frequently participates in tours of Camp Pendleton given to regulators so that the regulators hear first-hand why a particular training area or exercise is vital to maintaining readiness. This approach to working with regulators has resulted in the avoidance of critical habitat designation on training areas used by Marines, and is leading to mitigation requirements that my Marines can accept.

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QUESTION FOR THE RECORD
QUESTION # 18

Congressman Shays: The Navy consistently asserts the Vieques training complex is "essential" to the readiness of Atlantic Fleet sailor and Marines. When Vieques is closed to you, or when access is limited, how do Marine expeditionary units train up to readiness standards?

Major General Hanlon: East Coast Navy and Marine Forces are able to conduct limited live-fire training at other ranges when the Vieques training complex is unavailable. However, the training opportunities are fragmented, lack realism and offer limited or no opportunities for integrating supporting arms with maneuver. For example, air-to-ground bombing with live ordnance is conducted at Eglin and Pinecastle ranges in Florida, but those ranges cannot support combined arms exercises from the sea. They also have altitude and maneuvering restrictions that result in diminished realism. Likewise, ranges at Fallon, Nevada can support aviation strike warfare training with live ordnance, however, that training cannot be conducted as part of an integrated naval force exercise in the littoral. Amphibious operations and ground maneuver can be conducted at Camp Lejeune, but those locations cannot support Naval Surface Fire Support or combined Naval Force exercises across the full range of mission areas. Navy and Marine Forces will always maximize every training opportunity, however limited, but the requirement remains to conduct fully integrated live-fire combat training. Thus, Navy and Marine forces will be less prepared for combat than they would be if live-fire training were available at Vieques.

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QUESTION FOR THE RECORD
QUESTION # 19

Congressman Shays: In the event the Navy loses all access to Vieques, what will the Marine Corps do?

Major General Hanlon: The Marine Corps will continue to conduct pre-deployment training to the maximum extent possible, given available range capabilities. East Coast Navy and Marine Forces are able to conduct limited live-fire training at other ranges, however, the training opportunities are fragmented, lack realism and offer limited or no opportunities for integrating supporting arms with maneuver. The same is true of West Coast Navy and Marine Forces. Over time, this will result in significantly degraded training and will contribute to reduced readiness in deploying units, ultimately putting them at greater risk. Both the Navy and Marine Corps continue searching for suitable alternatives to Vieques training.

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QUESTION FOR THE RECORD
QUESTION # 20

Congressman Shays: Is there one place that can provide the scope of joint Marine training now conducted on Vieques?

If not, how do you determine the readiness of a combined force that has only trained separately?

Major General Hanlon: The Navy and Marine Corps are diligently exploring alternatives to Vieques, but to date have been unable to identify any single alternative that can fully support integrated, combined arms live-fire training by naval forces at sea. With no single location available, units must conduct pre-deployment training in a piecemeal and fragmented fashion. Individual units are training to standards, but are unable to integrate live fire combined arms with maneuver, thus exercising the extensive Command and Control required in expeditionary operations from the sea base. Simulation can be effective in exercising the mechanics of these events, but while useful, fails to replicate the essential nature of live fire.

The readiness of the entire unit is determined by evaluating both individual unit readiness and the ability to integrate individual unit capabilities into cohesive capabilities across the force. The risk inherent with the current, piecemeal training method is that the ultimate measure of the overall force's readiness and ability to fight as an integrated team could very well be first tested in actual combat.

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QUESTION FOR THE RECORD
QUESTION # 21

Rep. Jo Ann Davis: One of the common complaints is that military bases are forced to engage in mitigation should they need to build on lands qualified as wetlands under federal law. To make matters worse, different agencies have different standards for what constitutes wetlands. Therefore, what standards does your base use to determine whether an area of land constitutes wetlands?

Major General Hanlon: Marine Corps Base, Camp Pendleton defines wetlands consistent with the Army Corps of Engineers Wetlands Delineation Manual, Technical Report 87-1, dated January 1987. This manual establishes a three-parameter test to determine whether a given area is a wetland. The three parameters are: vegetation, soil, and hydrology. If a site has hydrophytic vegetation, hydric soils and wetland hydrology, then the site is determined to be a wetland.

The Base uses this standardized process to determine what constitutes a wetland under federal law. To determine whether a wetland is 'regulated', thereby requiring mitigation, the Base relies on 33 CFR 328.3, which defines wetlands within the context of waters of the U.S. Per 33 CFR 328.3(a)(3), waters of the U.S include:

All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:

1. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
3. Which are used or could be used for industrial purpose by industries in interstate commerce.

The Base also recognizes the Supreme Court's January 9, 2001 decision in the case of Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, known as SWANCC. As a result of this case, we believe that isolated, non-navigable, intrastate waters are not regulated under the Clean Water Act, based solely on use by migratory birds. The Base is now seeking clarification whether mitigation agreed upon prior to January 9,

2001, as compensation for impacts to isolated waters, must still be implemented in the future. Specifically: may the Base return the mitigation lands to the training inventory?

HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON: ENCROACHMENT
09 MAY 01
QUESTION FOR THE RECORD
QUESTION # 22

Representative Jo Ann Davis: Can you provide a breakdown of total yearly wetlands mitigation costs (including federal, state, and local agencies) for your base for the last five years?

Major General Hanlon: Wetlands mitigation costs for Marine Corps Base Camp Pendleton for project related activities over the past five years totaled approximately \$1.775 million, as depicted below.

Total Cost: \$ 1,775,200

1996	\$ 63,600
1997	1,104,800
1998	233,800
1999	223,000
2000	150,000

These are direct costs associated with construction type projects. These expenses include efforts to create new wetlands and to restore and enhance existing wetlands. It should also be noted that mitigation costs for a project built in FY 2001 may extend out until FY 2008, because permitted mitigation requirements often have a seven year active management requirement. Marine Corps Base Camp Pendleton will be required to spend an additional \$750,000 through FY 2004 for projects already constructed.

These costs do not reflect the staff time to prepare, administer and carry out the project.

HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON: ENCROACHMENT
09 MAY 01
QUESTION FOR THE RECORD
QUESTION # 23

Representative Jo Ann Davis: Does your base have a policy of complying with all state and local regulations with respect to wetlands mitigation?

Major General Hanlon: Marine Corps Base Camp Pendleton complies with all federal regulations with respect to wetlands. As a federal enclave the base is not required to comply with state and local wetlands regulations. Per Section 401 of the Clean Water Act, the base obtains a Water Quality Certification from the San Diego Regional Water Quality Control Board (RWQCB) whenever fill or dredge material is discharged into a wetland. Though the base works with the California Department of Fish and Game on many natural resource issues of mutual concern, we are not required to, and therefore do not obtain State Streambed Alteration Agreements.

HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON: ENCROACHMENT
09 MAY 01
QUESTION FOR THE RECORD
QUESTION # 24

Representative Jo Ann Davis: Do you have any concrete suggestions as to how Congress can assist in reforming the wetlands mitigation process for DOD?

Major General Hanlon: Three suggestions for mitigation reform:

1. Mitigation for lost wetlands on DOD lands should be considered in light of the installation's training mission. Current regulatory guidance requires regulators to seek mitigation acres in the same location (i.e., watershed) as the impacted wetland, irrespective of the training requirements of the area. A requirement to set aside mitigation acreage within training areas breaks up the continuity of training and creates a patchwork of small isolated mitigation areas. DOD installations should have the freedom to mitigate in areas that do not conflict with the training mission. To minimize the impacts to military training ranges and activities, the ultimate location of wetlands mitigation on Marine Corps bases could be left to the discretion of the installation commander, as opposed to the regulatory agency.
2. DOD installations could be authorized and funded to establish mitigation banks off-base, rather than being required to mitigate for lost wetlands within the installation. This would ensure that installation's already significantly limited lands are reserved for the primary mission of military training.
3. Often regulators seek to impose absolute access restrictions in-perpetuity. Restrictions of this nature eliminate the possibility of both current and future training and in effect create preserves on our installations, further fragmenting training areas and reducing their utility.

HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON: ENCROACHMENT
09 MAY 01
QUESTION FOR THE RECORD
QUESTION # 25

Representative Jo Ann Davis: What percentage of time do you estimate your local commanders spend in researching and complying with environmental regulations?

Major General Hanlon: A considerable amount of time is invested in providing training and informational briefings to our individual Marines and leaders concerning the letter and intent of the various environmental laws and regulations that are applicable to their operations. Best management practices and avoidance measures are incorporated into appropriate directives that guide and restrict training, maintenance, and construction activities on our base in areas of sensitive habitats (e.g., wetlands) and listed species. For example, our base Order for Training and Range Regulations contain general environmental protection guidelines and identify what species and resources exist within each training area. The base Order requires that operators avoid those areas occupied by listed threatened or endangered species, or, if unable to do so, they must contact the base environmental staff who will determine if the desired activity requires consultation with or permit by the applicable regulatory agency. Activities such as digging generally must be accomplished in pre-approved areas or be specifically approved by the environmental office to prevent/limit impacts to either natural resources, such as vernal pools, or cultural resources.

Staff officers and non-commissioned officers from the base and tenant commands are all required to be aware of and comply with all applicable environmental regulations. To ensure that these requirements are understood, Environmental Security conducts monthly environmental coordinators meetings, quarterly briefings for all Staff personnel, and semi-annual briefings for commanders. Staff officers and non-commissioned officers are required to use this knowledge every day to ensure that their training operations avoid sensitive resources or their maintenance activities are compliant with federal regulations. Most of these classes and briefings take from one-half to a full day. In addition, our hazardous waste management courses train 15 to 20 Marines; these are about one-week courses held quarterly.

HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON: ENCROACHMENT
09 MAY 01
QUESTION FOR THE RECORD
QUESTION # 26

Representative Jo Ann Davis: You explained the problems that your commanders face when they are forced to comply with regulations that restrict digging and earth moving during training. What practical reforms would you suggest to allow for more effective training with respect to digging and earth moving?

Brigadier General Battaglini:

Practical Reforms

Congress needs to identify "selected" military training locations to be utilized as a specific land use category to be accommodated by federal, state and local governments and agencies in their planning and regulatory processes. Except in the unlikely situation where digging would jeopardize the continued existence of a threatened or endangered species, specific designated military lands should be free from restrictions on digging and earth movement, consistent with the twin necessities of effective training and sound stewardship practices. Military land use must be recognized as unique. The key component to such land use must be the flexibility to conduct realistic training that responds to changing tactical scenarios, rather than regulatory requirements. A second key component of such land use is the sustainment--through best management practices--of the land's capability to continue to support training for future generations. Regulatory oversight should be consistent with the designated land use.

HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON: ENCROACHMENT
09 MAY 01
QUESTION FOR THE RECORD
QUESTION # 27

Representative Jo Ann Davis: Does your command use the fourteen point method of testing for wetlands, or the three point test for wetlands?

Brigadier General Battaglini: As discussed previously, the Base uses the three-parameter methodology established by the Corps of Engineers Wetlands Delineation Manual, Technical Report 87-1, dated January 1987.

HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON: ENCROACHMENT
09 MAY 01
QUESTION FOR THE RECORD
QUESTION # 28

Representative Jo Ann Davis: What were the costs for mitigation permits for your command over the past five fiscal years. Please break down these numbers by cost per fiscal year.

Brigadier General Battaglini: There are two costs associated with obtaining permits. The first is a direct cost and is a simple \$500 processing fee paid to the State Regional Water Quality Control for each Clean Water Act, Section 401 Water Quality Certification. These Section 401 Water Quality Certifications are obtained concurrently with Section 404 Permits. The base obtains between five and ten of these certifications annually and has spent approximately \$17,500 over the past five fiscal years.

The second cost is the indirect cost of time and effort to obtain the permits. During this process base environmental personnel work extensively with the project proponent, design engineers, and federal regulators to ensure that impacts to wetlands and other sensitive resources are avoided, minimized or reduced. This often results in project redesigns or even changes in project locations, requiring extensive rework and additional time and money.

A good example of such an effort is Camp Pendleton's new Helicopter Outlying Landing Field. Phase one of this project was completed in the summer of 2000; however, formal project siting and environmental analysis began in 1994. Along the way, the location of the project was moved to avoid an extensive complex of isolated wetlands, the length of the runway was reduced from 4,000 meters to 3,000 meters to minimize impacts to isolated wetlands, the stormwater drainage system was modified to avoid impacts to streams and wetlands, and cut and fill slopes were changed to minimize impacts to wetlands. Each of these modifications required coordination with the proponent, 1st Marine Expeditionary Force, to ensure the revised project still met their training needs, and it also required close coordination with the project engineers who had to re-design the project to incorporate the changes. Thousands of hours were spent coordinating with project engineers and military personnel. In addition, project redesigns and changes resulted in a significant, but unquantifiable, expense in labors hours for the project design team. Additionally, the regulatory agency desired to restrict training and maintenance (mowing) in areas that were identified as mitigation.

These avoidance, minimization and reduction efforts to "work around" and limit impacts are forms of mitigation (per 40 CFR 1508.20 and 33 CFR 320.4[r]). However, these unquantified expenses are not incorporated into the expenses reported into the wetlands mitigation costs provided in the response to the previous related question (question 3 above). In addition, federal

wetlands regulators have a difficult time giving the DOD installations credit for these mitigation efforts during the permitting process, because the regulators are required to focus on compensatory measures as part of their no-net loss mandate.

HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON: ENCROACHMENT
09 MAY 01
QUESTION FOR THE RECORD
QUESTION # 29

Representative Jo Ann Davis: What restrictions have your commands put on the use of lead based bullets since 1990?

Brigadier General Battaglini: To date lead-based bullets are still used at MCB Camp Pendleton. The base has provided guidance to reduce the numbers of rounds expended to the extent possible. The Marine Corps is actively engaged in the Joint Services and industry "green bullet" initiatives. This new round replaces the lead projectile with a pressed tungsten projectile. The Marine Corps will procure a small percentage of its requirement of this round for the first time in FY01. The goal will be to procure 100% of its small arms ammunition requirements with green bullets in the future.

HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON: ENCROACHMENT
09 MAY 01
QUESTION FOR THE RECORD
QUESTION # 30

Representative Jo Ann Davis: Do you, personally, believe that many of the federal regulations regarding species protection has hurt our ability to train for and execute wartime missions? Do the training restrictions you are forced to comply with ultimately risk our troops safety?

Brigadier General Battaglini: The answer to both questions is “yes”. The lengthy list of encroachment-related restrictions has created a prescriptive and inflexible training environment. Lack of realism in training, resulting in forced work-arounds, is one of our primary core training concerns stemming from a lack of realism resulting from encroachment, restrictive regulations, and artificial work-arounds. Judgment and initiative can only be exercised in a flexible environment where leaders are confronted with various courses of action and must make decisions. The maze of restrictions created by encroachments creates a situation where there is often only one course of action.

This lack of flexibility impacts the effectiveness of training and the development of tactical judgment and initiative in our junior leaders that is essential for survival on the battlefield. Increasingly, our young officers and non-commissioned officers are not being trained in the way they will be called upon to fight. Over time, lack of realism--and bad training habits--can become ingrained, and passed on from one generation of Marines to the next. The limits to unrestricted movement and free play result in an inability to properly develop the decision-making skills of leaders at all levels, particularly junior leader who are the future of your Marine Corps. The Marine Corps is gravely concerned that it does not produce leaders who may ultimately receive a significant portion of their combat training in combat.

The Marine Corps mission demands that the bulk of our training occur in the field, using realistic scenarios and tactics, with live ammunition. The cumulative effect of these factors has greatly increased the complexity and cost of coordinating training, which has created a negative cycle. The complexity of coordination has made training a difficult sequencing of single events, rather than fluid tactical exercises incorporating realistic battlefield dynamics. It is becoming increasingly difficult to ensure our MAGTF's deploy ready to go into harm's way. For Marines to succeed, they must train as they fight.

HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON: ENCROACHMENT
09 MAY 01
QUESTION FOR THE RECORD
QUESTION # 31

Chairman Burton and Representative Davis: Each witness should provide in writing, a comprehensive list of suggestions on how Congress might be able to address some of the encroachment issues deemed important to your service.

Major General Hanlon:

- Legislative clarification – In order to maintain military readiness, national security issues (Title 10) must be acknowledged in developing, reauthorizing, and implementing environmental laws and regulations (Title 32).
- Recognition of the unique military mission and the land and airspace requirements for that mission.
- Identify “military training land” as a specific land use category to be considered by federal, state and local governments in their planning and regulatory processes.
- Achieve the appropriate balance between military readiness and competing demands for scarce resources.

REP Burton
VCNO-ADM Fallon
House Gov't Reform, 9 MAY 01
Training Constraints
Q. 1-3

Question. How many bases in the continental U.S. provide your personnel the ability to completely fulfill combat ready certification for all mission essential tasks? Please list.

Answer. There is no one base or range that meets all of the criteria to fulfill combat ready requirements. Each base and range has a unique mission orientation that meets specific training requirements. The level of training (basic, intermediate, advanced) each facility provides is dependent upon its size, location, infrastructure, and other geographic factors. While one Navy range (Fallon, Nevada) is capable of conducting all advanced air wing specific training, there is no single range where an aviation unit can accomplish advanced phase, integrated joint, and/or combined arms training. To accomplish this training, both land-based and sea-based ranges capable of simultaneously accommodating multiple air and surface units are required. Specialized areas are also required for surface-to-air or air-to-air missile shoots, or to support amphibious operations.

Question. How has encroachment affected training in foreign countries? Why? Does your Service pay foreign countries to be permitted to train in them? If so, please provide some examples and what the fees are.

Answer. When access to U.S. owned/controlled training ranges is encumbered due to encroachment, the Navy considers use of foreign ranges. There is, however, no guarantee that foreign owned ranges will be available. U.S. activities at foreign ranges may require bilateral/NATO exercise support, host nation approval, and long lead-time scheduling confirmation.

For example, the Faralon de Medinilla Target Range located near Guam and leased from the Government of the Commonwealth of the Northern Marianas Islands, is the Pacific Fleet's only U.S. controlled range available for live-fire training for forward deployed naval forces. An environmental group is seeking to stop live-fire training at Faralon de Medinilla on the grounds that the Navy has not obtained a permit from the U.S. Fish and Wildlife Service for unintentional impacts on migratory birds in violation of the 1918 Migratory Bird Treaty Act. Without this range, live-fire training would be contingent upon access to non

U.S. controlled ranges and air wing and surface unit readiness would decline to "not ready" status within six months if foreign ranges were not available.

Additionally, foreign ranges may not have the capabilities to fully meet our training requirements. Use of foreign ranges increases administrative expenses. When Vieques was unavailable for naval surface fire support training, five ships used foreign ranges at a cost of \$450,000. Range costs at Ramon Range, Israel, can exceed \$500 per hour. Tactical aim-points such as tanks, cost approximately \$8,000 each, and electronic warfare support costs approximately \$1,500 per hour.

Question. Before the establishment of a training range review group by DoD's Senior Readiness Oversight Council in June 2000, did any military directives or policies come out that have helped stop the loss of degradation of training ranges? Have any directives or policies been issued to date?

Answer. The Office of the Secretary of Defense published two directives in August 1999 entitled "The Environmental and Explosives Safety Management at Active and Inactive Ranges Inside and Outside the United States" (DoD Directives 4715.11 and 12). These directives established policy for sustainable use and management as well as protection of DoD personnel and the public from explosives hazards on DoD's active and inactive ranges. Requirements of DoD Directives 4715.11 and 4715.12 are being incorporated into the Navy's comprehensive training range sustainability plan.

REP Burton
VCNO-ADM Fallon
House Gov't Reform, 9 MAY 01
Training Constraints
Q. 5

Question. Is there enough description in the GSORTS system to monitor training range challenges as they appear? If not, do you have recommendations on how to enhance readiness reporting? Does your service have its own method for measuring encroachment impacts on training? If so, please explain in detail.

Answer. Currently there is not enough detail to be able to measure the impact of training ranges availability and encroachment on readiness within GSORTS. To address this, the Navy is implementing a combined task force level measure of training using the Navy Mission Essential Task Lists (NMETLS) and Joint Mission Essential Task Lists (JMETLS) training requirements and the Mission Capability Assessment System (MCAS). This system will be able to better document the impact of the availability of training ranges on readiness in a format similar to GSORTS. It is currently undergoing beta testing on the USS ENTERPRISE Battle Group.

REP Burton
VCNO-ADM Fallon
House Gov't Reform, 9 MAY 01
Training Constraints
Q. 6

Question. It is the Committee's understanding that the Sikes Act, amended in 1996, sets a statutory deadline of November 18, 2001, for completion by the Services of their Integrated Natural Resources Management Plans (INRMPS) for their bases and ranges. Will you meet the deadline? Are you receiving the assistance you need from other Federal agencies and Services to prepare these intense environmental studies? Please estimate the type and amount of resources you have dedicated to this process.

Answer. With a single exception, the Navy will develop and implement all required Integrated Natural Resources Management Plans (INRMPS) by November 18, 2001. The exception is an installation that is in the midst of an intensive data collection effort. We expect the draft INRMP for that installation to be submitted to the U.S. Fish and Wildlife Service (USFWS) and to state regulators in December 2001. Coordination and finalization of the other INRMPS with the USFWS and the states are ongoing. The Navy has included the USFWS and state fish and game agencies as full partners from earliest stages of our INRMPS to ensure that the final INRMPS are mutually agreeable. The USFWS headquarters, field, and regional offices are aware of Sikes Act requirements and are making efforts to meet the deadline. Nevertheless, we cannot state with full assurance that regulatory concurrence on all Navy INRMPS will be met by the deadline. The Navy has spent approximately \$4.5 million on INRMPS development to ensure Sikes Act compliance. The Navy has 138 personnel working over 50% of their time on natural resources matters in general. Most of these personnel are involved in the preparation and implementation of Sikes Act compliant INRMPS on Navy installations. The Navy uses contracts and other agencies in addition to in-house labor for INRMP completion.

Rep Burton
CNO-ADM Fallon
House Gov't Reform 9 MAY 01
Training Constraints;
Q. 7

Question. Under the Clinton Administration directive, the National Technology and Information Administration released a report on the possible sharing or sale of Government owned radio bandwidth. How will the loss or sharing of radio spectrum frequency impact your Services ability to train and operate?

Answer. The issue of frequency spectrum encroachment is very serious. The growth of consumer communications devices since the 1980s has resulted in increased commercial demand for scarce radio frequency spectrum. Navy and Marine Corps weapons systems testing, training, and operational use all rely heavily on use of the radio frequency spectrum.

The Omnibus Budget Reconciliation Act of 1993 (OBRA-93) and the Balanced Budget Act of 1997 legislation required the Federal Government to reallocate a fixed amount of spectrum to the FCC to support the expanding commercial telecommunications market. A total of 255 megahertz (MHz) of federal spectrum was reallocated under these Acts. Major Navy and Marine Corps military systems [NOTE: hundreds of other systems] operating in these portions of the radio frequency spectrum include:

- Cooperative Engagement capability system (CEC)
- AN/SPN-43 shipboard air traffic control radar
- Tactical and intra-base communication radios
- Shipboard target acquisition radars (TAS Mk 23)
- AN/TPS-59 long range air surveillance radar

The potential consequences of these spectrum reallocations include decreased access to this essential resource, system redesign and schedule delays (which translate directly into lost dollars), additional littoral frequency limitations, and elimination of key testing, which, in turn, results in systems being fielded with uncertain capabilities.

At the direction of the White House (Presidential Memorandum, 13 October 2000), the Navy and the Department of Defense (DoD) have assessed our ability of accommodating this 3G

(3rd generation) commercial service (also known as IMT-2000) within the frequency band 1755-1850 MHz. Our study was submitted as part of the National Telecommunications and Information Administration (NTIA) report released to the public at the end of March 2001.

In a February 13th letter to the Secretary of Commerce, the Deputy Secretary of Defense stated that "Our Nation's armed forces would be at a substantial strategic and tactical disadvantage in combat and the execution of military operations could be jeopardized if the Department lost its use of the band [1755-1850 MHz]."

The Navy's assessment, which is captured in the final DoD and NTIA reports, examined the feasibility of accommodating IMT-2000 systems by sharing the 1710-1850 MHz band with incumbent Federal users, or segmenting the band. [NOTE: 1710-1755 MHz was previously reallocated as part of OBRA-93]. In the 1755-1850 MHz band, predicted interference to both IMT-2000 and incumbent Navy and DoD systems would preclude compatible operation at a large number of metropolitan areas and over large geographic areas of the country. Unacceptable operational restrictions would be required on Navy and DoD systems in order to mitigate the interference with IMT-2000 systems. Therefore, it was concluded that full-band sharing was not feasible.

The DoD electromagnetic compatibility (EMC) analyses showed that all major Navy and DoD systems will encounter serious challenges in accommodating IMT-2000 systems, and could face significant operational restrictions in any frequency-sharing situation.

This NTIA report also examined whether the Navy and all Federal agencies could fully vacate the 1755-1850 MHz band to accommodate IMT-2000 systems. The examination revealed that regardless of funding, vacating the band could not be accomplished for most Navy and DoD non-space systems until 2010 and beyond. Legacy space systems would require continued protected access to the 1761-1842 MHz band until 2017, and possibly as late as 2030 for some satellites. Migration prior to these dates would require premature satellite loss, which would have extremely serious implications to our ability to effectively accomplish our missions. Note that these timelines far exceed the timelines established for this study (i.e., potential deployment of IMT-2000 systems in 2003, 2006, and 2010).

Moreover, in accordance with Fiscal Year (FY) 2000 National Defense Authorization Act (NDAA) legislation for DoD systems, total relocation from any band requires alternate spectrum that is technically comparable, with the same degree of regulatory

protection that currently exists in the 1755-1850 Mhz band. I fully support FY 2000 NDAA legislation regarding Special Conditions for Department of Defense use of the Spectrum. [Ref: Title X, Subpart G, Section 1062 NDAA 00.] Incidentally, in their research to date, NTIA has found, that comparable spectrum may not be available.

SPECIFIC TRAINING/OPS IMPACT:

Navy operations in the littoral areas of the United States and its possessions are already restricted due to frequency limitations arising from various other users of the spectrum like commercial TV and cellular phone operators. These frequency limitations impact our ability to conduct littoral warfare training, increases our fuel/training costs for sea transit times, and decreases our radar and tactical data link operator proficiency thereby contributing to an overall reduction in fleet readiness. The additional loss of spectrum from OBRA-93 and BBA-97 will only exacerbate these current operational impacts due our current frequency limitations.

The availability of the radio frequency spectrum required by Navy combat systems and instrumented ranges during training exercises is critical to the evaluation of systems prior to deployment to potentially hostile environments. For three decades, US Navy aviators have relied on instrumented training systems at open-air ranges to develop and maintain the combat skills needed to dominate any potential battlespace. Through a progression of enhancements, these fixed range Tactical Air Combat Training Systems (TACTS/ACTS) have become an essential (and irreplaceable) means of ensuring that US Naval forces are ready to implement orders from the National Command Authority. This training is essential in order to expose the operators to the complexities and stresses under which they are expected to execute their intended missions in actual combat. An appropriate training environment prepares the aircrews for tactical maneuvering and decision-making under extreme stress. A key part of this training is the capability to accurately report to the aircrews what they did and the probable results of their actions.

However, actions to reallocate portions of the spectrum for civil use, specifically the 1755-1850 MHz band will impact the Fleets readiness by reducing the spectrum needed to accomplish this critical training mission.

In addition to potentially further impacting the critical test and training range systems I have already discussed, as well as their follow-on training systems, this frequency band also hosts a variety of other critical operational Navy and

Marine Corps systems that would be impacted by the loss of this spectrum which include:

- Tactical radio networks of the Navy and the Marine Corps;
- Telemetry, tracking and commanding operations of our space systems, and;
- Radio Frequency video and control links for precision guided munitions, i.e. smart weapons

We are frankly not surprised to find that the same radio frequency spectrum utilized for our weapon sensors and communication systems have private and commercial value as well. However, it is equally important Congress considers the impact to national security in these deliberations and understands the full costs in terms of security and dollars spectrum reallocation incurs. It's important to understand, without adequate access to the radio frequency spectrum prior to and during deployments, our forward operating forces will be placed at significant risk during times of heightened tension. I am reminded of the adage "Train as you fight". In today's technology rich and increasingly complex weapon system environment, this is certainly necessary to maintaining the readiness of our forward operating forces.

Rep Burton
 VCNO-ADM Fallon
 House Gov't Reform, 9 MAY 01
 Training Constraints
 Q. 8

Question. Has your Service or any of your bases, installations, or ranges entered into any MOU (Memorandum of Understanding) with any other Federal Government department or agency that addresses training range management and other encroachment policy issues? If so, please provide copies of these MOUs to the Committee.

Answer. The Navy has entered into Memorandum of Understandings (MOU) with other Federal agencies regarding a variety of training range management and other encroachment policy issues:

- **San Clemente Island Range Complex, California**
 - Biological opinion for impacts to Island Night Lizard caused by existing and proposed naval activities on San Clemente Island
 - Biological/conference opinion on training activities on San Clemente Island training areas and ranges
- **Naval Amphibious Base Coronado, California**
 - MOU between U.S. Fish and Wildlife Service Southwest Division and Naval Facilities Engineering Command
 - Army Corps of Engineers Permit 952006600-DZ lists further conditions for in-water construction
- **Naval Special Warfare Training Area La Posta, California**
 - MOU between U.S. Navy and Bureau of Land Management
- **Naval Submarine Base Point Loma, California**
 - MOU between U.S. Navy and U.S. Fish and Wildlife Service regarding Point Loma Ecological Reserve
 - MOU between U.S. Navy and U.S. Fish and Wildlife Service regarding mitigation for the destruction of a Great Blue Heron Rookery
- **Naval Outlying Landing Field**
 - MOU between U.S. Navy and U.S. Fish and Wildlife Service regarding protection of natural resources within the Tijuana Marsh that abut Navy property
- **Naval Air Station, Fallon, Nevada, and Naval Strike Air Warfare Center, Fallon, Nevada**
 - Letter of Agreement among Naval Strike and Air Warfare Center and Naval Air Station Fallon and Bureau of Land

- Management, Nevada State Office for Interagency Airspace Coordination
- o MOU between Naval Strike and Air Warfare Center and Naval Air Station Fallon and Nevada Division of Wildlife for coordinated management of Nelson Bighorn Sheep at Slate Mountain/Sand Springs Range
 - o Cooperative agreement between Naval Strike and Air Warfare Center and Bureau of Land Management for combat search and rescue training on public lands
 - o Cooperative Fire Protection Agreement between Naval Air Station Fallon, Nevada and Bureau of Land Management Carson City
- **Pinecastle Electronic Warfare Range, Jacksonville, Florida**
 - o Interagency agreement between U.S. Navy and U.S. Department of Agriculture Forest Service
- **Pursuant to Public Law 106-65, The Military Lands Withdrawal Act of 1999, the Departments of the Navy, Air Force and Interior and the State of Arizona entered into a cooperative agreement for the purpose of implementing an integrated natural resources management plan relating to the Barry M. Goldwater Range. The CA is intended to foster cooperative, long-term natural resources management on the BMG Range among federal, state and tribal agencies.**
 - o Navy also serves on the Interagency Military Land Use Coordination Committee (IMLUCC) established by a MOU among the Departments of Defense, Interior and Agriculture for Cooperation and Coordination of the Use and Management of Lands and Resources. The purpose for the MOU is to improve and maintain interagency communication and coordination on matters of mutual interest. Sustainable ranges is an issue of mutual interest being evaluated by IMLUCC.

REP Davis & REP Burton
VCNO-ADM Fallon
House Gov't Reform, 9 MAY 01
Training Constraints
Q. 9-10

Costs of Environmental Litigation

Question. Please provide estimated costs in personnel and resources to your Service for environmental litigation over the last 5 years. Where do the personnel and money come from? If it is from the base/installation level, how are the costs reported to your Service chief?

Answer. Although Navy has never conducted a full-scale analysis of litigation costs related to environmental legal compliance, our Litigation Office developed an estimate of \$3,755,000 for costs that were directly and easily attributable to litigation; i.e., damages paid, expert witness services, cost of production of documents, attorney fees paid, and travel costs, for the time period from 1995 to January 2001.

The \$3,755,000 estimate was based only on the cost factors above, and therefore understates the real total cost of preparing for, and defending against, an environmental legal challenge. For example, the indirect costs of Department of Navy attorney labor and the cost of the labor expended by many other Department of Navy personnel to support our litigation was not included in that estimate. It is not unusual for environmental litigation cases to be intensely active for several years while involving 20 or more Navy attorneys (civilian and military), several hundreds or thousands of hours of non-lawyer support efforts by senior civilians, technical experts and administrative staff, and to include the personal participation of the General Counsel of the Navy. Due to the nature of most environmental litigation, costs are not incurred for monetary damages, opponent's attorney fees, or the cost of documents produced for the opponent. In short, the total actual costs of labor and overhead actually required to litigate environmental cases are many times the stated estimate.

Question. Each witness should provide in writing, a comprehensive list of suggestions on how Congress might be able to address some of the encroachment issues deemed important to your Service.

Answer. In order to restore balance between existing requirements under environmental laws and Title 10 of the U.S.

Code, request Congress consider impacts on military training when enacting new environmental legislation or re-authorizing existing laws. The Department of Defense has prepared an FY-2002 omnibus legislative proposal, now under review at OMB, to revise Section 1362(18)(A) of the Marine Mammal Protection Act (MMPA) to eliminate ambiguity in the definition of harassment. Suggest Congress adopt the language proposed by Department of Commerce and Department of Interior and approved last year by the Office of Management and Budget, which is consistent with recommendations made by the National Research Council in their report to Congress March 3, 2000.¹ The proposed language is attached as enclosure (1).

Other possible areas for consideration are listed below. These suggestions have not been drafted as a legislative proposal nor have they been vetted through the Department of Navy or the Department of Defense.

- o The MMPA to regulate the Department of Defense (DoD) in a manner similar to that of the Commercial Fishing Industry. This would eliminate the requirement to obtain take permits and instead enable DoD, in coordination with the National Oceanic and Atmospheric Administration (NOAA) to develop incidental take reduction plans. The commercial fishing industry is authorized under the MMPA to take (kill) hundreds of marine mammals per year. In contrast, DoD would seek authority only to harass a small number of marine mammals each year incidental to training.
- Endangered Species Act (ESA)
 - o Section 7(a)(2) of the ESA to require consultations with regulatory agencies over military training only when that training "is likely to adversely affect" endangered or threatened species. The implementing Federal regulations have extended the requirement to consult to any Federal action when it merely "may affect" threatened or endangered species. The courts and regulatory agencies interpret this regulatory requirement as requiring consultations whenever just the possibility exists that military training will affect listed species, even if the effect is beneficial.
 - o Section 7(a)(2) and 7(b) of the ESA to require Federal regulatory agencies to expedite the consultation process required between Federal agencies and the U.S. Fish & Wildlife Service and the National Marine Fisheries

¹ National Research Council, Marine Mammals and Low Frequency Sound: Progress Since 1994 (National Academy Press 2000).

Service. Formal consultation often takes longer than the regulatory limit of 135 days. Over the past 18 months Navy has been plagued with knowing only 60 days in advance the actual location of its carrier battle group training. Recognizing that consultations can take in excess of 135 days to complete, the respective service is forced to decide whether to adopt onerous mitigation to obtain concurrence from the regulatory agency before proceeding with the training or foregoing the consultations altogether and risking a court-ordered injunction of the training. Consultations should be statutorily limited not to exceed beyond 45 days from the date the armed service notifies the regulatory agency of the training event.

- o Section 7(b) of the ESA to require regulatory agencies to avoid adversely impacting the effectiveness of military training (as determined by the respective armed service) when recommending mitigation measures.
- o Section 7(b)(4) of the ESA to require the cognizant regulatory agency to "credit" the contribution to endangered species recovery made by the armed service when issuing it an "incidental take permit." This could be accomplished in the form of a "credit" for releasing hatchlings into the environment. For example, the Navy should receive a take permit for more than one turtle in a training area when the Navy sponsors a program responsible for the release of thousands of turtle hatchlings.
- o Section 4(b)(2) of the ESA to require that, before designating critical habitat, the regulatory agency shall take into consideration the impact on military training as determined by the respective armed service. Military training facilities and ranges should not be designated as critical habitat, unless the armed service with custodial responsibility for that area concludes that such designation will not impede the quality and quantity of training.
- o Section 4(b)(2) of the ESA to preclude the designation of critical habitat where the DoD facility has completed an Integrated Natural Resource Plan in compliance with the requirements of the Sikes Act.
- o Section 7(j) of the ESA to eliminate the requirement that the Secretary of Defense must, in order to obtain a national security exemption from the requirements of this law, process the request through the Endangered Species Committee, which is composed of the heads of various

Federal agencies including Agriculture, Interior, and Environmental Protection Agency.

- Migratory Bird Treaty Act (MBTA)
MBTA to clarify that it does not apply to Federal agencies; or, in the alternative, it does not apply to incidental takes occurring during military training.

PROPOSED AMENDMENT TO THE MARINE MAMMAL PROTECTION ACT

SEC. ____ . MARINE MAMMAL PROTECTION ACT HARASSMENT

DEFINITION.

Section 3(18) of the Marine Mammal Protection Act (16 U.S.C. 1362) is amended to read as follows:

"(18) (A) The term "harassment" means any act which--

"(i) injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild; or

"(ii) disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering to a point where such behavioral patterns are abandoned or significantly altered; or

"(iii) is directed toward a specific individual, group or stock of marine mammals in the wild that is likely to disturb the specific individual, group or stock of marine mammals by disrupting behavior, including but not limited to migration, surfacing, nursing, breeding, feeding, or sheltering.

"(B) The term "Level A harassment" means harassment described in subparagraph (A) (i).

"(C) The term "Level B harassment" means harassment described in subparagraphs (A) (ii) and (A) (iii)."

Sectional Analysis

This amendment to section 3(18) of the Marine Mammal Protection Act (MMPA), 16 U.S.C. §1362, would amend the definition of the term "harassment" found in the MMPA. It is currently incorporated into an administration MMPA reauthorization bill, which has been forwarded by the Departments of Commerce and Interior to the House Resources Subcommittee on Fisheries

Conservation, Wildlife, and Oceans. It is being forwarded at this time as a proposal for the Department of Defense's Fiscal Year 2002 Legislative Program on the contingency that the administration's bill including this harassment amendment does not pass into law.

This amendment would reduce enforcement obstacles and address current legal difficulties with respect to marine mammal harassment by: (a) removing confusion and enforcement difficulties associated with the phrase "pursuit, torment or annoyance"; (b) applying harassment by directed acts to all marine mammal individuals, groups, or stocks; (c) shifting the focus of the definition to harmful activities above a certain level; (d) providing greater notice and predictability to the regulated community; (e) sparing the regulated community of regulatory burdens associated with relatively benign activities; and (f) providing marine mammals with protection from activities for which the agencies have only limited information and from the cumulative effects of activities that take marine mammals both directly and incidentally.

The MMPA prohibits harassment of marine mammals without a permit. Obtaining an MMPA permit involves lengthy delay, inflexibility, costly and burdensome mitigation measures, regulatory oversight, reporting, and renewal. Harassment as currently defined in the MMPA may result from the slightest impact on the normal behavior of marine mammals. Routine Navy operating procedures, such as a vessel getting underway, could therefore potentially be illegal without a permit issued by the regulatory agency. Due to Federal court order, public pressure, or regulatory requirements stemming from the current definition, the Navy has canceled, modified, or postponed tests and training, costing it millions of dollars. Because the MMPA has limited the Navy's ability to train and test weapon systems, it has the potential to adversely affect readiness. This recommended amendment would obviate the need to obtain a permit for activities that have only a benign and incidental impact on marine mammals. Only those actions that significantly disrupt critical behaviors of marine mammals would require Navy to obtain a permit and submit to a burdensome regulatory regime. The proposed harassment amendment will be fully protective of marine mammals while also enabling the Navy to accomplish its national security mission. The following provides supporting information for this amendment, including the legislative history of the MMPA harassment definition, scientific analysis, and operational concerns.

LEGISLATIVE HISTORY - MARINE MAMMAL PROTECTION ACT

1994 AMENDMENTS

Statutory Law Prior to 1994 Amendments

The Marine Mammal Protection Act has always prohibited "takes" of marine mammals without a permit to do so. The statute defined "take" to mean "to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal." 16 U.S.C. §1362(13). However, the statute did not define the term "harass." The failure to define harass led to confusion in application, as is reflected in the three reported cases dealing with the issue prior to the 1994 amendments.

Case Law Prior to 1994 Amendments

The Fifth Circuit Court of Appeals, in *Strong v. United States*, 5 F.3d 905 (5th Cir. 1993), found that tourists' feeding of bottlenose dolphins was a prohibited take under the MMPA. The tour operator challenged a National Marine Fisheries Service (NMFS) regulation under the MMPA that prohibited feeding of marine mammals in the wild. The tour operator contended that feeding was not harassment and so could not be regulated under the definition of take in the MMPA. The court resolved the issue in a rather tortured interpretation of the statutory language. The court decided that the word "disturb" (which does not appear within the definition of take) was synonymous with "harass,"⁽¹¹⁾ and since there was some scientific evidence that feeding wild dolphins "disturbed" their behavior and made them less able to search for food on their own, the NMFS regulation was within its authority. It is interesting that the court resolved the issue of whether feeding was harassment not by defining harassment, but by analogizing it to the word disturb, which does not appear in the definition of take in the MMPA. The court seems to have decided that if one disturbs a marine mammal in some unspecified fashion, one has harassed, and therefore taken, the animal in contravention of the MMPA. "To disturb" implies a standard that is lower, from a *mens rea* point of view, than "to harass," which implies at least some element of intent.

A completely different approach was taken by the Ninth Circuit in *United States v. Hayashi*, 22 F.3d 859 (9th Cir. 1994). Hayashi, a fisherman, fired a rifle towards porpoises eating tuna off of his fishing lines. He did not hit the animals, and his intent was to merely scare them away from eating his catch. NMFS charged Hayashi with harassing, and thus taking, a marine mammal in violation of the MMPA. The court found that for harassment to constitute a taking under the MMPA, it must entail a significant level of intrusiveness similar to the other

prohibited activities under the statute - hunting, capturing or killing. Significant disruptions of normal behavioral patterns are required. The court noted that Congress failed to define the term harass.

Hayashi was controlling precedent for the U.S. District Court for the Northern District of California in a subsequent case, *Tepley v. National Oceanic Atmospheric Administration*, 908 F. Supp. 708 (N.D. Cal. 1995). An administrative law judge had concluded that observing from a boat, photographing, swimming with and even touching a pilot whale constituted harassment under the MMPA. NOAA then denied administrative review, stating that the "evidence regarding the degree of care or demonstrable harm is irrelevant for purposes of determining whether a violation based upon harassment has occurred." The question, in NOAA's view, was simply whether the behavior of the pilot whale was altered. The district court found NOAA's application insufficient for a finding of taking by harassment under the MMPA.⁽²⁾

The *Hayashi*, *Strong* and *Tepley* courts all interpreted harassment to require more than a temporary, noninjurious alteration of marine mammal behavior. They also considered whether the activity at issue could actually and likely harm the affected mammals.

Legislative History

In 1994 Congress passed the Marine Mammal Protection Act Amendments of 1994. The purpose of the amendments was to "extend the authorization of appropriations through fiscal year 1998 for Federal marine mammal protection programs, and would establish a new regime governing the incidental taking of marine mammals in commercial fishing." Senate Report No. 103-220 (January 25, 1994). While the Senate Report noted that the protections of the MMPA prohibit harassment as well as hunting or capturing marine mammals, it did not really discuss what it meant by harassment, or why a definition of harassment was added to the statute. The primary purpose of the legislation was to deal with problems caused by commercial fishing, and to a much lesser degree, to regulate whale watching in Hawaii.

Although the actions giving rise to the cases discussed above preceded amendments to the MMPA, which added a definition of harassment to the statute, it does not appear that Congress intended to change the prevailing judicial interpretation of harassment. The issue of harassment was not one of the major issues facing Congress when it amended the statute. In February

1993 the Congressional Research Service of the Library of Congress prepared a report for Congress on reauthorization issues associated with the MMPA. In preparing the report, the Congressional Research Service queried commercial fishing, scientific research, public display, animal welfare, and environmental interests to identify issues that might be considered during the reauthorization debate. The Congressional Research Service's report noted that the major issue before Congress was to determine "the components of a new regime to govern interactions between marine mammals and commercial fishing operations." The Congressional Record is devoid of the reasoning behind the addition of the definition of the term harassment.

**SCIENTIFIC SUPPORT FOR AMENDMENT OF THE
DEFINITION OF HARASSMENT**

The National Research Council (NRC)⁽³⁾ contends that there is simply no valid reason for regulating minor changes in behavior having no significant impact on the viability of the marine mammal stock. Rather, regulation should be focused on minimizing injury and biologically significant disruptions in behavior critical to survival and reproduction. The Navy agrees, and the proposed amendment to the statutory definition is designed to accommodate this position.

NRC scientists have identified drawbacks to the current definition of harassment in the MMPA.⁽⁴⁾ In its 1994 report,⁽⁵⁾ the NRC noted that, as techniques for observing marine mammals improve, it may become possible to observe responses as soon as an animal can detect an acoustic signal, even though such responses may not constitute evidence of a significant negative effect. According to the NRC, this has, in fact, occurred.⁽⁶⁾

The NRC advocates "a regulatory definition of harassment that focuses on adverse effects to marine mammals."⁽⁷⁾ Therefore, to distinguish between injury and disruption of behavior, the NRC proposes:

"...a refinement of the above definitions (of harassment) to incorporate and differentiate between immediate injury and longer-term, significant physiological and behavioral effects that may affect the growth, reproduction, or mortality of animals."⁽⁸⁾

Moreover, according to the NRC:

"Regulatory effects directed at minimizing and mitigating the effects of anthropogenic sounds on marine mammals and other marine organisms should have the goal of minimizing the risk of injury and meaningful disruption of biologically significant activities, where biological significance is defined as having potential demographic effects on reproduction or longevity."⁽⁹⁾

Regarding the definition of Level B Acoustic Harassment, the NRC further states:

"It does not make sense to regulate minor changes in behavior having no adverse impact; rather, regulations must focus on significant disruption of behaviors critical to survival and reproduction, which is the clear intent of the definition of harassment in the MMPA."⁽¹⁰⁾

Continuing, the NRC states:

"Activities that produce statistically significant but biologically insignificant responses are subject to take authorizations under the MMPA and ESA as the regulations are currently implemented; responsible agencies must provide authorization unless there is good justification for concluding that the effects will not be negligible. Such review would be a reasonable approach if "negligible effects" were defined more appropriately. For example, current research suggests that thousands of ships each day are likely to cause short-term avoidance responses, and many of these responses may help reduce the risk of vessel collision. If the current interpretation of the law for level B harassment (detectable changes in behavior) were applied to shipping as strenuously as it is applied to scientific and naval activities, the result would be crippling regulation of nearly every motorized vessel operating in U.S. waters. NMFS should promulgate uniform regulations based on their potential for a biologically significant impact on marine mammals."⁽¹¹⁾

Ultimately, NRC recommends the following definition for level (B) harassment:

"Level B -- has the potential to disturb a marine mammal or marine mammal stock in the wild by causing meaningful disruption of biologically significant activities, including but not limited to, migration, breeding, care of young, predator avoidance or defense, and feeding."⁽¹²⁾

The NRC further notes that the definition should be limited to "functional categories of activity likely to influence survival or reproduction."⁽¹³⁾

Additional support for amending the definition of level B harassment is found in a report on MMPA reauthorization issues prepared for the 106th Congress:

"Scientists...would like to see the definition of level B harassment revised to where it would be applicable only to situations where actions would reasonably be expected to constitute a significant threat to an entire marine mammal stock, rather than just a few individual animals."⁽¹⁴⁾

OPERATIONAL CONCERNS

A big picture look at the Navy's Anti-Submarine Warfare (ASW) capabilities since the end of the Cold War illustrates why the Navy has a sense of urgency to resolve the challenges associated with ASW training and the MMPA. These challenges have continued to steadily increase since the end of the Cold War. Anti-submarine warfare has become more difficult with the shift from the Cold War scenario of a blue-water nuclear submarine adversary to a diesel submarine operating in littoral waters. Simply put, it is more difficult to find an adversary diesel submarine in littoral waters. Additionally, new generation submarine quieting technologies utilized by our opponents, combined with our own aging sensors, have further reduced our ability to locate and track threat submarines. New systems are required to enhance our detection capability against these new generation submarines.

Navy force structure reductions have significantly reduced the number of U.S. Navy ASW-capable platforms. Since the end of the Cold War, our maritime patrol aircraft have suffered a 50 percent cut in force structure, and attack submarine numbers have also been nearly halved. Our ability to locate threat submarines on patrol has also suffered with a reduction in recent years of our Integrated Undersea Surveillance System. Numbers count when prosecuting potential adversary submarines, and reduced force structure results in the need for systems that will enhance our detection and tracking capabilities.

Many of our remaining ASW-capable platforms have been assigned other important missions that increasingly occupy their available operating time. A significant amount of our patrol aircraft operating time today is focused on Anti-Surface Warfare, and Intelligence, Surveillance and Reconnaissance, while our attack submarines have also increased their role in intelligence gathering operations. Our surface combatants that

deploy to the Arabian Gulf have a demanding mission of enforcing the UN embargo on Iraq. Training in the skills of vessel boarding, search and seizure is demanding. On many of our surface combatants, sailors who carry out this mission are also our surface sonarmen. The cumulative impact of all three of these factors has created a multi-mission tyranny for our forces, training in a myriad of areas for new and emerging missions, while our Anti-Submarine Warfare experience and expertise continues to degrade.

There are 268 submarines in the Pacific that sail under flags other than ours, 193 of which belong to potential adversaries. These submarines do not have any environmental constraints placed on them, giving them competitive advantages over U.S. submarines. Our 34 Pacific Fleet submarines have a critical mission that is made even more difficult when new systems and technologies such as Low Frequency Active Sonar cannot be used to assist in the detection of threat submarines, largely due to some regulators' unnecessarily broad interpretation of harassment under the MMPA. Of these 34 submarines, only 26 are SSNs that have the "search and destroy" mission. At any given moment there are 4 or 5 subs in overhaul, so that leaves only approximately 20 SSNs to respond to any major crisis. Consequently, the U.S. needs all of the technological advantages that are at its disposal.

For over four years our Low Frequency Active sonar has been delayed in deployment due to our attempts to comply with environmental laws, most notably the MMPA. Continued delay of testing and fielding this technology increasingly places the U.S. at a competitive disadvantage when many first world nations are already using similar systems, and our potential adversaries also have access to the technology. In a conflict scenario, our ability to quickly locate and neutralize threat submarines is the key to the success of all campaign plans. If the U.S. does not control the seas, we cannot execute national policy. The military's mission of providing peace and stability allows economies to grow and governments to afford environmental improvements. The law should give the military the flexibility it needs to perform its mission, while protecting the environment as much as possible.

There must be congressional recognition that our mission success requires continued technological advancements to maintain the freedoms that Americans enjoy. We cannot compromise when the end result is degradation in training. This will ultimately result in unprepared war fighters and eventually is calculated in terms

of loss of human life. For all the above reasons, this proposed harassment amendment is warranted.

¹ A look at Webster's Third New International Dictionary (1981) (unabridged) does not seem to support the court's conclusion that the terms "harass" and "disturb" are synonymous.

² While the acts dealt with in this case arose prior to the 1994 amendments, it was decided after the amendments were signed into law.

³ The National Research Council was organized by the National Academy of Sciences in 1916 to associate the broad community of science and technology with the Academy's purposes of furthering knowledge and advising the Federal government. Functioning in accordance with general policies determined by the Academy, the Council has become the principal operating agency of both the National Academy of Sciences and the National Academy of Engineering in providing services to the government, the public, and the scientific and engineering communities.

⁴ National Research Council, *Marine Mammals and Low-Frequency Sound: Progress Since 1994* (National Academy Press 2000).

⁵ National Research Council, *Low-Frequency Sound and Marine Mammals: Current Knowledge and Research Needs* (National Academy Press 1994).

⁶ National Research Council, *Marine Mammals and Low-Frequency Sound: Progress Since 1994* (National Academy Press 2000).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Buck, E.H., *Marine Mammal Protection Act: Reauthorization Issues for the 106th Congress* (1999).

Rep Burton
NSWG-1 CAPT McRaven
House Gov't Reform 9 May 01
Q. 11-12

Question. The Committee is very concerned about training and safety especially in light of some of the tragic accidents this year. Can you tell us generally about the relationship between inadequate training opportunities and increased accidents?

Answer. An operator's real-world mission effectiveness is largely dependent upon the experience he gains through his pre-deployment training. He must train like he fights. The nature of our employment in battle requires a level of training that is inherently higher-risk. We conduct thorough investigations whenever a training-related incident occurs. While a lack of training has been considered a contributing factor in some instances, in recent findings, we cannot say there is any significant correlation between recent increases in our accident rate and inadequate training opportunities.

Question. Each witness should provide in writing a comprehensive list of suggestions on how Congress might be able to address some of the encroachment issues deemed important to your operations. Please list top areas of concern if suggestions are not specific.

Answer. There are a number of actions Congress might consider to help address the risk of encroachment on training. Generally speaking, a better balance needs to be established between the mission of the Department of Defense (DoD) and the mission of environmental protection activities. In recent years, protection of the environment has taken precedence over military readiness in virtually all instances. More specifically,

a. Consider revisions to the National Environmental Policy Act, and specifically, allow more categorical exclusions for routine military training. The current list of categorical exclusions does not adequately address routine military training activities. Current Navy policy requires an environmental review for any activity that cannot be categorically excluded under the current list of exclusions.

b. Require agencies charged with the protection of species to reasonably define when the species is healthy enough to be self-sustaining. The success we've had as good stewards of the environment and wildlife protection has often worked against us.

We pro-actively create conditions under which protected species will flourish and as they do, we are further restricted in where and how we can conduct our training.

c. Consider legislation to make Endangered Species Act compliance more reasonable for DoD activities. Every training activity with any potential, no matter how small, of impacting a protected species involves consultation and subsequent protections mandated by environmental agencies. In practice, the military training mission is virtually always secondary to the environmental protection mission.

REP Burton
VCNO-ADM Fallon
House Gov't Reform, 9 May 01
Training Constraints
Q. 13-15

Question. The Committee has read your 1999 report to the Secretary of the Navy regarding the importance of the Vieques range to the Navy. The report states, "that although several alternate ranges have the capacity to absorb additional activity, none can accommodate the integrated, combined arms focus of live fire training unique to Vieques." Can you describe your examination of alternative locations over the last two years and what, if any, conclusions you have reached?

Answer. Over the last two years, there have been two additional studies of possible alternatives, the Rush Panel report, which was completed in October 1999, and a study completed in May 2000 by the Center for Naval Analyses. Both efforts concluded that there was no single alternative location nor combination of ranges and technologies that provided an equivalent training capability to Vieques. We have also in the last two years taken closer looks at Dog Island, Nevis St. Kitts, the Dominican Republic, and overseas ranges. We are also in the process of making a preliminary feasibility assessment of a proposal initiated by landowners in South Texas. To date, none of our reviews have identified a suitable alternative.

Question. What substitute training locations were used by the EISENHOWER Battle Group, the ENTERPRISE Battle Group, and the amphibious ready groups that recently have not been able to train at Vieques before deploying overseas? What was the impact on safety and readiness? How did the Navy measure and report this impact?

Answer. Three Carrier Battle Groups and Amphibious Ready Groups were affected by the closure of Vieques from April 1999 to May 2000. The JOHN F. KENNEDY Carrier Battle Group and the GEORGE WASHINGTON Carrier Battle Group were able to complete part of their training at Vieques just before the range closed and just after the range opened, respectively. The KENNEDY and GEORGE WASHINGTON Battle Groups deployed at a marginal C-2 readiness rating, with shortfalls noted in strike warfare and amphibious warfare.

The EISENHOWER/WASP team was required to conduct pre-deployment training without access to Vieques. Strike warfare

training was conducted in a fragmented manner, primarily at the Eglin and Pinecastle ranges in Florida and at smoke targets at sea. Naval Surface Fire Support training was deferred until arrival in the European theater and the Navy-Marine Corps Supporting Arms Coordination Exercise was conducted at Camp Lejeune without naval surface fire support and with range and airspace restrictions that made close air support tactically unrealistic.

Significant readiness shortfalls and degradations were noted in the final pre-deployment evaluation conducted by the Commander of the SECOND Fleet. Warships were evaluated at the C-3 readiness rating and M-4 for amphibious warfare. Administrative and airspace restrictions at Eglin and Pinecastle made realistic power projection training impossible, and below average proficiency by the carrier airwing in strike warfare was noted.

The EISENHOWER Carrier Battle Group and WASP Amphibious Ready Group had the opportunity to remedy those training shortfalls by training at overseas ranges and participating in bilateral exercises with allies after arrival in theater. However, it should be noted that reliance on overseas training ranges comes at a cost. Use of foreign ranges is subject to host nation approval, is normally very limited in frequency and duration, and is often required to be in conjunction with bilateral exercises with the host nation. Most significantly, delaying training until in theater does not allow for the possibility that deployment patterns can change and the time required for final training can evaporate due to unforeseen events and crises overseas.

Question. In the last Quarterly Readiness Report to Congress in 2000, the Navy projected that the loss of live fire training at Vieques will result in increased sorties and collateral damage in the early stages of a war fight." Can you tell us what this means?

Answer. Experience demonstrates that (1) there is a relationship between the quality of training and combat performance, and (2) readiness is a perishable commodity---in the absence of tactically relevant training, warfare skills degrade. Without access to Vieques to conduct realistic, live-fire training, Atlantic Fleet naval forces are less ready for combat, particularly in strike warfare and amphibious warfare.

REP Burton
VCNO-ADM Fallon
House Gov't Reform, 9 MAY 01
Training Constraints
Q. 16

Question. It is my understanding that the Navy has established "Enhanced Readiness Teams" at headquarters and subordinate commands to ensure readiness is maintained through long-term access and use of Fleet facilities, training ranges and operation areas. Can you describe the responsibilities of these teams and what, if any, formal policies have been issued to date?

Answer. The Enhanced Readiness Team (ERT) is an information sharing process, not a policy-making effort. Policy decisions continue through the traditional Service chain of commands.

The principal responsibility of members of various ERTs is to share information with each other. The intent of these efforts is to improve the Navy's good stewardship of the environment. Through this action we expect to improve the Navy's long-term access to training ranges and operating areas necessary to support Fleet readiness. The ERT organization brings together the expertise of operations, facility, legal, public affairs, and environmental personnel. It serves to better educate Navy operators on environmental regulations and provides operational insight to the Navy's environmental professionals.

REP Burton
VCNO- ADM Fallon
House Gov't Reform, 9 May 01
Training Constraints
Q. 17

Question. As an example of East Coast air encroachment, can you tell the committee about the increasing pressure to use over water ranges located off Air Station Oceana, Air Station Norfolk for commercial air routes and the effect this will have on East Coast tactical training? I refer specifically to the importance of W-72. Please explain.

Answer. Airspace is a finite resource and the Department of the Navy cannot do more with less while maintaining fleet readiness and keeping safety paramount. The east coast warning areas are crucial to our continued military mission. Warning Area 72 is part of the offshore warning area complex of the East Coast comprising 94,000 square miles of airspace and water space. W-72 specifically supports tactical air, surface, and sub-surface training operations for the Navy, Marine Corps, and Air Force. These operations include missile exercises, gunfire exercises, air combat maneuvering, carrier qualifications, joint exercises, and a tactical air combat training range system to name a few. This is not an environment that lends itself to joint utilization by military and civil aviation. The Federal Aviation Administration (FAA) has proposed that portions of the east coast warning areas, including W-72, be modified to allow for unlimited access through this airspace by commercial aviation for economic considerations. The FAA has forwarded several such proposals, the most recent coming from New York Air Route Traffic Control Center. The FAA proposes allowing access to commercial aviation close in shore over water and moving the warning areas farther out to sea. Their proposal implies a fair trade for special use, limited access airspace but does not take into consideration the following:

- additional transit time and fuel consumed for the transit by fighter aircraft
- reduced time available to train due to higher outbound transit and minimum return to base fuel requirements
- intermittent radio communications with shore based controllers
- inadequate radar coverage by shore-based controllers
- increased response time and reduced time on station during search and rescue (SAR) evolutions

- increased effort to deconflict crossing civil and military aircraft transiting close-in off shore airspace

The Department of the Navy, as airspace manager for W-72, ensures the airspace is made available to the FAA through real-time coordination when military flight operations are not in progress. This continues to allow for national defense training, mission accomplishment, and fleet readiness while attempting to reasonably support the needs and desires of the FAA. Unrestricted Department of Defense access to W-72 as it presently exists is critical to the safe and efficient training and qualification of our air, surface and sub-surface combatants. Loss of access would result in unacceptable cost (fuel, flight/steaming hours), increased risk (SAR, crossing traffic, radar and communication coverage), and ultimately, our inability to maintain perishable qualifications and war-fighting skill currency. The Department of the Navy continues to work in cooperative partnership with the FAA to provide the best possible utilization of this finite asset while maintaining the greatest degree of safety for all users of the airspace. However, we oppose further encroachment on any of the east coast warning areas because of the negative impact on readiness and increased risk that would result from such encroachment.

Rep Burton
NSWG-1 CAPT McRaven
House Gov't Reform 9 May 01
Q. 18-21

Question. Can you tell the committee why night training is so important to the SEALs and how this training has been degraded during your time as a SEAL?

Answer. Almost all SEAL combat missions are conducted at night to maximize the element of surprise against the enemy. Consequently, it is imperative that SEALs train at night to replicate the stress and confusion they will encounter during combat. When engaging a target at night SEALs will use a variety of pyrotechnics and tracers to illuminate the target and ensure effective fire. Since I became a SEAL in 1978, environmental restrictions have significantly reduced our ability to train with flares or tracers on ranges (from 12 months to only 5 months of the year at San Clemente Island alone). There is concern that flares and tracers will create fires that destroy the endangered species habitat. Additionally, there is concern that SEALs maneuvering on the range will destroy unseen nesting areas and archeological sites that are only marked with reflective tape. These types of restrictions force us, in some cases, to develop training scenarios that are both unrealistic and "canned", thereby reducing the overall quality of training for our operators.

Question. Where do you perform work arounds?

Answer. Most workarounds are conducted outside southern California at military bases such as Eglin Air Force Base in Florida, Forts A. P. Hill and Pickett in Virginia, Fort Chaffee in Arizona, and Naval Air Station Fallon in Nevada. We also utilize a number of non-Department of Defense ranges.

The travel required by having to rely on out-of-area ranges increases costs and reduces the total number of pre-deployment training days available. It also exacerbates the problem we face ensuring our people meet the requirements for individual personnel tempo enacted in the Fiscal Year 2000 National Defense Authorization Act, which limits the number of days a service member can be away from home to 30-40 days prior to overseas deployment.

Question. Have you received any instructions or directives to date from DoD on how to stop the impacts of training restrictions during your command of SEAL Group One?

Answer. No. My command works closely with the Navy Region Southwest and Naval Base Coronado to ensure our concerns are voiced at the local, state and federal level, but I personally have not received any instruction on how to mitigate the encroachment.

Question. Have you ever personally met with the regional officials of the Fish and Wildlife Service or the National Marine Fisheries Service to discuss range management or participate in consultations where you have the opportunity to explain the importance of your military training?

Answer. No. I work through my chain of command to coordinate with regional officials. Naval Special Warfare is represented by our host commands in communications and negotiations with the various regulatory agencies. However, in many cases, representatives from my command are present at regional meetings to discuss encroachment issues.

REP Shays
VCNO-ADM Fallon
House Gov't Reform, 9 May 01
Training Constraints
Q. 22-26

Question. The Navy consistently asserts the Vieques training complex is "essential" to the readiness of Atlantic Fleet Sailors and Marines. When Vieques is closed to you, or when access is limited, how do Naval Battle Groups and Marine expeditionary units train up to readiness standards?

Answer. Three Carrier Battle Groups and Amphibious Ready Groups were affected by the closure of Vieques from April 1999 to May 2000. The JOHN F. KENNEDY Carrier Battle Group and the GEORGE WASHINGTON Carrier Battle Group were able to complete part of their training at Vieques just before the range closed and just after the range opened, respectively. The KENNEDY and GEORGE WASHINGTON Battle Groups deployed at a marginal C-2 readiness rating, with shortfalls noted in strike warfare and amphibious warfare.

The EISENHOWER/WASP team was required to conduct pre-deployment training without access to Vieques. Strike warfare training was conducted in a fragmented manner, primarily at the Eglin and Pinecastle ranges in Florida and at smoke targets at sea. Naval Surface Fire Support training was deferred until arrival in the European theater and the Navy-Marine Corps Supporting Arms Coordination Exercise was conducted at Camp Lejeune without naval surface fire support and with range and airspace restrictions that made close air support tactically unrealistic.

Significant readiness shortfalls and degradations were noted in the final pre-deployment evaluation conducted by the Commander of the SECOND Fleet. Warships were evaluated at the C-3 readiness rating and M-4 for amphibious warfare. Administrative and airspace restrictions at Eglin and Pinecastle made realistic power projection training impossible, and below average proficiency by the carrier airwing in strike warfare was noted.

The EISENHOWER Carrier Battle Group and WASP Amphibious Ready Group had the opportunity to remedy those training shortfalls by training at overseas ranges and participating in bilateral exercises with allies after arrival in theater.

Question. In the event Navy loses all access to Vieques, what will you do?

Answer. Navy intends to train at Vieques until at least May 2003, under the limitations established in the Presidential directives of January 2000. Although the inability to conduct live-fire training at Vieques results in readiness shortfalls, carrier battle groups and amphibious ready groups are still able to meet overall readiness ratings of C-2 if allowed to conduct training with inert ordnance at Vieques.

The Navy is continuing to identify and assess potential alternatives to Vieques that may be realized by May 2003 and beyond. To date, we have not been able to identify a single alternative location, nor a combination of ranges and technologies that provide an equivalent training capability.

Question. Describe the process you undertook, and I believe are undertaking again, to assess alternative sites.

Answer. There have been three studies of potential alternatives: The Pace-Fallon Report from July 1999, the Rush Panel report from October 1999, and a study conducted by the Center for Naval Analyses completed in May 2000. In addition, we have taken closer looks at several individual locations, such as Dog Island, Nevis St. Kitts, the Dominican Republic, and overseas ranges; and we are conducting a preliminary feasibility assessment of a proposal submitted by landowners in South Texas.

In general, our analyses have applied the following operational criteria:

- Availability of an air-to-ground live ordnance range with tactically realistic and challenging targets and airspace, which allow the use of high-altitude weapons delivery.
- Availability of Naval Surface Fire Support range that permits training of ships, forward spotters, and fire coordination teams.
- Ability to exercise combined arms amphibious operations.
- Availability of nearby naval and base support.

Question. Is there one place that can provide the scope of training now conducted on Vieques?

Answer. Not that I am aware of at this time.

Question. If not, how do you determine the readiness of a combined force that has only trained separately?

Answer. Readiness assessments are conducted of individuals and individual units using training matrixes divided into discrete warfare missions and warfare tasks. For example, naval aviators must demonstrate training proficiency in the delivery of specific types of ordnance across all warfare conditions, and the combination of those individual training grades is compiled to produce a rating for a squadron.

For a combined force on the East Coast, the assessment involves the quantitative compilations of individual training matrixes, and the critical, qualitative assessments of two commands whose primary mission involves the training and evaluation of pre-deployment forces: Commander, SECOND Fleet, and Commander, Carrier Group FOUR.

In 1999 and 2000, three carrier battle groups and amphibious ready groups were affected by a lack of access to Vieques and as a result, to varying degrees, had to conduct training in a fragmented manner. The EISENHOWER/WASP team was most affected as it was the only carrier battle group/amphibious ready group that had no access to Vieques at all during work-ups.

Commander, SECOND Fleet noted significant readiness shortfalls in the EISENHOWER/WASP groups due to the lack of training at Vieques.

REP Shays
VCNO-ADM Fallon
House Gov't Reform, 9 MAY 01
Training Constraints
Q. 27-28

Question. As you shift the burden of training that might take place on Vieques to other facilities, what impact does that have on other units' readiness?

Answer. As the burden of training shifts to other sites, unit level training at backyard ranges succumbs to the larger scale, higher priority, advanced training events. A most favorable feature of the Atlantic Fleet Weapons Training Facility complex, including the Vieques live impact area, includes the ability of the Carrier Battle Group (CVBG)/Amphibious Ready Group (ARG) assets to train in an unencumbered environment in support of a wide range of maritime warfare tasks. CVBG training at Vieques did not influence unit level training since most unit level training is conducted at continental U.S.-based ranges. However, since the restrictive measures were enacted at Vieques, comprehensive CVBG training is now conducted in piecemeal fashion at local ranges, often precluding unit level, basic phase training events.

Question. What impact does shifting Vieques training have on environmental management at other ranges?

Answer. Since limitations were placed on our ability to train at Vieques, we have been shifting elements of our training to Pinecastle Range, Marine Corps Base Camp Lejeune, Eglin Air Force Base, and the Virginia Capes Operating Area. We are unable to conduct complete integrated Battlegroup training at these ranges. The shift of additional training elements from Vieques to other locations will require our environmental program managers to assess our current environmental documentation and compliance plans for adequacy, and adjust them if needed. The current shift in training tempo at alternative ranges has necessitated heightened levels of environmental management to deal with resultant encroachment issues. Additional increases in training intensity at these ranges will necessitate proportional increases in the complexity and intensity of our environmental management and protection efforts. It is important to note that the closest inhabitants to ranges at Vieques are about nine miles away. The populations that neighbor the Pinecastle Range, Eglin Air Force Base, Marine

Corps Base Camp Lejeune, and the Virginia Capes Operating Area are all closer. While these communities are located well outside the explosive safety arcs of the weapons we train with, we should not be surprised to receive increased numbers of local complaints if we find it necessary to further increase the intensity of training operations in these locations.

REP Davis
VCNO-ADM Fallon
House Gov't Reform, 9 MAY 01
Training Constraints
Q. 29-32

Question. One of the common complaints is that military bases are forced to engage in mitigation should they need to build on lands qualified as wetlands under Federal law. To make matters worse, different agencies have different standards for what constitutes wetlands. Therefore, what standards do your bases use to determine whether an area of land constitutes wetlands?

Answer. The Navy complies with the legal definition of wetlands as defined by the Corps of Engineers (COE) permitting process. In instances when the COE delegates its authority to a state, the Navy then complies with applicable state standards.

Question. Can you provide a breakdown of total yearly wetlands mitigation costs (including Federal, State, and local agencies) for your base for the last five years?

Answer. Wetlands mitigation costs for compliance with Federal, state, and local statutes are included within the scope of each affected military construction project and are not broken out separately from the overall construction costs.

Question. Does your base have policy of complying with all State and local regulations with respect to wetlands mitigation?

Answer. Yes. All Navy personnel (civilian and military), tenants, and contractors working for the Navy shall comply with all applicable Federal, State, local, and internal environmental wetlands policies, regulations, and requirements. It is Navy policy to avoid wetlands degradation and where impacts cannot be avoided, to provide mitigation as required by wetlands regulatory agencies.

Question. Do you have any concrete suggestions as to how Congress can assist in reforming the wetlands mitigation process for DoD?

Answer. Yes. Environmentally sound cost-effective mitigation can take many forms, some of which the military cannot take full advantage of under current statutes. For example, 10 USC 2852 requires the federal government to have a sufficient interest in land to expend construction funding on improvements. This precludes expending funds for mitigation

projects on state, local government or private lands. Similarly, the ability to pass funding to another federal agency to accomplish or compensate for mitigation actions has been limited by opinions that it would be an illegal augmentation of the receiving agency's appropriations. Clarifications appear to also be warranted in the authority to purchase real property interests to create mitigation or purchase of credits from an established bank.

REP Davis
VCNO-ADM Fallon
House Gov't Reform, 9 MAY 01
Training Constraints
Q. 33

Question. What percentage of time do you estimate your local commanders spend in researching and complying with environmental regulations?

Answer. We estimate that local base commanding officers (COs) and executive officers (XOs) usually spend about 10% of their time dealing directly with environmental concerns. At installations with highly visible environmental issues, the time spent can approach 50% for certain periods. The actual demand on their time is very much dependent upon environmental conditions, state and local regulations, and issues specific to their Area of Operations (AO). COs who have operating ranges in their AO are uniquely challenged, for example, by environmental issues such as endangered species, noise, air, water issues, etc. COs and XOs of our operating forces spend considerably less time directly on environmental issues, as their support is obtained primarily through base, region, or headquarters environmental staffs.

Historically, the majority of our environmental staff effort has been focused on ensuring shore facility compliance with media-specific environmental laws/regulations (i.e., Clean Water Act, Clean Air Act, Resource, Conservation and Recovery Act, etc.). Over the past few years, however, this focus has shifted from shore facilities to dealing with rapidly expanding training base encroachment issues, and the effective management of environmental programs directly impacted by our operations and training afloat and ashore. Environmental staffs that worked almost exclusively with shore installation commanders to ensure compliance are now equally engaged with operational commanders to support fleet and training operations, and to ensure full access to the seas and the land areas so crucial to our readiness. The environmental staffs that support the Pacific and Atlantic Fleets currently report that the successful management of issues related to Fleet training readiness is their number one issue.

Rep Davis
NSWG-1 CAPT McRaven
House Gov't Reform 9 May 01
Q. 34-35

Question. What restrictions have your commands put on the use of lead based bullets since 1990?

Answer. Lead based bullets are authorized for use at all of our primary training ranges in Southern California. The only specific restriction imposed on these ranges has to do with limiting personal exposure to respirable lead dust in enclosed facilities, in compliance with Occupational Safety and Health Administration industrial hygiene exposure regulations. We do this by limiting individual training time and by periodically shutting a facility down to adequately address accumulated lead build-up. At several out-of-area ranges we do use other types of non-lead ordnance when there is not enough area or ballistic integrity to accommodate the maximum travel distance of a lead bullet.

Question. Do you, personally, believe that many of the federal regulations regarding species protection have hurt our ability to train for and execute wartime missions?

Answer. Not yet, but very soon. Up until now we have been able to develop workarounds that keep our SEAL platoons combat ready. These workarounds have been conducted mostly outside our homestation. While this has been an expensive proposition in both manpower and money, it has been workable. However, with the additional limitations imposed by the Fiscal Year (FY) 2000 National Defense Authorization Act to track individual personnel tempo and limit the number of days a service member can be away from home, my SEALs will be reduced to 30-40 days away from home prior to overseas deployment (prior to the FY 2000 NDAA, they were away 103-110 days). This means that without quality ranges in the immediate vicinity of San Diego, I will be unable to meet my readiness requirements prior to overseas deployment.

Question. Do the training restrictions you are forced to comply with ultimately risk our troops safety?

Answer. Yes. While not immediately obvious, the quality of training (particularly night live fire training) is being degraded owing to encroachment. When you layer the environmental restrictions on top of urbanization, accessibility, and the individual personnel tempo limits imposed by the Fiscal Year 2000 National Defense Authorization Act, you have severely limited the SEALs ability to train realistically. This will eventually manifest itself in combat losses.

Rep Mink
VCNO- ADM Fallon
House Gov't Reform, 9 May 01
Training Constraints
Q. 36-40

Question. Why must this technology be deployed in Hawaiian waters during the humpback whale breeding and calving season? While the Hawaiian Humpback Whale National Marine Sanctuary will not be subjected to levels higher than 180 decibels (dB) during this period, what about whales who happen to be swimming in waters outside of the Sanctuary? What levels of dBs might they be subject to? Restricting the dBs in the Sanctuary waters gives support to concerns about harm to these creatures.

Answer. Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) sonar was deployed in Hawaiian waters during Phase III of the Low Frequency Sound Scientific Research Program (LFS SRP) from February 26, 1998, to March 31, 1998, to perform the necessary research to determine whether exposure to sounds produced by SURTASS LFA source would elicit disturbance reactions from humpback whales. LFA signals are similar to those of humpback whale songs. The LFS SRP was a field study independently designed and conducted by world-renowned marine biologists and bio-acousticians to identify the potential impacts of high LF sound levels on biologically important behaviors of marine mammals. These independent marine biologists and bio-acousticians included Christopher W. Clark, PhD, Director, Cornell Bioacoustics Research Program, Cornell University; Kurt Fristrup, PhD, Assistant Director, Cornell Bioacoustics Research Program, Cornell University; and Peter K. Tyack, PhD, Woods Hole Oceanographic Institution. The results of the LFS SRP revealed that the studied species of whales did react to LFA sounds, but the responses were short term and only covered activities within a few miles of the LFA sound transmission. The LFS SRP revealed no evidence of long-term impact to significant biological behaviors, such as migrating, breeding and calving, and feeding.

The sound levels to which whales outside of the Sanctuary could potentially be exposed depend on their location. SURTASS LFA sonar is restricted to maintaining sound levels below 180 dB within 12 nautical miles (nm) of any coast and not to exceed 145 dB within known recreational and commercial dive sites. Due to the more restrictive dive site criterion, it is doubtful that SURTASS LFA sonar would be operated within 50 nm of the Hawaiian coastline.

Extensive acoustic modeling was performed for the SURTASS LFA Sonar Final Overseas Environmental Impact Statement/ Environmental Impact Statement (January 2001) to predict potential impacts to marine mammals due to SURTASS LFA sonar operations at 31 different potential operational sites. Three of these sites were in the vicinity of the Hawaiian Islands, one about 150 nm north of Kauai, the second approximately 45 nm northwest of Kauai, and the last about 100 nm south of Oahu. The results of this analysis showed that the percentage of marine mammal stocks that would potentially be subjected to sound field levels greater than or equal to 180 dB would be less than 0.13 percent. Monitoring of the 180-dB sound field around the transmit array (approximately 1 kilometer) by visual and acoustic methods will reduce these percentages to essentially

Question. When SURTASS LFA was tested in Hawaii a few years ago, what dB levels were used? I have heard that the levels were lower than 180 dBs.

Answer. The source levels of the SURTASS LFA sonar utilized for Phase III of the LSF SRP discussed above were between 185 and 203 decibels (referenced to 1 micro Pascal at 1 meter).

Question. Is there a compelling reason why this technology must be tested and deployed in Hawaiian waters? Humpback whales are endangered and Hawaii is host to the largest population in the Northern Pacific.

Answer. There is an immediate and fundamental national security need for SURTASS LFA sonar for the detection and tracking of quieter, more sophisticated foreign submarines that present a threat to the national security of the United States. Currently there are 21 countries operating submarines in areas of significant strategic interest to the U.S. Of the approximately 500 non-U.S. submarines in the world, 224 submarines are operated by non-allied nations. Many of these 224 submarines are the more advanced, quieter submarines that present a threat to U.S. forces operating in areas of strategic interest. SURTASS LFA sonar must be deployed to maintain operator proficiency. However, due to the geographic restriction not to exceed 145 dB in known recreational and commercial dive sites, it is doubtful that SURTASS LFA sonar would be operated within 50 nautical miles of the Hawaiian coastline.

Question. Hawaii is also home to the endangered Hawaiian monk seal. This species is unique to Hawaii and the population is estimated at only 1,300 animals. We know that levels above

145 dBs are dangerous to humans: do we know how levels of 180 dBs or higher will affect these endangered seals?

Answer. Hawaiian monk seals are found almost exclusively on the Leeward Islands where they occasionally move among islands and atolls. They are listed as endangered under the Endangered Species Act throughout their range. Monk seals tend to stay near land; however, they do forage in deep water and dive to at least 490 m (1,608 ft). Hawaiian monk seals have their best underwater hearing at 12 to 28 kiloHertz. They are therefore considered to be less sensitive to the low frequency sounds of SURTASS LFA sonar, which is between 100 and 500 Hertz.

Diver mitigation restrictions are applicable in these areas, which will place LFA operations a minimum of 50 nautical miles seaward of landmasses. There will also be visual and acoustic monitoring of the 180-dB sound field around the transmit array (approximate radius of 1 kilometer) to detect marine mammals and shutdown protocols if they are detected. Given the Navy's proposed mitigation measures, the probability of injury to Hawaiian monk seals is considered to be negligible.

Question. What limits are being placed on the dB levels of the SURTASS LFA Sonar outside of the restricted areas?

Answer. The same 180-dB criterion (maintaining sound levels in these areas below 180 dB) that applies to coastlines and offshore biologically important areas is being observed by the SURTASS LFA sonar vessel. The 180-dB sound field (or about 1 kilometer radius around the source array) has been designed as the LFA Mitigation Zone. This zone will be continuously monitored before and during all SURTASS LFA sonar operations for the presence of marine animals. The following mitigation monitoring to prevent injury to marine animals will be required whenever employing SURTASS LFA sonar:

- Visual monitoring for marine mammals and sea turtles from the vessel during daylight hours by personnel trained to detect and identify marine mammals and sea turtles;
- Passive acoustic monitoring using the passive (low frequency) SURTASS array to listen for sounds generated by marine mammals as an indicator of their presence; and
- Active acoustic monitoring using the High Frequency Marine Mammal Monitoring (HF/M3) sonar, which is a Navy-developed, enhanced HF commercial sonar, to detect, locate, and track marine mammals that may pass close enough to the SURTASS LFA sonar's transmit array to enter the LFA Mitigation Zone.

Rep Mink
VCNO-ADM Fallon
House Gov't Reform, 9 May 01
Training Constraints
Q. 41

Question. How does the Navy justify experimenting on endangered species?

Answer. The Navy performs acoustic experiments on living and cadaver marine specimens in order to determine precisely the effects of Navy-generated sound on marine mammals as required by the Marine Mammal Protection Act and the Endangered Species Act.

Acoustic effects experiments are conducted by the Navy in three ways: first, by exposing marine mammals to low and non-injurious sound levels to determine minimum response levels; second, by use of legally collected cadaver specimens; and third, by computer modeling.

The Navy sponsors experimental studies of hearing using non-endangered animals under humane and properly monitored conditions. The hearing tests must be non-injurious and animals are re-tested after each experiment to ensure they have suffered no hearing decrement or other physical damage from testing.

The Navy also has developed a program in which threatened/endangered (T/E) species are exposed to the lowest levels of sound necessary to establish a minimum response threshold, and only for the briefest interval (a few minutes). Higher response thresholds are established by a combination of testing with specially trained non-endangered species under the most stringently humane conditions, or with legally obtained cadaver materials, or by computer modeling.

Experiments that involve endangered species are tightly controlled, involving only low-level exposures to determine the onset threshold for mild, transitory behavioral response. Those experiments, called Controlled Exposure Experiments (CEE), involve a rigorous set of controls and monitoring, and are subject to the requirements of Research Permitting by National Oceanic and Atmospheric Administration (NOAA) Fisheries. CEE is widely accepted for determining the impacts from swim-with-dolphins programs, whale watching vessels, oil exploration and related industrial activity, and the testing of acoustic deterrent devices designed to keep mammals out of fishing gear.

CEE and the behavioral effects it monitors are at the extreme low end of the range of effects. Testing of stronger behavioral responses, interference with hearing, or physical

injury are done with non-T/E species, or through the use of cadaver specimens gathered by the NOAA Fisheries stranding program. Cadaver studies make use of dead animals that come primarily from authorized lethal by-catch by U.S. commercial fisheries, as well as natural mortality. Over six animal welfare and environmental organizations, including Natural Resources Defense Council and the Humane Society of the U.S. have endorsed this Navy-pioneered usage of such specimens to provide data about lethal or injurious effects that could not be obtained in any other way. This is what the NOAA Fisheries Stranding Network was set up to do, and probably no other program makes as effective use of such specimen materials to develop data required to better manage and protect T/E species.

The Navy hearing studies programs described above are complementary and provide a form of 'check-and-balance' and are the basis from which valid and verifiable acoustic guidelines can be developed. These Navy studies, employing many new and highly innovative techniques, provide a graduated series of acoustic thresholds that range from minor transitory behavioral effects to those with a potential for real, serious physical damage.

Once these studies are complete and the data analyzed we hope the results will be unambiguous and lead to realistic regulatory guidance. If the data are inconsistent or inconclusive, further study and understanding of marine mammal response to acoustic stress may be required. In either event, the data is derived from studies that are non-injurious and humanely conducted, and complemented by cadaver specimens and computer modeling of anatomical structures.

The Navy believes that this balance of experiment and modeling provides the least risk to T/E species, while preserving a necessary level of direct reference to the species we are most interested in getting science-based information of the effects of noise on marine mammals.

Rep Mink
VCNO- ADM Fallon
House Gov't Reform, 9 May 01
Training Constraints
Q. 42

Question. When did the Navy begin testing in the ocean waters of the United States?

Answer. Developmental testing of LFA operations began in January 1989. LFA was not tested in U.S. territorial waters.

QUESTION FOR THE RECORD
COMMITTEE ON GOVERNMENT REFORM
HEARING ON CONSTRAINTS ON MILITARY TRAINING
May 9, 2001

1. Personnel ability to completely fulfill combat ready certification for all mission essential tasks?

Question: Mr. Burton - How many bases in the continental US provide your personnel the ability to completely fulfill combat ready certification for all mission essential tasks? Please list.

Answer: General Jumper -

All of our Air Combat Command bases contribute to our combat ready training at some level. Air Force training is focused on mission essential tasks and takes a building block approach that covers everything from initial qualification to the periodic training designed to fulfill a specific unit's missions as defined by their Designed Operational Capability (DOC) statement. There are three levels of training to bring an individual from initial qualification to being "mission ready." These are ancillary training, mobility training and specific DOC mission training. Ancillary training and mobility training only require on-base facilities, such as simulators, altitude chambers, small arms facilities, etc. DOC mission training requires both on-base and special use airspace to conduct combat readiness training.

Our forces will conduct most of their DOC combat readiness training at or near their local unit, although we depend heavily on exercise deployments to provide them with greater fidelity, realism and the opportunity to integrate with a larger, and often joint or combined, operation. For aviation assets, most training that focuses directly on a unit's DOC mission must be conducted in a simulated combat environment. Nearly all of this type of training must be confined to air and ground space that is defined as a weapons or live ordnance range where both simulated and live weapons deployment can be safely practiced without harm to the aircrew members or the general public. Currently there are only two facilities where the full scope of weapons employment (to include live weapons) & tactics training can be accomplished. Those are the Nevada Test and Training Range (NTTR) outside of Nellis AFB NV, and the Utah Test and Training Range (UTTR) outside of Hill AFB UT . There are seven additional ACC operated Primary Training Ranges (PTRs) with a limited ability to conduct mission essential tasks such as electronic warfare, and/or inert heavyweight air-to-ground weapons deployment. These "backyard" ranges, as they are called, are generally smaller in size, and allow a few local units based nearby to conduct portions of their weapons training. These ranges are: Holloman Range Complex (outside Holloman AFB NM); Melrose Range (outside Cannon AFB NM); Avon Park Range (between Mac Dill

and Patrick AFBs FL); Grand Bay Range (outside Moody AFB GA); Poinsett Range (outside Shaw AFB SC); Dare County Range (outside Seymour Johnson AFB NC); and Saylor Creek Range (outside Mountain Home AFB ID). In addition to these ranges owned by ACC, we occasionally operate on ranges owned by other services like Fallon Range, Nevada (USN), China Lake, California (USN), Twenty-nine Palms, California (USMC), Barry M. Goldwater Range West, Arizona (USMC), and Mid-Atlantic Electronic Warfare Range North Carolina (USN). These ranges provide certain capabilities for weapons deliveries, tactics and electronic warfare operations.

**QUESTION FOR THE RECORD
COMMITTEE ON GOVERNMENT REFORM
HEARING ON CONSTRAINTS ON MILITARY TRAINING
May 9, 2001**

2. Encroachment affected training in foreign countries?

Question: Mr. Burton - How has encroachment affected training in foreign countries? Why? Does your service pay foreign countries to be permitted to train in them? If so, please provide some examples and what the fees are.

Answer: General Jumper -

We are facing increasing challenges to training overseas. These are the result of agreements with host nations and other considerations that place restrictions on our training activities. For example, in Korea, we recently had to relocate some of our training activity from Koon-Ni to Pilsung Range as the result of escalating civil disturbances at Koon-Ni. In Europe, we are facing increasing challenges with access to airspace and restrictions on night operations, laser use, and employment of chaff and flares. Such restrictions have resulted in increased intra-theatre and stateside deployments for units to accomplish required training.

Often times there are no direct costs or payments to a host nation for our training; however, agreements reached with host nations sometimes result in indirect payments. For example, range maintenance or services may be funded or provided by the Air Force as a result of our use.

QUESTION FOR THE RECORD
COMMITTEE ON GOVERNMENT REFORM
HEARING ON CONSTRAINTS ON MILITARY TRAINING
May 9, 2001

3. Training range review group?

Question: Mr. Burton - Before the establishment of a training range review group by DoD's Senior Readiness Oversight Council in June 2000, did any military directives or policies come out that have helped stop the loss of degradation of training ranges? Have any directives or policies been issued to date?

Answer: General Jumper -

Prior to June 2000, several directives and policies were implemented to help improve the management of our ranges and airspace. For example, in 1996 the DoD, in conjunction with the Nature Conservancy, published a handbook entitled; "Conserving Biodiversity on Military Land." This handbook is one of many tools that enable range managers to advance both military operations/training and biodiversity conservation objectives. With respect to range management, AFI 13-212 Volume I, Weapons Ranges (July 1994), addresses comprehensive range planning in order to enhance compatibility of land and airspace use and provide guidance on near and long-term needs. These plans help identify problems and issues affecting the viability of the range, and to plan for enhancements in capability and assets and include environmental considerations, community and government use of adjacent land. AFI 13-201, Air Force Airspace Management (April 1998), establishes practices to decrease disturbances from flight operations that might cause adverse public reaction and provides flying unit commanders with general guidance for dealing with local issues. In January 1998, DoD published DoD Instruction Number 6055.14, "Unexploded Ordnance (UXO) Safety on Ranges," to establish minimum safety precautions to protect DoD personnel and the public from UXO on ranges. This instruction was replaced in August 1999 with DoD Directive Number 4715.11, "Environmental and Explosives Safety Management on Department of Defense Active and Inactive Ranges within the United States." This new Directive establishes policies to ensure the long-term viability of DoD ranges, sustainable use and management of DoD ranges, and protection of DoD personnel and the public from explosive hazards associated with DoD ranges. In sum, at least nine Air Force and DoD directives and numerous policy letters have been published regarding environmental issues that affect our ranges.

QUESTION FOR THE RECORD
COMMITTEE ON GOVERNMENT REFORM
HEARING ON CONSTRAINTS ON MILITARY TRAINING
May 9, 2001

4. Military units with fluctuating C-ratings attributable to T codes?

Question: Mr. Burton - Please ask your service chief to provide examples from January 2000 to the present a report listing all of your military units with fluctuating C -ratings attributable to T codes: Incomplete training, Insufficient training time or Inadequate training areas as identified in GSORTS?

Answer: General Jumper -

C-Rating Definitions are as follows:

- C-1 = Ready for full wartime missions
- C-2 = Ready for most wartime missions
- C-3 = Ready for many but not all wartime missions
- C-4 = Requires additional resources or training but can still be tasked
- C-5 = Is undergoing a service resource action

Since January 2000, C-ratings less than C-1 attributable to training occurred 402 times or 8% of the time over this 17-month period. Of the 402 occurrences, 137 were from aviation units. Inadequate special use airspace was not identified as a reason for degraded training during this period. This does not mean that it may not have been a factor; it simply means it was not identified via SORTS.

The primary reasons for degraded training were identified as:

- Training incomplete -- 49% of the time (i.e., expired currencies, maintenance & weather cancellation, security clearance delays, student backlog, non-flying TDYs, DNIF)
- Mobility training incomplete -- 8%
- Personnel shortage -- 8%
- Personnel turnovers excessive -- 7%
- Inadequate school quotas -- 5%
- Organization in rotational deployment -- 4%

QUESTION FOR THE RECORD
COMMITTEE ON GOVERNMENT REFORM
HEARING ON CONSTRAINTS ON MILITARY TRAINING
May 9, 2001

5. GSORTS enable Congress to monitor training range challenges?

Question: Mr. Burton - Is there enough description in the GSORTS system to enable Congress to monitor training range challenges as they appear? If not, do you have recommendations on how to enhance readiness reporting? Does your service have its own method for measuring encroachment impacts on training? If so, please explain in detail.

Answer: General Jumper -

The GSORTS system allows units to identify a training reason code. Forty-three codes are available to describe the primary reason that the training resource area is not T-1. Six codes are related to training areas or special use airspace. They are listed below:

Training Reason Codes:

T-08: inadequate - training areas

T-79: training degraded - inadequate special use airspace, warning areas

T-80: training degraded - inadequate special use airspace, restricted areas

T-81: training degraded - inadequate special use airspace, military training routes

T-82: training degraded - inadequate special use airspace, military operating areas

T-83: training degraded - inadequate special use airspace, supersonic airspace

One way to enhance reporting of training shortfalls due to range issues is to expand or clarify the list of training reason codes in AFI 10-201 to include more range-specific reasons. For example, codes could be established that specifically relate to different range/airspace issues or even to particular ranges or special use airspace.

The Air Force does not currently have a method for measuring encroachment impacts. We are exploring a centralized process to include a web-based information management tool to track use and monitor issues such as encroachment. This system is in the initial research phase.

**QUESTION FOR THE RECORD
COMMITTEE ON GOVERNMENT REFORM
HEARING ON CONSTRAINTS ON MILITARY TRAINING
May 9, 2001**

6. Sikes Act -- Integrated Natural Resources Management Plans?

Question: Mr. Burton - It is the Committee's understanding that the Sikes Act, amended in 1996, sets a statutory deadline of November 18, 2001, for completion by the services of their Integrated Natural Resources Management Plans (INRMPs) for their bases and ranges. Will you meet the deadline? Are you receiving the assistance you need from other federal agencies and services to prepare these intense environmental studies? Please estimate the type and amount of resources you have dedicated to this process?

Answer: Gen Jumper -

Yes, we will meet the deadline of November 18, 2001.

We are receiving assistance from the US Fish and Wildlife Service. They have designated individual points of contact at their regional offices to manage INRMP coordination.

Contract costs for developing individual base INRMPs commonly range from \$10,000 to \$100,000. Monitoring these contracts, and coordinating final implementation of the plan, is performed by installation staff as part of their normal duties, and requires up to one man-year at each installation.

QUESTION FOR THE RECORD
COMMITTEE ON GOVERNMENT REFORM
HEARING ON CONSTRAINTS ON MILITARY TRAINING
May 9, 2001

7. Sharing or sale of government owned radio bandwidth?

Question: Mr. Burton - Under a Clinton Administration directive, the National Technology and Information Administration released a report on the possible sharing or sale of government-owned radio bandwidth. How will the loss or sharing of radio spectrum frequency impact your service's ability to train and operate?

Answer: General Jumper -

The report to which you refer contains much information released by the Department of Defense, which cooperated in its production, and which has released an assessment of the impact of frequency reallocation on military activities. Briefly, the DOD assessment draws attention to the very significant impact of premature reallocation of frequencies. Weapons and satellite control systems, for instance, were designed to use specific frequency bands for specific reasons. Changing the operating frequencies of a system would require new communications equipment to be designed and fitted, which would require new trials and re-certification of safety criteria--in short, a major system redesign which could have costs out of proportion to the existing operating costs. Replacement of radio links on some older systems might well prove to be financially unviable or technically infeasible due to integration problems.

The DOD assessment identifies a potential cost delta of \$4.3B associated with total band loss in the 1755-1850 MHz band. Sharing of the bandwidths described in the report relies on emergent technology and is considered high risk. The report does not address the costing of any high-risk options. I agree with the DOD assessment and would expect the impact of these measures to adversely affect both our operational capability and our training to a very significant extent.

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8. MOU with any other federal government department or agency addressing training range management?

Question: Mr. Burton - Has your service or any of your bases, installations or ranges entered into any MOU (Memorandum of Understanding) with any other federal government department or agency that addresses training range management and other encroachment policy issues? If so, please provide copies of these MOUs to the Committee.

Answer: General Jumper -

Nearly every one of our bases, installations and ranges has some type of MOU with other agencies that affects training or encroachment on the ranges. Below is a list of those MOUs (copies are being provided under separate cover.)

Memoranda Addressing Training Range Management

Department of Defense

Master Agreement Between the Department of Defense and the Department of Agriculture Concerning the Use of National Forest System Lands for Military Activity

Avon Park Air Force Range, Florida

Cooperative Agreement between the Department of Defense, the Department of Interior and the State of Florida for the Operation, Development, Management and Protection of Outdoor Recreation Resources at the Avon Park Air Force Base

Cooperative Agreement between the Department of Defense, the Department of Interior and the State of Florida for the Protection, Development and Management of Fish and Wildlife Resources at Avon Park Air Force Range

Holloman AFB, New Mexico

Cooperative Plan between the Department of Defense, the Department of Interior and the State of New Mexico - Agreement for Conservation and Development of Fish and Wildlife Resources on the McGregor Range (Fort Bliss)

Memorandum of Agreement Between Fort Bliss, U.S. Army and New Mexico State Office, Bureau of Land Management, U.S.D.I. for the Renewal Application for the Withdrawal of McGregor Range, New Mexico

Memorandum of Understanding Between the U.S. Department of Agriculture, Forest Service, and the Department of the Army Corps of Engineers (Use of McGregor Range Missile Range)

Memorandum of Understanding Between the Bureau of Land Management and the United States Air Force Air Combat Command [GAF Operations]

Memorandum of Understanding Between the U.S. Department of Interior - Bureau of Land Management, New Mexico, and the U.S. Department of the Army, Headquarters, U.S. Army Air Defense Artillery Center and Fort Bliss, Texas Concerning Policies, Procedures, and Responsibilities Related to Land Use Planning and Resource Management of McGregor Range

Memorandum of Understanding Between the Department of the Interior and the Department of the Army to Provide for Co-Use Grazing on the McGregor Range in New Mexico

Proposed Agreed Upon Changes to the June 7, 1974 Memorandum of Understanding Between the Department of the Interior and the Department of the Army to Provide for Co-Use Grazing on the McGregor Range in New Mexico

Record of Decision - Proposed Expansion of German Air Force (GAF) Operations at Holloman Air Force Base (AFB), New Mexico

White Sands Missile Range Pupfish Cooperative Agreement between the Department of Defense, the National Park Service, the US Fish and Wildlife Service, and the State of New Mexico

White Sands Missile Range Pupfish Conservation Plan

Moody AFB, Georgia

Cooperative Stewardship Plan Among the Georgia Department of Natural Resources (Wildlife Resources Division), Moody Air Force Base, the Nature Conservancy (Georgia Field Office), and the U.S. Fish and Wildlife Service (Banks Lake National Wildlife Refuge)

Mountain Home AFB, Idaho

Enhanced Training in Idaho - Memorandum of Understanding Between the Bureau of Land Management and the United States Air Force

Support Agreement Between the 366th Wing, Mountain Home Air Force Base, Idaho, Saylor Creek Gunnery Range, and the Department of Interior, Lower Snake River District

Nellis AFB, Nevada

Cooperative Agreement Between the Bureau of Land Management, Nevada State Office and the United States Air Force, Nellis Air Force Base

Nellis Air Force Range Resource Plan and Record of Decision

Seymour-Johnson AFB, North Carolina

Cooperative Agreement between the Department of Defense, the Department of Interior and the State of North Carolina for the Protection, Development and Management of Fish and Wildlife Resources at Dare County Range

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9. Estimated costs in personnel and resources for environmental litigation?

Question: Mr. Burton and Ms. Davis - Please provide estimated cost in personnel and resources to your service for environmental litigation over the last 5 years. Where does the personnel and money come from? If it is from the base/installation level, how are the costs reported to your service chief?

Answer: General Jumper -

The defense of environmental litigation against the Air Force is the ultimate responsibility of the Department of Justice. However, most of the work is actually performed by the Air Force Legal Services Agency, Civil Law Directorate, Environmental Law and Litigation Division (AFLSA/JACE), in conjunction with the Air Force's General Counsel's Office. Ten attorneys in the Environmental Law and Litigation Division (AFLSA/JACE) are assigned full-time to defend environmental litigation. They are either active duty attorneys in the grades of O-4 or O-5, or civil service attorneys at the GS-14 level, with average annual salaries of about \$90,000. These numbers have stayed relatively constant over the past 5 years. In FY01 to date (as of 22 May 2001), AFLSA/JACE has spent \$10,224.13 on travel costs defending environmental litigation against the Air Force. In FY00, AFLSA/JACE's travel costs were \$30,659.55 and approximately \$7,200 of that amount was spent defending airspace and range litigation and Air Installation Compatible Use Zone (AICUZ) litigation. In FY99, AFLSA/JACE's travel costs were \$36,301.15 and approximately \$15,200 of that amount was spent on airspace, ranges, and AICUZ litigation. The funding for the attorneys' salaries and travel comes from the Air Force Legal Services Agency, a Field Operating Agency of the Air Force. For the most part, Department of Justice-managed judgment funds pay for judgments and settlement costs in environmental litigation. Some of the costs of defending environmental litigation, primarily plaintiffs' attorney fees and mitigation projects, are borne by the major commands, who are generally the proponents of proposals that result in litigation. Most recently, concerning airspace and ranges cases, ACC paid about \$413,000 in Equal Access to Justice Act (EAJA) attorney's fees in three Idaho cases. ACC will also be funding a noise study (not to exceed \$300,000), will restore 25 acres of sage grouse habitat (\$40,000), as well as seek funding for sage grouse and big horn sheep monitoring (\$110,000 per year for fiscal years 02 and 03) as part of the settlement of these Idaho cases. Funding for the ACC costs came from the command's allotment of environmental funds. Based on the source and nature of funding requirement, the cost may not be included in annual funding plans

and consumes resources programmed for resolution of existing environmental non-compliance.

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10. Suggestions on how Congress might be able to address some of the encroachment issues deemed important?

Question: Mr. Burton and Ms. Davis - Each witness should provide in writing a comprehensive list of suggestions on how Congress might be able to address some of the encroachment issues deemed important to your service.

Answer: General Jumper -

An important step is to ensure funding is available to meet the requirements addressed in my written statement prepared for the May 9, 2001 hearing.

For example, to provide safe and effective management of unexploded ordnance (UXO) on our ranges, in FY 00 the Air Force dedicated \$4.8M to UXO and range residue removal, and in FY 01 Air Combat Command is spending \$3.3M. The same active range operations and maintenance budgets that fund readiness activities also fund this UXO and range residue removal program. Another example of cost impact is our effort to fund the acquisition of replacement property for the National Wildlife Refuge System at the NTTR in support of the Military Lands Withdrawal Act of 1999. Through a Memorandum of Agreement, the AF is required to provide \$15M for approximately 112,000 acres of the Desert National Wildlife Range that we have used since the early 1940s.

Moreover, to resolve public and agency concerns at the Juniper Butte Range, associated with Mountain Home AFB, Idaho, Air Combat Command committed to substantial monitoring and survey efforts that will cost approximately \$400,000 per year, to include studies on a potentially threatened grass species. Since 1998, three new missions in the Southwest (at Cannon and Holloman AFBs in New Mexico, and at Dyess AFB, Texas) have been impacted by the need to mitigate concerns for bird species found or likely to occur on non-DoD lands beneath low-altitude training routes. In addition to seasonal restrictions over certain locations, Air Combat Command is obliged to monitor and study the species for a 10-year period, which currently costs \$3.5 million per year. In all recent cases where there has been an AF action with potential to affect a species, the Air Force has funded and conducted the scientific studies required by state and federal laws and regulations. In FY 01, Air Combat Command is funding \$4.9M to meet these requirements.

Finally, we would ask that Congress provide the military services an explicit invitation to inform them quickly when environmental laws and regulations cause us to execute any of our training or combat missions less effectively.

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11. Training and Safety?

Question: Mr. Burton - The committee is very concerned about training and safety especially in light of some of the tragic accidents this year. Can you tell us generally about the relationship between inadequate training opportunities and increased accidents?

Answer: Gen Jumper -

The Air Force has always viewed safety and training as springboards for our overall aerospace capability. In the 1960's the AF suffered an alarming pilot non-combat fatality mishap average of 124.1 per year (a number roughly equivalent to the number of pilots in a wing with 3 flying squadrons). During the Vietnam War, our fighters attained an air-to-air kill ratio of less than 2 to 1, a significant drop from the Korean War scorecard of over 6 to 1. These statistics and other lessons learned served as a wake-up call to the nation and to the Air Force-at-large that something had to be done immediately to turn the tide.

In the 1970's the United States Air Force continued to lose pilots at a rate of more than 58 a year. In parallel, the Air Force's vision to reverse the trend went from blueprints to reality. The seeds to develop and implement a realistic training environment that could reduce operator error mishaps bore fruit at Nellis AFB, Nevada, in the form of RED FLAG exercises. RED FLAG's purpose is to provide the most realistic combat simulation exercise for our aircrews. RED FLAG was the first of many new training opportunities that would follow. Other initiatives, directly linked to the effectiveness of training programs like RED FLAG, include the establishment of Aggressor squadrons, COPE THUNDER exercises, and Realistic Training Review panels.

Success in contingencies and conflicts since adoption of this commitment to realistic training are testimony to its value - the USAF air-to-air kill ratio in the 1990s was 47 to 0. This record helps demonstrate RED FLAG's adaptability to lessons learned in combat while expanding its focus to meet the increasing demands placed on the air forces of the United States and her allies. Meanwhile, consistently decreasing peacetime mishap rates show that we have, in effect, expanded the limits of what can be achieved safely.

By virtually any objective measure, we are presently enjoying some of the safest flying in our service history – FY00 yielded the lowest number of Class A mishaps, mishap rates, and fatalities on record. We attribute this success to better safety education, realistic training opportunities, and the professionalism of our aircrews. However, we are never satisfied with our current successes in reducing mishaps; we strive to show improvement at each step of the way.

Simply stated, by increasing realistic training opportunities, we have simultaneously enhanced combat effectiveness while decreasing mishap rates and fatalities. Therefore, decreasing realistic training opportunities would yield just the opposite (i.e., would be detrimental to both combat capability and flight safety).

The Air Force's ability to reduce fatalities, both in peacetime and combat operations, is directly influenced by our service's commitment to realistic and versatile training opportunities – opportunities provided by our current system of airspace and ranges. If we fail to provide our forces the opportunities to test their knowledge and capabilities against a realistic threat and in a realistic environment, we will also have failed to prepare them for combat.

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12. Training shortfalls due to range restrictions?

Question: Mr. Burton - At a briefing at Langley on January 25 of this year, your staff at Langley listed the following training shortfalls due to range restrictions: full-scale weapons delivery, the ability to train with chaff and flares, and night training. Why is this kind of training important to readiness? Why are range restrictions particularly impacting this kind of training?

Answer: General Jumper -

Successful aerial combat requires aircrews to practice in the full spectrum of offensive and defensive weapons employment, tactics, and counter-measures. Full-scale weapons delivery is an important part of this training. Flying with "heavyweights" allows crews to get a "feel for the aircraft" while loaded up with full-scale weapons. Also, the ballistics of 25-pound training bombs, currently used across the fleet, are close but do not quite match the full-scale munitions. Flying with and dropping full-scale munitions allows the crew to exercise the complete spectrum of tactics, not necessarily available with the practice munition. Also, employing full-scale munitions gives us training for our weapons personnel in building and loading these munitions, and gives us confidence in the aircraft release systems.

The use of chaff and flares provides realistic training and exercises aircraft and maintenance systems and processes. In combat, chaff and flares are self-protection measures against radar and heat-seeking missiles launched from other aircraft, or from Surface-to-Air Missile (SAMS) sites. In the training environment we must accurately replicate enemy tactics, weapons employment, and countermeasures. This requires simulated adversaries to use chaff, flares, and electronic countermeasures jamming, forcing aircrews to accomplish in-flight analysis of weapons employment success and/or counter-countermeasures. The challenges faced in modern aerial combat and the role that chaff and flares play in surviving cannot be over emphasized. To the maximum extent possible, local training airspace must allow aircrews to "train like they will fight."

Lastly, night flying is becoming even more crucial to combat readiness. As the US continues to develop night vision technology ahead of any potential adversaries, the need to exercise this new capability is crucial. The capability to fly with Night Vision Goggles (NVG) using aircraft lights-out operations is vital to preparation of coordinated contingency operations. Through the Ready Aircrew Program, the Combat Air Forces has increased night training

requirements to 20 - 30% of total flight training. This requirement is driven in large part by the proliferation of optically-guided surface to air missiles and anti-aircraft artillery. Many of our pilots flew their first NVG/lights-out sortie in combat over Serbia; thus, we must train better and get this training prior to actual engagement in hostile theaters.

Range restrictions for training with full-scale weapons are typically due to the size of a particular weapon's safety footprints and limit the types of full-scale munitions that can be used at each range. Another limiting factor, and as important, is the type and amount of airspace. Airspace is limited for most ranges, and Military Operating Areas (MOAs) are either not large enough or not co-located with a range to provide the proper amount of maneuver airspace to fully exploit all the advantages of certain full-scale weapons. Certain weapons allow for longer delivery ranges and, as defined by the FAA, are inherently dangerous and must be done in restricted airspace, which is not normally large enough over our smaller Primary Training Ranges (PTRs). Also, consideration must be given to the increased risk of over-flight of public/private property with full-scale ordnance. This is especially critical on the PTRs, where flight patterns often take the aircraft outside of DoD-owned land. This generally requires pilots to safe their switches and re-arm when back over DoD land.

Chaff and Flare restrictions are range-specific and are usually due to concerns about the potential fire risk. Mitigating those concerns is very expensive and time consuming.

With regard to night flying, the Combat Air Forces (CAF) need allowance to conduct lights-out training with Night Vision Goggle (NVG) equipment in our current MOAs. Current federal and USAF regulations and instructions limit lights-out training to only Restricted and Warning Areas. 30 CAF units have indicated a lack of ready access to Warning or Restricted Areas to meet their lights-out training requirements. Military Operations Areas (MOAs) and Air Traffic Control Assigned Airspace (ATCAAs), if exempted from routine lighting requirements, would provide more opportunity for our combat aircrews to gain vital night flying training.

Currently, three of our tasked ANG aircraft -- the F-16, F-15, and A-10 -- do not have adequate airspace for NVG training. That's 70% of our 29 F-16 units, 29% of our 6 F-15 units, and 50% of our 6 A-10 units do not have adequate airspace. These percentages translate into very inexperienced NVG-trained pilots when they reach the theater. Every Aerospace Expeditionary Force wing scheduled to deploy will include some pilots that have not met their lights-out, Ready Aircrew Program, training requirements.

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13. Military Operating Areas (MOA's)?

Question: Mr. Burton - Please tell the Committee approximately how many proposals for Military Operating Areas (MOAs) does the Air Force have before the Federal Aviation Administration? Can you give the Committee about 5-6 examples of these requests and why you ask for them?

Answer: General Jumper -

At present, there are approximately seven proposals for MOAs in front of the FAA Headquarters for consideration. The following are examples of MOAs under consideration, in priority order, that are of interest to ACC.

Expansion of the Talon MOA, New Mexico: This proposal is a request to support the German Air Forces (GAF) stationed at Holloman AFB, Alamogordo, NM. It lowers the floor of the Military Operation Area from 12,500' MSL to 300' AGL, allowing entry into the MOA directly from a low level route. This request meets the GAF training requirements.

Enhanced Training in Idaho (ETI): This proposal is to provide enhanced training to the 366th WG, Mountain Home AFB, ID. The expanded range will provide a variety of targets and enhanced electronic combat training to ensure combat readiness of our aircrews while reducing noise levels at seasonal recreation sites. There is a 6% increase in Special Use Airspace, which allows more efficient scheduling and more effective training.

Change in Usage Times for Live Oak/Moody MOAs, Valdosta, GA: These requests expand the operational hours of the MOAs. When approved, the Live Oak MOA will gain an additional 5 hours and the Moody MOAs will gain 4 hours for aircrew training. The changes will ensure that the wing can meet the pilot training demand for Moody AFB. The window of opportunity for nighttime training events is also expanded in these proposals.

Realistic Bomber Training Initiative (RBTI), Lancer MOA, Snyder, TX: Provides realistic, integrated aircrew training for the bomber aircrews of Barksdale and Dyess AFBs while reducing transit time to a training area. The Lancer MOA is a combination of existing Special Use Airspace (Roby, Reese 4, and Reese 5 MOAs; the resultant MOA is smaller than the total of the individual MOAs. Lancer MOA and IR-178 are integral to the RBTI proposal.

Realistic Bomber Training Initiative (RBTI), IR-178, West Texas: In addition to Lancer MOA, a low-level military training route is required to complete the integrated training complex. Minor modifications to the existing IR-178 were proposed. The modifications to the existing route complied with the spirit of the FAA's direction to limit the number and volume of special use airspace. Its present location fits within the region of influence and it is currently a mainstay in bomber low-level training. RBTI's purpose is to maximize training time and combat readiness. The changes to IR-178 are necessary to complete the RBTI initiative.

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14. Military Operating Areas (MOA's) in Idaho?

Question: Mr. Burton – As examples, please tell us a brief history about the AFI in Idaho, the ETI in Idaho, as well as Phelps and Talon Military Operating Areas.

Answer: General Jumper –

Airspace proposal processing, according to published FAA guidance, is supposed to take between 231 and 306 days. All of these projects have remained within the FAA process for multiple years.

Air Forces in Idaho (AFI): The AFI project was the environmental action that supported the beddown of the composite wing at Mountain Home AFB ID. It was completed in early 1992. The project included a proposal to restructure the Mountain Home AFB training airspace to better support the air-to-air portion of the composite wing mission. The proposal was submitted to the FAA in early 1992. In June of 1992 the proposal was put on hold by the FAA because of unresolved litigation, even though all other actions associated with the project continued. The FAA had not completed the AFI actions by 1998 when ETI was submitted.

Enhanced Training in Idaho (ETI): The ETI project will provide enhanced training for aircrews of the 366th Wing, based at Mountain Home AFB, ID. It will provide a 12,000-acre drop range, one 640-acre and four 5-acre no-drop target areas, ten 1-acre and twenty 0.25-acre emitter sites. Additionally, the project includes a proposal to restructure the Mountain Home AFB training airspace, add restricted airspace to support the new drop range, and add additional airspace to simplify and streamline the complex. The proposals were submitted to the FAA in Apr 1998 and are expected to be complete in August 2001.

Phelps MOA: The Phelps MOA supports Seymour Johnson AFB and Dare County Range. The project was started in the mid 1990s and was provided to the FAA for processing in 1995. In 1999, under pressure from the Aircraft Owners and Pilots Association (AOPA), the FAA took the unusual step to repeat the public involvement process and re-circulated the proposal for public comment with minimal returns. The proposal was finally approved and charted in August 2000.

Talon MOA: The Talon MOA project started in 1996 to support the GAF training facility at Holloman AFB. The project would expand the existing Talon MOA both vertically and horizontally. The airspace proposal was provided to the FAA in March 1998. After three years it is nearing completion, probably in the fall of 2001.

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15. Status of the 500' Altitude -- Mountain Home AFB?

Question: Mr. Burton - What is the status of the request for the 500' altitude floor for the Paradise Military Area near Mountain Home AFB. Why is this important?

Answer: General Jumper -

The unit at Mountain Home AFB is working with HQ Air Combat Command staff to develop a request to lower the existing floor of Paradise MOA from its current altitude, which is approximately 8,500' AGL, to 5,000' AGL. This altitude coincides with universal training rules for air-to-air maneuvers and provides consistency with the rest of the airspace used by the 366th Wing. This project is in the very early stages of development and has not yet left the base.

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16. Increased air space at Seymour Johnson AFB?

Question: Mr. Burton - Why do you need increased air space at Seymour Johnson AFB?

Answer: General Jumper -

With the approval of the Phelps MOA last year, there are currently no known ACC requirements or initiatives to expand the airspace to support Seymour Johnson AFB, NC.

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17. Nellis AFB, Nevada is virtually the only place where pilots receive combat mission ready certification?

Question: Mr. Burton - Is it true that Nellis AFB, Nevada is virtually the only place where pilots receive combat mission ready certification for low-altitude, and requalification training before deployment? If not, where else? Are there any encroachments at Nellis? If so, is it fair to say that these encroachments are critical to Air Force training?

Answer: General Jumper -

Training requirements are driven by the Ready Aircrew Program (RAP), which ensures aircrew are mission ready. For units with aircrew that must accomplish low-level training and full scale weapons deliveries, along with Red Flag-like events to maintain mission ready status, their options are limited. Currently there are only two facilities where the full scope of weapons employment (to include live weapons), tactics training and Flag events, can be accomplished. Those are the Nevada Test and Training Range (NTTR) outside of Nellis AFB, NV, and the Utah Test and Training Range (UTTR) outside of Hill AFB, UT.

Although the UTTR is fully capable, one significant benefit NTTR has over UTTR is how the range is instrumented to track aircraft in real-time and record for playback the training scenario. This training tape becomes an indispensable learning tool used for debriefing the crews involved with each mission. Few ranges have similar systems. Only about 8% of all available airspace is instrumented. Currently the instrumentation requires equipment on the ground and a pod on each aircraft to function. ACC is working to procure an aircraft pod that will eliminate the need for ground stations and give our crews a similar detailed recording of training events on all our ranges. These pods will improve the fidelity of training and enhance our flexibility to provide mission-specific training.

There are seven additional ACC operated Primary Training Ranges (PTRs) that possess a limited ability to conduct mission essential tasks such as electronic warfare, low level training and/or inert heavyweight air to ground weapons deployment. These "backyard" ranges, as they are called, are generally smaller in size, and allow a few local units based nearby to conduct portions of their weapons training. These ranges are: Holloman Range Complex (outside Holloman AFB NM); Melrose Range (outside Cannon AFB, NM); Avon Park

Range (between Mac Dill and Patrick AFBs, FL, and managed by Moody AFB, GA, largely used by Air National Guard and Air Force Reserve units); Grand Bay Range (outside Moody AFB, GA); Poinsett Range (outside Shaw AFB, SC); Dare County Range (outside Seymour Johnson AFB, NC); and Saylor Creek Range (outside Mountain Home AFB, ID). Additionally, low-level training can be accomplished on designated instrument routes (IR) or visual routes (VR) located throughout the country. In addition to these ranges owned by ACC, we occasionally operate on ranges owned by other services like Fallon Range, Nevada (USN), China Lake, California (USN), Twenty-nine Palms, California (USMC), Barry M. Goldwater Range West, Arizona (USMC), and Mid-Atlantic Electronic Warfare Range North Carolina (USN). These ranges provide certain capabilities for weapons deliveries, tactics and electronic warfare operations.

There are encroachment issues around NTTR and Nellis AFB that impact aircrew training. The population growth of the Las Vegas area has affected our ability to accomplish mass loading of aircraft with live ordnance. This in-turn limits our ability to fly realistic large-force packages with live ordnance. Concerns about endangered species also limit our axis of attack and combat employment tactics for some of our target arrays on NTTR. Noise restrictions, due to home-owner encroachment, limits our approach and departure avenues to Nellis AFB and restricts the numbers and types of aircraft we can posture for training. All these amendments have a detrimental affect on our ability to fully train aircrews.

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18. Flag-level joint DoD/DoT Oversight group for National Airspace Redesign?

Question: Mr. Burton - The Senior Readiness Oversight Council recommended that a flag-level joint DoD/DoT oversight group be formed for National Airspace Redesign. Can you tell us about the size and make-up of this group and how often it meets? Have you interacted with them?

Answer: General Jumper -

In response to the Senior Readiness Oversight Council recommendation, the Policy Board on Federal Aviation (PBFA), a DoD board that focuses senior leadership attention and formulates policy on air traffic control, airspace management, national and joint systems acquisition and aviation-related international affairs, authorized the formation of the NAS Integration Sub-group (NIS). The NIS is Co-Chaired by the PBFA Executive Director (SES-5) and the FAA Associate Administrator for Air Traffic Services (SES-6). This group meets every 30 days and is chartered to produce a Memorandum of Agreement (MOA) with DOT/FAA. The MOA will serve as a contract with DOT/FAA to ensure DoD mission needs are met during the transition to the National Airspace System; the MOA is due 14 September 2001. Oversight of the NIS is provided by the DoD NIS Steering Group which meets every 45 days and is comprised of PBFA Principals, Alternates and Flag Officer designees. The duties of the NIS Steering Group include providing guidance, direction and Support to NAS Integration Sub-group, and to approve the FAA-DoD Memorandum of Agreement. The NIS is supported by a working group comprised of subject matter experts from all agencies and meets on a weekly basis.

The PBFA Executive Director is also a member of the FAA Operational Evolution Plan (OEP) Team chaired by the FAA Deputy Administrator. The OEP is the ten-year implementation plan for transition to the NAS Modernization. The DoD participates in the overall process to facilitate meeting national security requirements, and to ensure DoD interests will be addressed in the OEP document.

I have not interacted with the NIS Steering Group. Maj Gen Buchanan, AF/XOO, is the flag officer representing the Air Force on this issue.

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19. Obstructions--antennas and buildings that penetrate military special use airspace?

Question: Mr. Burton and Mr. Putnam- How serious of a problem is the construction of obstructions such as antennas and buildings that penetrate military special use airspace? Are Military Operating Areas and Military Training Routes adequately protected from vertical encroachment? What needs to be done to get the FAA to protect the military access routes from this kind of encroachment?

Answer: General Jumper -

In 1999, the FAA received 28,700 FAA 7460-1's, Notices of Proposed Construction and the OE/AAA (Obstruction Evaluation Airport Airspace Analysis) program identified 7,100 (25%) as possible conflicts with military airfields/Special Use Airspace. In 2000, the FAA received 46,541 FAA 7460-1's, Notices of Proposed Construction and the OE/AAA program identified 10,650 (23%) as possible conflicts with military airfields/Special Use Airspace. With the advances in technology (like the 2,000 ft High-Definition TV antennas), our Military Operation Areas and Military Training Routes continue to be at risk of vertical encroachment.

Once a proposed action is submitted, the FAA is required to issue a determination to a proponent within 30 days, unless further study is needed. This determination is whether or not the antenna/building is a hazard to flight safety. This action does not prohibit the structure from being built. The proponent has 18 months from the date of determination to build the structure. There is currently no enforcement action to keep the proposed structure from being built. Additionally, many structures are built without any notification to the FAA or local governments.

Protection criteria for military special use airspace need to be included in Federal Aviation Regulation (FAR) Part 77. This regulation is being rewritten; however, the notice of proposed rulemaking has been held up since the moratorium was issued on all rulemaking actions after President Bush was elected to office. Military representation was not included on the FAA committee handling the rewrite of Par 77. Although protection of military special use airspace is being included in FAA 7400.2, the FAA does not have the authority to deny construction. We need the efforts of State Aviation officials and local zoning offices to deny permits for construction when it is

identified to impact special use airspace/military airfields. These concerns have been addressed at the Airspace and Range Council meetings previously to no avail. Efforts are being currently worked to include the protection of special use airspace in Air Force Instruction 13-201, Airspace Management, and Air Force Manual 11-230, Instrument Procedures. We cannot move a route or MOA due to the cost of National Environmental Protection Act (NEPA) and the length of time it takes to get approval by the FAA.

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20. Prevent development and airport expansions?

Question: Mr. Burton and Mr. Putnam- What is the best way for bases to work with local authorities to prevent development and airport expansions from unduly encroaching upon bases' airspace requirements?

Answer: General Jumper -

DoD installations primarily depend on local and state governments and their enactment and application of land use controls to protect installations from competing development interests and encroachment from incompatible development. Local governments are conveyed the powers to apply such land use controls by state enabling legislation. The Air Force has been successful in encouraging the adoption of enabling legislation for planning compatible development around airfields in several states. Additional motivation to encourage state and local governments to enact legislation and implement programs to minimize encroachment may be possible by enacting federal legislation and creating incentive programs for state and local governments.

The Air Force must continue to work cooperatively with local government officials and agencies and assist them in making prudent land use decisions to minimize the impacts of growth and encroachment by their communities. The Air Installation Compatible Use Zone (AICUZ) and Joint Land Use Study (JLUS) programs are two primary methods of establishing and maintaining cooperative relationships with local government agencies. In addition, the Environmental Impact Analysis Process (EIAP) and Interagency Intergovernmental Coordination for Environmental Planning (IICEP) programs provide additional tools to notify the Federal Aviation Administration (FAA) of major changes in Air Force airspace requirements, early in the planning process.

We will continue to stress the importance of this critical issue, and methods to address it, with our wing leadership who are in the best position to address these issues with local officials.

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21. Standards used to determine whether an area of land constitutes wetlands?

Question: Ms. Davis - One of the complaints is that military bases are forced to engage in mitigation should they need to build on lands defined as wetlands under federal law. To make matters worse, different agencies have different standards for what constitutes wetlands. Therefore, what standards does your base use to determine whether an area of land constitutes wetlands?

Answer: General Jumper -

The Air Force's principal drivers on wetlands mitigation are the policies outlined in Air Force Instruction (AFI) 32-7064, Integrated Natural Resources Management, that include the goal of "no net loss" of wetlands. Additionally, activities in wetlands are regulated by the Clean Water Act, associated Army Corps of Engineer regulations, and Executive Order (EO) 11990. The Corps wetlands regulations and EO 11990 each has its own definition of wetlands. The definitions in both are very similar, although the Executive Order definition is slightly broader.

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22. Yearly wetlands mitigation costs?

Question: Ms. Davis - Can you provide a breakdown of total yearly wetlands mitigation costs (including federal, state, and local agencies) for your base for the last five years?

Answer: General Jumper -

During fiscal years 96 thru 00, ACC expended more than \$3.4M on projects related to the management of wetlands (FY96 - \$654K, FY97 - \$817K, FY98 - \$533K, FY99- \$565K, and FY00 - \$838K). These projects were either required as mitigation for mission-related wetlands losses, or were conducted to preserve and enhance wetlands as required by Executive Order 11990.

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23. Policy on complying with state and local regulations with respect to wetlands?

Question: Ms. Davis - Does your base have a policy of complying with all state and local regulations with respect to wetlands mitigation?

Answer: General Jumper -

Air Force Instruction (AFI) 32-7064 establishes a policy of "no net loss" of wetlands, which generally meets the requirements of state and local regulations. Additionally, Section 401 of the Clean Water Act directs that any action that requires a federal license or permit (such as a Section 404 dredge or fill permit) must obtain a Water Quality Certification from the state water pollution control agency. The Water Quality Certificate certifies that the action complies with state water quality criteria. A base may also need state permits to undertake projects within a specified buffer zone surrounding wetlands.

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24. Wetlands mitigation process for DoD?

Question: Ms. Davis - Do you have any concrete suggestions as to how Congress can assist in reforming the wetlands mitigation process for DOD?

Answer: General Jumper -

The Air Force's principal drivers on wetlands mitigation are Executive Order 11990 and the policies outlined in Air Force Instruction (AFI) 32-7064, Integrated Natural Resources Management that include the goal of "no net loss" of wetlands. Compliance with Clean Water Act, Section 404, and the associated Army Corps of Engineers regulations presents few problems, especially since the Corps is very responsive throughout the wetlands permit process. Congress can best help us meet the "no net loss" of wetlands policy by assuring adequate funding for wetlands mitigation.

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25. Percentage of time spent in researching and complying with environmental regulations?

Question: Ms. Davis - What percentage of time do you estimate your local commanders spend in researching and complying with environmental regulations?

Answer: General Jumper -

The amount of time local commanders spend on these issues varies. It depends on the physical location of the base, the regulatory climate of the state it resides in, the amount of existing air pollution, the mission of the base, and the presence or absence of wetlands, endangered species, etc. Every local commander has to consider environmental impact during deliberations and decision-making on any change in operations or improvement to the real property on the base. This is a weekly, if not daily, duty. In addition, a typical installation will have one attorney who specializes in and spends 50% of his/her time on environmental issues. Additionally, each base has an environmental office, in their Civil Engineering unit, with a staff numbering between 10 and 24 personnel whose sole responsibility is compliance with environmental laws and regulations.

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26. Regulations that are most irksome with respect to flight training at Langley?

Question: Ms. Davis - What regulations are most irksome to you with respect to flight training at Langley?

Answer: General Jumper -

Langley's most critical flight training issue involves airspace utilization. Currently, 95% of all Langley training sorties are flown in several limited-size over-water areas designated as special use airspace. The Navy, specifically FASFACVACAPES, located at Oceana NAS, and governed in accordance to FASFACVACAPESINST 3120.1, controls these warning areas. In addition, the directive for assessing a unit's priority during the scheduling process is CINCLANT OPORD 2000. Both of these regulations use a "concurrent" approach to scheduling airspace, in which many aircraft are authorized to use the warning areas simultaneously. Langley pilots prefer exclusive use of the airspace for numerous reasons including safety, control of training scenarios, and realistic tactical set-up considerations. Concurrent use limits the effectiveness of this airspace and increases the risk of mid-air collision. Oceana's recent increase in training sortie production has placed an additional demand on training airspace, allowing even less flexibility in the scheduling process. In all fairness, the Navy has authorized Langley exclusive use of certain warning areas during certain periods, but this airspace is inadequate in size and duration to meet Langley's needs. FASFACVACAPES does a fine job of establishing and enforcing priorities for all users and actively controlling this airspace; I only wish that Langley had unfettered access to suitable exclusive airspace without the interference of competing demands.

The great number of users that require dedicated time in the warning areas further complicates airspace availability. NASA Wallops rocket launches and Patuxent River test flights require exclusive airspace, as do the Richmond and Andrews Air National Guard units for normal training sorties. In addition, Naval demands on the airspace to support live-fire exercises are increasing as a result of the Vieques, Puerto Rico bombing range controversy. In short, airspace availability is, and will continue to be, a major issue for the continued success of Langley's fighter training.

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27. Changes you would suggest to better train our force with respect to air combat?

Question: Ms. Davis - What changes would you suggest to better train our force with respect to air combat? Would you expand on those and address specifically what you think Congress could do to better enhance our air combat training capabilities with respect to the environmental and flight restrictions?

Answer: General Jumper -

The best enhancement Congress could pursue would be an increase in the budget to fully fund the costs for the myriad of environmental issues. This would permit the Air Force to properly focus on and address all the environmental problems that divert resources from our combat skills training and the infrastructure that supports that training. In addition, an increase in funding to the FAA, earmarked for resolving Air Force airspace issues, would allow them the opportunity to actively work our airspace issues and proposals with greater attention.

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28. Training range scheduling process?

Question: Mr. Burton - Will you please tell the Committee about training range scheduling process challenges for the 33rd?

Answer: Colonel Carlisle -

The 33rd Fighter Wing does indeed have several unique challenges to scheduling local training ranges.

Our primary challenge stems from a lack of direct control (ownership) of any surrounding airspace. The 46th Test Wing is responsible for the Eglin range airspace complex and we must schedule our range use through them. This is not the case for most ACC fighter wings, which usually own the airspace they train in. To accommodate the multiple users, the test wing requires us to request airspace approximately two weeks prior to the time we actually need it. Accordingly, our scheduling process involves careful long-range planning, which sometimes suffers when severe weather or test and other external high priority range requirements occur on short notice.

With many users vying for range airspace, the USAF uses a priority system to determine who will actually receive the airspace for an assigned time. The 33 FW's priority for our standard training missions is lower than many of the other users, such as 46 TW and 53d Wing test missions or joint exercises. As a result, we may not always receive the optimum airspace for the training we require. Nevertheless, we enjoy an excellent working relationship with the 46 TW and normally receive the airspace we need to complete our combat training over 80% of the time.

While the 33 FW normally receives the airspace we need to train, I am concerned that as other training ranges around the US become more restricted, we will need to share Eglin's range complex with more and more different users. Unless the additional load is carefully balanced, it may impact our ability to receive adequate airspace to train my pilots properly. For example, the US Navy's requirements for the Eglin's ranges just recently increased due to the political turmoil in Puerto Rico use of the Vieques Range.

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29. Size, location and limitations affect tempo?

Question: Mr. Burton - Please tell, explain, how size, location, and limitations on range affect tempo and scheduling process?

Answer: Col Carlisle -

Range size, location, and limitations are extremely important factors to ensuring 33 FW pilots train like we plan to fight.

Our high performance F-15C aircraft are equipped with long-range precision air-to-air weapons such as the AMRAAM, which requires large amounts of airspace to correctly and safely employ. Adequate airspace size is not only needed to practice weapons employment, but also to instill the correct employment tempo that would occur in an actual combat environment. Training in inadequately sized airspace builds bad habit patterns that are inappropriate and potentially lethal in the combat arena.

Fortunately, we have the luxury of world-class training airspace over the Gulf of Mexico south of Eglin AFB. The proximity of this great airspace to our fighter wing is extremely important. Using our allotted flight time to practice combat employment tactics instead of flying a substantial part of each flight to and from the range is a great advantage. Additionally, a range's location usually has a direct impact on the amount of limitations that are associated with that particular airspace. The airspace over the Gulf of Mexico provides little restrictions in the way of noise abatement procedures.

Furthermore, range limitations can severely hamper a wing's ability to train like it plans to fight. Fortunately, Eglin's over-water ranges are some of the best in the world and should be considered a national asset. These ranges provide our pilots the opportunity to take full advantage of the aircraft's capabilities and superior technology by allowing us to train at supersonic speeds and employing critical survival measures such as electronic countermeasure techniques. Additionally, we have the opportunity to practice air-to-air gunnery and fire live missiles on a semiannual basis. This tremendous training capability is very limited throughout the rest of our nation and we must make every effort to ensure it remains available.

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30. COMP-TU-EX?

Question: Mr. Burton - The Committee understands that Eglin AFB absorbed some of the COMP-TU-EX when the Navy's Enterprise Battle Group was diverted from Vieques this spring. During the time Navy used your ranges, did your Wing also train? If not, how and where did you make up the training?

Answer: Col Carlisle -

You are correct, the US Navy has used Eglin ranges numerous times in the past two years. Two of the larger exercises occurred in March of 2000 and in January of 2001. The 33 FW, with sufficient notice and planning, was able to still effectively train our pilots during both of these exercises by shifting to a combined day and night schedule. This provided airspace deconfliction to the maximum extent possible, given the mostly daytime operations of the exercises.

During the March 2000 exercise, significant portions of Eglin's over-water ranges were scheduled for the US Navy exercise. Our level of participation was relatively small, flying approximately eight sorties a day as adversary air against the Navy's blue forces. Unfortunately, when we fly as adversary red air bandits we do not employ the F-15C as we would in combat. Instead, we fly formations and employ weapons based on our intelligence of how enemy aircraft would fly and fight. As a result, the training gained as red adversaries is very limited. Fortunately, we also had one fighter squadron deployed to Southwest Asia, thus reducing our own range requirements approximately 40%.

The 33 FW did not participate in the recent January 2001 exercise. The red air requirement levied on the wing by the U.S. Navy was incompatible with our training requirements at the time. Meanwhile, to accommodate the lack of airspace availability, we planned and flew a mixed schedule of day and night sorties, which did deconflict with the exercise.

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31. Long-range air-to-air engagements and long-range standoff attack - Gulf of Mexico?

Question: Mr. Burton - Major General Kostelneck stated that the eastern Gulf of Mexico is one of the few places that long-range air-to-air engagements and long-range standoff attack employment can take place with new generations of weapon systems. As a lesson in the effects on your training, what would happen to this ability if the oil needs of the Gulf nations resulted in oil drilling and platforms in the eastern part of the Gulf under your over-water ranges? What has Eglin done to see that this area remains clear for training? What will you continue to do?

Answer: Col Carlisle -

Eglin has worked with the Minerals Management Service (MMS) for the past two years to ensure that the mission impact of any planned oil and gas activity in the Gulf of Mexico is fully understood--and accounted for in Lease Sale 181.

When Eglin initiated discussions with MMS with regards to Lease Sale 181, there was minimal understanding of DOD mission activity in the Gulf of Mexico. We educated MMS along with oil and gas industry personnel, and they in turn educated us on their planned activity to include expansion.

For example, we received the MMS and industry's attention when we explained to them in an open manner, and with 100% integrity, that we shoot live missiles against real targets in the Gulf airspace and, that unless their platforms were armored (which they are not), they would be at risk. Plain language examples were instrumental in conveying our messages--e.g., unmanned F-4 target aircraft can break up into over 19,000 pieces when hit with a missile, the largest piece of which is equivalent to a mini-van hitting the water at 250 mph. The probability of hitting a platform may be low--but

sometimes even in the vast amount of ocean collisions can occur.

Our position is that Lease Sale 181 should not include areas east of a defined longitude and we have defined that position with the MMS. From a mission perspective we are unconcerned with oil and gas activity to the west of our defined line of longitude.

At this point in time, we have every expectation that the MMS supports the DOD position, and will incorporate that into the final Lease Sale. There will be one more coordination meeting with the MMS in June and July which should clear the way for the sale scheduled for public release in December.

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32. Bases and ranges affected by training restrictions?

Question: Mr. Burton - I see from your biography that you have also been stationed at Holloman, Nellis, Maxwell, Elemendorf and Langley Air Force Bases. To your recollection, are any of these bases and ranges affected by training restrictions due to the encroachment mentioned at the hearing? Be specific as you can.

Answer: Col Carlisle -

Sir, you are correct, I have been stationed at all those places and there were range space challenges. However, since I have not been at those bases for a few years, I do not know the current status of efforts to solve any problems or what new issues have arisen. All those bases are affected in some way by encroachment-like restrictions. Wing commanders at those bases can provide that information under separate cover.

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MR. LEWIS/GENERAL ELLIS

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(The information follows)

SOLE SOURCE AQUIFERS

The Safe Drinking Water Act of 1974 states that, "If the Administrator [Environmental Protection Agency (EPA)] determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register." As of May 2001, EPA's Administrator has designated 71 aquifers as sole source. To date, The Army has identified twenty installations that overlie EPA designated sole source aquifers and/or their recharge zones. The Army is currently conducting an inventory of its active and inactive ranges located on Army installations, to be completed in 2002. Data from this inventory will confirm more precisely which installations or part thereof are located over or within recharge zones of EPA designated sole source aquifers.

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QUESTION #1

BASES THAT SUPPORT COMBAT TRAINING REQUIREMENTS

Chairman Burton. How many bases in the continental US provide your personnel the ability to completely fulfill combat certification for all mission essential tasks? Please list.

General Ellis. The Army has over four hundred locations where ranges or training land exist to support some or all aspects of our combat training requirements. However, fulfilling combat certification for all mission essential tasks is problematic at nearly all Army training sites. Commanders must adapt their available ranges and training land to "fit" doctrinal requirements. Encroachment further limits the land and ranges available to accommodate doctrinal standards.

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QUESTION #2

ENCROACHMENT IN FOREIGN COUNTRIES

Chairman Burton: How has encroachment affected training in foreign countries? Why? Does your service pay foreign countries to be permitted to train in them? If so, please provide some examples and what the fees are.

General Ellis. The Army maintains a significant number of ranges and training areas in two foreign countries, the Federal Republic of Germany and the Republic of South Korea. Encroachment affects our training in both countries. In Germany, our units are stationed on smaller, normally brigade-sized garrisons. These garrisons usually have limited range and training land available nearby, called Local Training Areas (LTA). The Army operates two large training areas in Germany, called Major Training Areas (MTA), Grafenwoehr and Hohenfels. Grafenwoehr is the Army's primary live fire (range) complex for its units in Europe. Hohenfels houses the Army's Combat Maneuver Training Center (CMTC), a key Combat Training Center. Encroachment related to noise restrictions, endangered or sensitive species, erosion and sedimentation migration off training areas, cultural sites, and forestry exists on all LTAs and the two MTAs in Germany. In addition, European Union (EU) legislation known as "Natura 2000" may affect both MTAs and some LTAs. The Natura 2000 mandates that member nations nominate sites harboring significant reserves of flora, fauna, and habitat (FFH) to be set aside. Germany has nominated Grafenwoehr, Hohenfels, and several LTAs as FFH sites. Military training areas are an easy choice for governments as FFH sites since they are among the few economically undeveloped areas left in Europe and are not subject to local pressure for economic development. The Commander, US Army Europe (USAREUR), has expressed significant concern over nomination of Hohenfels and Grafenwoehr as FFH sites. His concerns focus on the restrictions FFH designation may place on the Army's ability to reconfigure or modify operation of these two MTAs. However, the Bavarian State government and the federal Ministry of Defense have assured USAREUR that military use will retain priority over environmental concerns.

In South Korea, increasing population densities and changing enforcement of national laws related to land ownership have affected the configuration of Army training areas and ranges in that nation. Eighth US Army (EUSA), the Major Army Command in South Korea, has faced serious issues with encroachment for years whereby indigenous persons conduct permanent or semi-permanent activities on lands for which EUSA has been granted exclusive use under Status of Forces Agreements (SOFA). Changes in the application of National laws within South Korea have resulted in the reinstatement of private

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owner rights on lands, which were granted to EUSA under the SOFA but were never purchased by the central government. EUSA estimates that over half of their exclusive use lands have not been purchased from the private owners. This has resulted in numerous cases of agricultural and commercial activities within and along critical live fire and maneuver training areas and has affected EUSA's ability to provide optimal support to unit training readiness. However, the EUSA Commander has developed, and is implementing, reconfiguration plans in close coordination with US Forces Korea and multiple Ministries within the central government that will ensure the long-term availability of ranges and land required for his units.

Encroachment affects our training in Germany and South Korea for the same reasons that it affects us in the United States. Increasing population density and urban sprawl, greater environmental awareness by national populations, increasing environmental regulation by host nation governments (principally USAREUR), a lower perception of military threats to the host nations, and competing economic interests are all factors contributing to encroachment in those nations.

Under the SOFAs in Germany and South Korea, the Army is guaranteed the use of Host Nation lands that are required for military purposes and is not required to pay for its use.

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QUESTION #3

PUBLICATION OF POLICIES OR DIRECTIVES

Chairman Burton. Before the establishment of a training range review group by the Department of Defense's (DoD's) Senior Readiness Oversight Council in June 2000, did any military directives or policies come out that have helped stop the loss or degradation of training ranges? Have any directives or policies been issued to date?

General Ellis. On May 8, 1998, the Army published Army Regulation 350-4, Integrated Training Area Management (ITAM), establishing procedures for training land and range management aimed at minimizing environmental restrictions on training. On August 10, 1999, the Army published the ITAM Program Procedural Manual. The ITAM program provides a uniform land management program that includes inventorying and monitoring land conditions, integrating training requirements with land carrying capacity, educating land users to minimize adverse environmental impacts, and providing for training land rehabilitation and maintenance. Its mission is to ensure no net loss of training capabilities and support current and future training and mission requirements. ITAM is implemented in close coordination with the Army's Range and Training Land Program (Army Regulation 210-21), which supports range operations and modernization consistent with current and future doctrine and force structure while addressing the impacts of new weapons systems and munitions.

Since 1995, the Army has required its installations to prepare Endangered Species Management Plans (ESMPs) wherever listed or proposed species or designated critical habitat exist on an installation. The Endangered Species Act (ESA) does not require ESMPs, however the Army uses them to integrate range development plans and doctrinal requirements with environmental regulatory requirements. These plans are developed in consultation with the U.S. Fish and Wildlife Service, as well as with state fish and game agencies. The Army is working with the U.S. Fish and Wildlife Service and state fish and game agencies to finish the first set of Integrated Natural Resource Management Plans, pursuant to the Sikes Act of 1997, as well as ESMPs to be integrated into those plans. These plans form the basis for managing the natural resources that compose the Army's training ranges in a manner consistent with mission requirements.

On August 17, 1999, DoD published DoD Directives 4715.11 and 4715.12; Environmental and Explosives Safety Management of DoD Active and Inactive Ranges [Within and Outside] the United States. These Directives include environmental and explosives safety practices for information collection and management, range access controls, restricting use of depleted uranium and submunitions, selection of targetry, management of unexploded ordnance and

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range residues, notification of and response to off-range hazards, and public involvement and education. The stated purpose of these Directives is to establish policies and responsibilities for “sustainable use and management of DoD’s active and inactive ranges” but most of the provisions are designed to minimize potential environmental and explosives hazards associated with range management and operations.

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QUESTION # 4

FLUCTUATING TRAINING RATINGS

Chairman Burton. Please ask your service chief to provide examples from January 2000 to the present a report listing all of your military units with fluctuating C-ratings attributable to T codes: Incomplete training, Insufficient training time, or Inadequate training areas as identified in Global Status of Resources and Training System (GSORTS).

General Ellis. Since January of 2000, the Army's database that inputs to the GSORTS indicates 122 units submitting a C rating attributable to these particular training codes. The size of these units varies from company through division. Most recent and notable examples of large units reporting in these categories include the 3rd Infantry Division whose split based mission requires significant forces simultaneously in the Balkans and at homestation. Because the current split based operations do not allow for collective staff training, the commander's readiness report has indicated a need for additional time once his unit and staffs are reassembled at homestation. An additional example includes the 1st Armored Division in Germany that reports a training code for insufficient training areas. This is largely due to restrictions imposed on the unit's ability to conduct large scale maneuvers at local training areas in Germany that are near the 1st Armored Division's homestation locations.

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QUESTION # 5

READINESS REPORTING

Chairman Burton. Is there enough description in the Global Status of Resources and Training System (GSORTS) system to enable Congress to monitor training range challenges as they appear? If not, do you have recommendations on how to enhance readiness reporting? Does your service have its own method for measuring encroachment impacts on training? If so, please explain in detail.

General Ellis. The GSORTS provides limited information on the impacts of training range challenges. Data on this issue for Army units is captured through a resource area code for availability of training areas, facilities, and training aides, devices, simulators, and simulation. Commanders address this particular resource category and others as part of the monthly readiness reporting. This data is entered into the Army Status of Resources and Training System (ASORTS) which supports GSORTS data requirements. Commanders also address range issues impacting readiness through narrative comments. Comments are mandatory for any entries indicating a minor, major, or prohibitive impact to training for the resource area. An additional reporting mechanism available to the Army for monitoring range facility issues is in the Installation Status Report (ISR). This report is submitted yearly and includes a detailed collection of data on installation infrastructure issues with a specific entry directed to range facilities. The ISR provides a measure of both quality and quantity issues on ranges.

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QUESTION #6

NATURAL RESOURCES MANAGEMENT PLANS

Chairman Burton. It is the Committee's understanding that the Sikes Act, amended in 1996, sets a statutory deadline of November 18, 2001, for completion by the service's of their Integrated Natural Resources Management Plans (INRMPS) for their bases and ranges. Will you meet the deadline? Are you receiving the assistance you need from other federal agencies and services to prepare these intense environmental studies? Please estimate the type and amount of resources you have dedicated to this process?

General Ellis. Our Major Commands report that they expect all required INRMPS for installations within their respective commands to be completed by the deadline of November 18, 2001.

Assistance from Federal agencies in developing INRMPS has been adequate. Some regions of the U.S. Fish and Wildlife Service are currently under-resourced to achieve review necessary for mutual agreement. This is due partly to the surge of INRMPS coming to completion in the next five months. The U.S. Fish and Wildlife Service is working closely with us to help overcome this problem.

The Army uses in-house labor, contracts, and other agencies for INRMPS completion. The financial resources are primarily Operations and Maintenance appropriations.

The Army spent \$13.765 million implementing the 49 INRMPS that were complete in fiscal year 00. We are planning to implement a total of 179 INRMPS in fiscal year 02.

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QUESTION #7

DCSOPS HGRC Encroachment Hearing

Chairman Burton. Under a Clinton Administration directive, the National Technology and Information Administration released a report on the possible sharing or sale of government owned radio bandwidth. How will the loss or sharing of radio spectrum frequency impact your services ability to train and operate?

General Ellis. Mr. Chairman, the Department of Defense (DoD) submitted their input to the National Telecommunications and Information Administration (NTIA) prior to NTIA publishing the report "*The Potential for Accommodating Third Generation Mobile Systems in the 1710-1850 MHz Band*". In fact, the DoD report was included as an appendix to the NTIA report. After examining the feasibility of accommodating third generation systems by sharing the 1755-1850 megahertz (MHz) band, the DoD found that full band sharing is not possible. Additionally, regardless of financial investment, the DoD could not vacate the band for most non-space systems until 2010 and beyond; and legacy space systems would require continued protected access to the spectrum until 2017 and beyond. Migration prior to these dates would require premature system termination, which would have extremely serious implications to the DoD's ability to effectively execute its mission. Total relocation from the band is impossible unless comparable spectrum that is operationally suitable with equivalent regulatory protection is made available and the costs of relocation are fully reimbursed. The DoD report indicates that operationally suitable comparable spectrum may not be readily available.

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QUESTION #8

TRAINING RANGE MANAGEMENT MOU'S

Chairman Burton. Has your service or any of your bases, installations or ranges entered into any MOU (Memorandum of Understanding) with any other federal government department or agency that addresses training range management and other encroachment policy issues? If so, please provide copies of these MOU's to the Committee.

General Ellis. Memoranda of Understanding (MOU) have been established between the Department of Defense and the Departments of Agriculture (March 27, 1963) and the Interior (April 7, 1978) which are applicable to all installations in the United States. These memoranda authorize execution of cooperative agreements in attainment of mutual conservation objectives, including range management issues and will be provided. Under these MOUs, installations may develop cooperative agreements with the Natural Resources Conservation Service, Agriculture Research Service, Forest Service, Fish and Wildlife Service, National Park Service, and Bureau of Land Management.

The Department of Defense also has a Cooperative Agreement with The Nature Conservancy (TNC) (established December 13 1988 and modified March 23, 2000). This agreement declares a policy of cooperation and establishes procedures for planning and conducting cooperative agreements between TNC and DOD on DOD lands.

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QUESTION #9

COST OF ENVIRONMENTAL LITIGATION

Chairman Burton. Please provide estimated costs in personnel and resources to your service for environmental litigation over the last five years. Where do the personnel and money come from? If it is from the base/installation level, how are the costs reported to your service chief?

General Ellis. Over the past five years, the Army estimates that it has expended approximately \$16 million for environmental litigation. About \$13 million of this amount is personnel costs. This estimate includes federal and state court actions as well as federal and state environmental regulatory agency administrative actions. It also includes costs for attorneys, engineers, wildlife biologists, and other services provided as part of the litigation. The approximation does not include fines and penalties paid or costs resulting from subsequent settlement or court-ordered actions or administrative enforcement. The figures are also focused on personnel directly involved in litigation as opposed to other people who must react to and manage the situations created by the litigation. Many personnel working this litigation spend only a fraction of their time on these matters; elimination of the litigation would not necessarily result in corresponding personnel savings. Costs for environmental litigation are not specifically reported to the Chief of Staff or Secretary of the Army.

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QUESTION #10

SUGGESTIONS TO ADDRESS ENCROACHMENT

Chairman Burton and Mrs. Davis. Each witness should provide in writing, a comprehensive list of suggestions on how Congress might be able to address some of the encroachment issues deemed important to your Service.

General Ellis. The Army's primary encroachment concerns are urban sprawl, threatened and endangered species, and restrictions that impact munitions use. Army training is also affected by restrictions due to air quality standards, erosion control requirements, water quality standards, and restrictions on wetland impacts. Congressional support in the following areas would help the Army as it deals with these encroachment issues.

1. Support and resource implementation of the Army's Sustainable Range Management (SRM) program. SRM is the foundation for sustaining live training and the environment on our ranges. As we have in the past, we will continue to improve range operations, range modernization, state-of-the-art land management, research on munitions effects and management of unexploded ordnance, and public outreach. Although final funding levels have not yet been established, we ask Congress to support this important program.

2. Support and foster cooperation among regulators and the military emphasizing the need to balance military readiness concerns and environmental regulation. The Army believes that Congress should continue to recognize that the training required for Army readiness is a positive societal good and a legal mandate. Defense of our nation is an important requirement that benefits all citizens. I believe there are ways to balance the needs of the military with the needs of the environment. Congress should encourage regulatory agencies to work with the Department of Defense (DoD) Components to develop compliance methods that support military objectives.

3. Undertake legislative initiatives to clarify statutory requirements that apply to military operations. As currently written, several statutes contain broad discretionary enforcement thresholds that are based on the assessment of the regulatory authority as to whether a given condition presents a "potential" risk or "imminent" hazard to human health or a particular natural resource. While the Army is not seeking to avoid our responsibilities to the American people or relief from compliance with environmental statutes, the lack of consistent and measurable assessment and enforcement standards limits the Army's ability to plan, program, and budget for the necessary compliance requirements. In light of the Secretary's current strategic review, it would be premature to discuss specific proposals, but I look forward to working with other Federal agencies and Congress.

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QUESTION #13

MANEUVER TRAINING IN GERMANY

Chairman Burton. It is the Committee's understanding that a European Union environmental initiative threatens to halve maneuver training at Hohenfels, Germany, the US Army's premiere training area, and also Grafenwoehr, Germany. Can you tell us a history and current status of this situation?

General Ellis. On 21 May 1992, the Council of the European Union (EU) passed Directive 92/43/EEC under which member nations are to identify areas to be placed under environmental protection for the benefit of preserving flora and fauna habitat (FFH). The directive was incorporated into German domestic law in 1998. In Germany, the procedure is for states (Laender) to first nominate these areas, then hold hearings with affected parties, and finally submit their nomination to the Federal Government for reporting to the EU. Once the EU has officially announced the list of accepted areas, all projects on, changes to, or disturbance of these lands that could considerably impair the FFH of a site are subject to modification or prohibition. As early as October 1999, the US Army, Europe (USAREUR) Commander and staff engaged the Bavarian State and German Federal Governments, expressing US Army concerns over the possible nomination of Grafenwoehr Training Area and the Combat Maneuver Training Center at Hohenfels. The Bavarian State and German Federal Governments were initially opposed to nominating Grafenwoehr and Hohenfels. The USAREUR Commander believes that areas designated for protection on US-controlled properties could have a significant impact on training missions at USAREUR. These nominations and designations could considerably delay, impair, or stop current and future land use. The USAREUR (and Army) position was to resist the nomination of US controlled areas in order to retain the ability to train, modernize, and expand operations as required. USAREUR was very comfortable with the rights that they had under prior German law allowing military operations to have precedence over environmental concerns. Negotiations up to July 2000, indicated that the State of Bavaria would not nominate Grafenwoehr or Hohenfels. However, in July 2000, to meet the land set-aside requirements of the EU regulation, Bavaria did nominate the two training areas for FFH designation. Although, to date, there have been no significant impacts to training from designation of Hohenfels and Grafenwoehr as FFH sites, the Commanding General (CG) USAREUR is concerned about the Army's ability to reconfigure or modify operation of the two Major Training Areas (MTAs) in the future.

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QUESTION #14

TRAINING IN GERMANY

Chairman Burton. What specific Army units that go to train in Germany will have trouble fulfilling last minute deployment training tasks because of these restrictions? Where will they go?

General Ellis. The units training in Germany are primarily the units assigned to US Army Europe (USAREUR). Principal units are V Corps and supporting units, the 1st Infantry Division, the 1st Armored Division, and the 173d Airborne Brigade. These units are currently able to train at Grafenwoehr and Hohenfels even with the nomination of those areas as Flora and Fauna Habitats (FFH). The Commander, USAREUR and the Army's concern lies in the potential for restrictions to future training, as Germany develops a statutory and regulatory regime to implement the FFH directive. The local and major training areas designated as FFH sites are vital to USAREUR's readiness as the Army transforms and modernizes. The Army's ability to use these vital training areas for their primary purpose would be adversely affected by the creation of new bureaucratic processes requiring approval or consultation with regulators prior to military use of FFH-designated training areas.

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QUESTION #15

TRAINING RESTRICTIONS IN MAKUA, HAWAII

Chairman Burton. Can you please address the current training and range restrictions facing the Army in Makua, Hawaii? What training and training ranges have been lost to date? Given the importance of Pacific Islands for pre-deployment exercises in Korea, Southeast Asia, and China, where will you train if not there?

General Ellis. Makua Military Reservation (Makua) is located on the northwest shore of Oahu. The terrain, a bowl-shaped valley surrounded by large cliffs, forms an ideal range for small arms, mortar, artillery, antitank missile, demolition explosive, and helicopter gunnery training. Company sized units can conduct maneuver and live fire training at Makua. Makua is the only location on Oahu (where Active Army units are stationed in Hawaii) where larger weapons and larger (platoon and company size) units can conduct combined arms live fire training. All of these capabilities have been lost for the last 32 months because the Army has not trained on Makua since September 1998.

Makua contains a number of endangered plant and animal species as well as archeological and cultural sites. In March 1998, training caused two fires outside the firebreak roads (boundaries) at Makua. Again, in September 1998, mortar rounds fired by the US Marines ignited a wildfire outside the firebreak road at Makua. Although no listed species were destroyed or harmed, the Army voluntarily suspended training at Makua. The Army then began an extensive investigation into potential environmental impacts from wildland fires, and re-evaluated its fire management plan and training procedures. Since 1998, the Army has completed a wildland fire management plan, formal consultation with the US Fish and Wildlife Service regarding the impacts of training on threatened and endangered species, as well as consultation with the Hawaii State Historic Preservation Office and Advisory Council for Historic Preservation regarding the impacts of training on cultural sites. The Army has prepared a Supplemental Environmental Assessment (SEA) under the National Environmental Policy Act (NEPA) to permit the resumption of training at Makua. On December 15, 2000, the Army released for public comment its SEA and a Finding of No Significant Impact (FNSI) pertaining to the planned resumption of training at Makua. On December 20, 2000, the Malama Makua, a citizens group, filed suit alleging the Army violated NEPA. Malama Makua alleged the SEA and FNSI were

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inadequate and asked the court to prevent the Army from resuming live-fire training until it performs a more detailed analysis via an Environmental Impact Statement (EIS). The Army temporarily withdrew the SEA and FNSI pending consideration of public comment, but released the SEA and FNSI on May 15, 2001. On May 18, 2001, the Federal District Court scheduled a hearing for July 9, 2001 to consider a preliminary injunction motion in the Malama Makua suit against the Army. The judge is expected to issue a decision on the motion very quickly after the hearing. If the motion is denied, the Army will resume live fire training at Makua soon afterwards. If the motion is not denied, the Army will probably be required to undertake a lengthy EIS process, preventing training for years or perhaps permanently.

Alternatives to Makua for combined arms live fire training in Hawaii are limited. Some training can be and is carried out at the Army's Pohakuloa Training Area (PTA) on the Island of Hawaii. In its NEPA documentation, the Army has evaluated three sets of alternatives for training at Makua: training at the National Training Center, Fort Irwin California or Yakima Training Center, Washington; training at PTA; and training at Schofield Barracks, Hawaii. The Army has found that all of these alternatives are unreasonable to support the training that should be conducted at Makua and would require Army units stationed on the Island of Oahu to regularly "deploy" to the alternative training site. In addition, the Army's only Multi-Purpose Range Complex (MPRC) in Hawaii was built at PTA but was never opened due to endangered species mitigation requirements.

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QUESTION #16

ENCROACHMENT AT FORT KNOX

Chairman Burton and Mr. Lewis. Please report any encroachments whether commercial or regulatory that affect Fort Knox.

General Ellis: Fort Knox is experiencing a number of commercial encroachment issues affecting training. The commercial encroachment issues include:

- Cell phone towers, usually two hundred feet in height, near the post boundaries and in the general area surrounding the installation are adversely affecting aviation training. These added hazards to low-level flight are reducing our use of training lands on post. This encroachment effectively reduces the area of the installation available for aviation training operations.
- Community development near the installation is increasing the density of people living near the post boundaries. As these areas fill in all around the installation there are more noise and over-flight complaints from residents.
- Special Use Airspace is reserved for Fort Knox's exclusive use in the form of a Restricted Area (R-3704 A& B) over the firing ranges. Requests for reduction or elimination of these types of areas are on the increase. Competing use by commercial and private aviation are leading this trend. Fort Knox has successfully resisted this trend by submitting a very detailed annual usage report to the Federal Aviation Administration (FAA) to justify continued need for the Restricted Area. There has been a request from Louisville airport for reduction of the Northeast corner of the Restricted Area to help them with air traffic flow to their new runways. Fort Knox has made no change to the Restricted Area, but has made some accommodation for Louisville airport to use parts of the Restricted Area when not needed for Army training. This is currently working well.
- The continued effort to change the zoning along Highway 313 from industrial to residential use, or from large residential lots to less than acre lots is a potential issue that must be approached in proactive manner. Highway 313 is located along the southern boundary of Fort Knox.
- Construction of residential housing within the civilian community northeast of Fort Knox and possible noise issues in the future.
- Radcliff, Kentucky would like access across Fort Knox property to its property, where it is building walking and riding trails and a park. This is not as serious or sensitive as the other encroachment issues. Fort Knox will likely either not permit access (because Army Regulations governing property ownership do

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ENCROACHMENT AT FORT KNOX

not provide for a long term interest in Army property to be acquired by others), or permit only very controlled access, with little effect on the mission or training. Environmental regulatory encroachment issues at Fort Knox are related to Threatened and Endangered (T&E) Species. Fort Knox has two federally endangered species, the Indiana Bat and Gray Bat, and one federally threatened species, the Bald Eagle (migratory-winter resident). Fort Knox is located in the core management area for the Indiana Bat. It is important to note that Fort Knox experiences no adverse effects to training due to T&E species. To ensure that the installation continues to have no adverse effects, the Biological Assessment developed for a proposed range project and the Endangered Species Management Plan includes the following terms and conditions:

- Tree removal is restricted to the period October 15 – March 31 for trees 6-inches or greater in diameter at breast height (dbh). This includes all live trees and snags (standing dead trees). Smaller trees and vegetation can be removed at any time.

- To minimize loss of habitat suitable for Indiana Bats, Fort Knox will maintain snag trees when possible. In forested areas outside the cantonment area, snags will not be removed unless they are hazardous to human safety (e.g. in bivouac areas or along trails).

- The installation will maintain a vegetated buffer of two hundred feet along rivers (Salt, Rolling Fork, Ohio) and seventy feet around wetlands, sinkholes, and stream corridors.

- Existing forests within the buffer zones throughout the installation will be protected to the extent practicable. Buffer zones vegetated with grasses and shrubs will be maintained in non-forested areas.

- The installation avoids the use of pesticides near surface waters in the recharge areas of McCracken Springs and Grahampton Cave (habitat areas).

- No human visitation of Grahampton Cave and McCracken Springs Cave is permitted.

- The installation maintains potential roost and perch trees (i.e. the largest trees in the area) along the Ohio River and its tributaries (Rolling Fork and Salt Rivers) for the Bald Eagle.

- If a Bald Eagle nest is discovered in the future, it will be protected from human disturbance.

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QUESTION #17

URBAN GROWTH CONSERVATION BUFFERS

Chairman Burton. In your testimony you indicate several successful Army initiatives currently underway to address urban growth through programs that encourage land ownership partnerships with conservation organizations. These programs have the objective of creating conservation buffers in the proximity of military installations that will guard against development and fence line encroachment. You mention the Private Lands Initiative Plan in your testimony. Can you please elaborate on these conservation partnerships and can you tell us if the programs now in use are partnerships with federal or state programs, and if these are federal initiatives, which agency are they administered by? Can you estimate what the Army will need in terms of money to make these buffer zone initiatives successful?

General Ellis. The Private Lands Initiative (PLI) executed at Fort Bragg is a partnership between The Nature Conservancy and the Army. The US Fish and Wildlife Service and the North Carolina Wildlife Resource Commission are non-paying partners in that specific agreement. Within the terms of the agreement the Army does not purchase or encumber land. Rather, The Nature Conservancy either purchases land fee simple or purchases long-term encumbrances of private land and manages it to support the Army in order that restrictions to training are reduced; in this case restrictions to training are caused by the conservation requirements for the endangered Red-Cockaded Woodpecker. The Army's share of the Fort Bragg project is approximately \$7 million dollars.

Army missions on numerous installations could probably benefit from the establishment of Conservation buffers adjacent to the installation. The cost for establishing Conservation buffers could exceed \$100 million over the next six years. However, before buffers or preserves are considered as a long-term solution, Army will consider conducting installation Land Use Requirements Studies to ensure that mission requirements for land have not exceeded the natural carrying capacity of the land to sustain the use.

Also, conservation of endangered species and protection of other species from the need for listing is a National issue. The Army is fully committed to do its share on its installations to conserve endangered species and prevent other species from listing. However, the Army cannot, alone, invest beyond its installation boundaries to the extent that it accepts a disproportionate burden in the recovery of the Nation's endangered species. Protection of biodiversity will require participation by everyone - federal agencies, states, local authorities, and private organizations.

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QUESTION #18

FARM BILL CONSERVATION PROGRAMS

Chairman Burton. I am currently working on legislation through the U.S. Department of Agriculture on the development [of] conservation programs for the next Farm Bill. What recommendations do you have for the creation or expansion of current or future programs? What kind of partnerships and coordination do you see as necessary between the Department of Defense and state and federal agencies in the development and implementation of successful programs?

General Ellis. It may be helpful to explore opportunities and incentives for farmers and ranchers to participate with the military to extend military installations or to maintain farm land for conservation of biological diversity and associated plant and animal species, especially those listed as threatened or endangered and those at risk. The Army staff will be glad to provide specific ideas upon request.

It seems that the Department of Defense would partner with the Department of Agriculture, Natural Resources Conservation Service and the Department of Interior, Fish and Wildlife Service to identify areas for possible land use and conservation easements or needs.

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QUESTION #21

WETLANDS

Mrs. Davis. One of the common complaints is that military bases are forced to engage in mitigation should they need to build on lands qualified as wetlands under federal law. To make matters worse, different agencies have different standards for what constitutes wetlands. Therefore, what standard does your base use to determine whether an area of land constitutes wetlands?

General Ellis. The Army, as part of our planning level surveys uses the universally accepted US Fish and Wildlife Service (National Wetlands Inventory) protocols to identify wetlands. When more precise information is needed, jurisdictional wetland delineations are done in accordance with the Corps of Engineers guidelines. Complaints generally stem from excessive or non-standard mitigation requirements. If the regional standard is 1:1 (one acre of wetland created for each acre eliminated) or 2:1 then that is what the Army should execute.

Army could benefit if provided the ability to mitigate wetlands thru off-post means.

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QUESTION #22

WETLANDS

Mrs. Davis. Can you provide a breakdown of total yearly wetlands mitigation costs (including federal, state, and local agencies) for your base [the Army] for the last five years?

General Ellis. We normally do not break down our funding in that way but I can say that in the past five years, environmental requirements for wetland mitigation exceeded \$30 million. This does not include operational or other sources of funding that might be identified for mitigation.

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QUESTION #23

WETLANDS

Mrs. Davis. Does the Army have a policy of complying with all state and local regulations with respect to wetlands mitigation?

General Ellis. Yes, Army regulation 200-3 (Natural Resources – Land, Forrest and Wildlife Management) states "it is Army policy to avoid adverse impacts to existing aquatic resources and offset those adverse impacts which are unavoidable." Additionally, "the Army will strive to achieve a goal of no net loss of values and functions to existing wetlands". It further states, "Actions affecting wetlands will require an environmental analysis in accordance with AR 200-2 and applicable federal and State laws and regulations".

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QUESTION #24

WETLANDS

Mrs. Davis. Do you have any concrete suggestions as to how Congress can assist in reforming the wetlands mitigation process for DOD?

General Ellis. We only ask that the Army be held to the regionally accepted mitigation standards, for example 1:1 (one acre of wetland is created for each acre eliminated) or 2:1, but not 5:1. Additionally, we should be allowed to use regional mitigation banking instead of mitigation in kind and within that particular watershed. Army could also benefit if provided the ability to mitigate wetlands thru off-post means.

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QUESTION #25

ENVIRONMENTAL REGULATIONS

Mrs. Davis. What percentage of time do you estimate your local commanders spend in researching and complying with environmental regulations?

General Ellis. The amount of time local commanders spend in researching and complying with environmental regulations largely depends on the magnitude of issues at the installation and the number, experience, and knowledge of environmental professionals and environmental program support personnel on the installation. A reasonable estimate is from 5 percent to 15 percent of the local commander's time. Given the many complex issues that local or garrison commanders deal with, environmental issues probably rank in the top 5-10 in terms of time required.

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QUESTION ELEVEN (11)

TRAINING/ACCIDENT RELATIONSHIP

Mr. Burton. The Committee is very concerned about training and safety especially in light of some of the tragic accidents this year. Can you tell us generally about the relationship between inadequate training opportunities and increased accidents?

General LaPorte. Realistic training for combat is inherently dangerous. To mitigate training risks, units must practice all individual tasks and unit drills under progressively difficult conditions. Soldiers must be exposed to realistic conditions so that they can learn to operate effectively under these conditions. When the opportunities to train in such environments are reduced, soldiers are less prepared and less effective in such environments thus increasing the chances for accidents during operations. As an example, helicopter crews must train with their aircraft during both daylight and hours of darkness. When noise abatement concerns limit or prohibit routine night training, aviators and the units they transport are placed at greater risk for accidents when night operations become necessary.

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QUESTION TWELVE (12)

SUGGESTIONS FOR THE CONGRESS

Mr. Burton. Each witness should provide in writing a comprehensive list of suggestions on how Congress might be able to address some of the encroachment issues deemed important to your operations. Please list top areas of concern if suggestions are not specific.

General LaPorte. First, it would be very beneficial if Congress reviewed the entirety of the environmental laws and tried to make them more consistent with each other and take into account the overall effect on the environment each law has. Currently, federal land managers must comply with each law separately with no regard to compliance's effect on the whole environment. For example, Fort Hood must strictly comply with the Endangered Species Act but is subject to much less strict controls concerning soil erosion under the Clean Water Act. As a result of this, training lands are overused in order to preserve endangered species habitat, greatly increasing soil erosion thereby damaging the overall ecological health of the installation. Federal land managers should be given more freedom to manage their property more holistically.

Second, more legal protection should be given to agency decisions and interagency agreements. Currently, virtually any agreement or ^{arrangement} ~~workaround~~ reached between Fort Hood and a federal or state regulator is subject to citizen suits and modification in court. This casts a cloud of uncertainty over the readiness and training at all DOD installations. Whatever success is achieved in protecting both the environment and readiness is constantly in danger of being overturned through private suit.

Third, Congress should identify funding ^{for} the development of conservation easements outside of installations to protect endangered species habitat. Installations such as Fort Hood are quickly becoming the last refuge of many endangered species necessitating increased restrictions on training in order to preserve the species. Installations are thus punished for their own success in conserving species. Other natural areas around these installations should be set aside to reduce the importance of the habitat on the installation and to facilitate the recovery of these species while minimizing the effect on training and readiness. These easements allow DOD to protect habitat on private lands, thus building up a bank of habitat for mitigation of habitat damaged by training.

In addition to the above suggestions, the following suggestions are based on the FORSCOM sponsored workshop to identify ways to address encroachment problems the 11 FORSCOM installations currently face. All installation representatives agreed encroachment is a result of changing local communities, values and training needs. All the installations recognized their respective encroachment issues at least twenty years ago and have developed process and procedures to minimize the impacts. None of the

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suggested modifications included modifying environmental laws and regulations but instead focused on DOD's ability to implement new programs, to lock in funding for specific types of activities, and improve integration both between trainers and the public. Workshop attendees did indicate a need for environmental laws to take into account the missions and training requirements of the military.

Major Issues Primarily addressable by Congress and DoD:

- Frequency Encroachment
- National Airspace

Specific suggestions:

- Expand Joint Land Use Studies (JLUS) into a regional/multi-service study
- Pursue partnerships to foster regional recovery of Threatened & Endangered species
- Partnerships with land management agencies (including Regional Land Use planners/municipalities)
- Spread burden of Threatened & Endangered recovery to other agencies
- Creation of buffer zones around installations
- Create a separate funding source Sustainable Range Management with ability to Spend money outside Installation
- Consistent, proactive funding

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QUESTION NINETEEN (19)

ALTERNATE TRAINING DESTINATIONS

Mr. Burton. Where do you send your soldiers who cannot get all the combat training requirements they require before deployment at Fort Hood?

General LaPorte. Encroachment concerns have not stopped Fort Hood units from reaching and maintaining combat readiness. Battalions and brigades build on their combat readiness at Fort Irwin's National Training Center and Fort Polk's Joint Readiness Training Center.

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QUESTION TWENTY (20)

NTC COMPARED TO FORT HOOD

Mr. Burton. I see from your biography that you were also stationed at the National Training Center, Fort Irwin, California. In your opinion, compared to Fort Hood, does NTC face equal or greater challenges to training? What are they? How was training limited?

General LaPorte. Endangered species protective measures have closed a major maneuver corridor to brigade level operations. Other parts of Fort Irwin are off limits to vehicular traffic due to fragile desert vegetation. Since Fort Irwin is a much larger installation in terms of size than Fort Hood, Fort Irwin still offers a tremendous training area despite these restrictions. In the long term, however, the desert tortoise and various endangered species of vegetation pose a grave threat to training at Fort Irwin.

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QUESTION TWENTY-EIGHT (28)

SUGGESTIONS FOR DIGGING AND EARTH-MOVING REFORM

Mrs. Davis. You explained the problems that your commanders face when they are forced to comply with regulations that restrict digging and earth moving during training. What practical reforms would you suggest to allow for more effective training with respect to digging and earth moving?

General LaPorte. Most of the digging restrictions on Fort Hood are the result of the Endangered Species Act and the National Historic Preservation Act. With regard to reducing the restrictions related to the Endangered Species Act, as I stated earlier, it would be very beneficial if Congress reviewed the entirety of the environmental laws and tried to make them more consistent with each other as well as take into account the overall effect on the environment of each law. The best way to reduce digging restrictions is to create habitat areas off of the installation so restrictions on habitat on the installation can be reduced or eliminated. The National Historic Preservation Act should be amended. Currently, Fort Hood must protect every site which could be of value until we can establish that a site has no value and record the information concerning the particular site. Congress should reform this process to allow for protection of fewer sites or exceptions to protection for the purposes of military training. While I understand and support the goals of the NHPA, Congress could help to ensure a better balance between those values and the defense needs for training and readiness.

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QUESTION TWENTY-NINE (29)

WETLANDS TEST

Mrs. Davis. Does your command use the fourteen-point method of testing for wetlands, or the three-point test for wetlands?

General LaPorte. Fort Hood does not have any jurisdictional wetlands.

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QUESTION THIRTY (30)

MITIGATION PERMIT COSTS

Mrs. Davis. What were the costs for mitigation permits for your command over the past five fiscal years. Please break down these numbers by cost per fiscal year.

General LaPorte. Fort Hood has not actually paid for any mitigation permits; however, we developed a project to perform mitigation for a construction project that required a Clean Water Act Section 404 permit. The FY01 project cost is \$200K.

Mitigation requirements for intentional loss of Threatened and Endangered Habitat are to increase restrictions on Non-Core habitat and re-designate it Core Habitat. The cost of this re-designation is actually a cost to training as it puts more restrictions on ability to maneuver. Fort Hood is pursuing an Eco-Regional initiative for future mitigation banking off-site that may lessen the impact on training.

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QUESTION THIRTY-ONE (31)

RESTRICTIONS ON LEAD-BASED BULLETS

Mrs. Davis. What restrictions have your commands put on the use of lead based bullets since 1990?

General LaPorte. None to date.

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QUESTION THIRTY-TWO (32)

IMPACT OF SPECIES PROTECTION ON TRAINING

Mrs. Davis. Do you, personally, believe that many of the federal regulations regarding species protection has hurt our ability to train for and execute wartime missions? Do the training restrictions you are forced to comply with ultimately risk our troops' safety?

General LaPorte. Subordinate commanders prepare unit readiness assessments monthly--to date none have included species protection as a cause for degradation of combat readiness. Changes to accommodate species protection are frequently discussed as a training distracter that must be accommodated with schedule changes training plan modifications or time-consuming negotiations. All of this reduces the time commanders have to spend on training and readiness. Commitment to realistic training and preparation is the best way to ensure soldiers' safety in both peacetime training missions and combat missions. To the extent that time that could be spent on training and preparation is spent on compliance with environmental rules, the overall safety and effectiveness of operations is lower than what it could be under ideal circumstances. While III Corps is currently ready to fulfill its mission, the increase in environmental regulation and the time spent complying with such regulation poses a long-term challenge to maintaining the current state of readiness. As I indicated in my former statement, encroachment challenges are increasing every year. At some point in the future, these will begin to have real effects on readiness. Moreover, it is doubtful that the next major conflict will allow for the kind of training period that occurred before the Operation Desert Storm. The need for immediate readiness has greatly increased in the ten years since Desert Storm. Congress and the federal agencies must work in the coming years to ensure that encroachment does not adversely affect the Army's ability to train realistically.

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JUN 20 2001
Office of the Chief of
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Dept. of the Navy

Rep Burton
NSWG-1 CAPT McRaven
House Gov't Reform 9 May 01
Q. 11-12

Question. The Committee is very concerned about training and safety especially in light of some of the tragic accidents this year. Can you tell us generally about the relationship between inadequate training opportunities and increased accidents?

Answer. An operator's real-world mission effectiveness is largely dependent upon the experience he gains through his pre-deployment training. He must train like he fights. The nature of our employment in battle requires a level of training that is inherently higher-risk. We conduct thorough investigations whenever a training-related incident occurs. While a lack of training has been considered a contributing factor in some instances, in recent findings, we cannot say there is any significant correlation between recent increases in our accident rate and inadequate training opportunities.

Question. Each witness should provide in writing a comprehensive list of suggestions on how Congress might be able to address some of the encroachment issues deemed important to your operations. Please list top areas of concern if suggestions are not specific.

Answer. There are a number of actions Congress might consider to help address the risk of encroachment on training. Generally speaking, a better balance needs to be established between the mission of the Department of Defense (DoD) and the mission of environmental protection activities. In recent years, protection of the environment has taken precedence over military readiness in virtually all instances. More specifically,

a. Consider revisions to the National Environmental Policy Act, and specifically, allow more categorical exclusions for routine military training. The current list of categorical exclusions does not adequately address routine military training activities. Current Navy policy requires an environmental review for any activity that cannot be categorically excluded under the current list of exclusions.

b. Require agencies charged with the protection of species to reasonably define when the species is healthy enough to be self-sustaining. The success we've had as good stewards of the environment and wildlife protection has often worked against us. We pro-actively create conditions

under which protected species will flourish and as they do, we are further restricted in where and how we can conduct our training.

c. Consider legislation to make Endangered Species Act compliance more reasonable for DoD activities. Every training activity with any potential, no matter how small, of impacting a protected species involves consultation and subsequent protections mandated by environmental agencies. In practice, the military training mission is virtually always secondary to the environmental protection mission.

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JUN 25 2001
M. McRaven
Office of the Chief of
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Dept. of the Navy

Rep Burton
NSWG-1 CAPT McRaven
House Gov't Reform 9 May 01
Q. 18-21

Question. Can you tell the committee why night training is so important to the SEALs and how this training has been degraded during your time as a SEAL?

Answer. Almost all SEAL combat missions are conducted at night to maximize the element of surprise against the enemy. Consequently, it is imperative that SEALs train at night to replicate the stress and confusion they will encounter during combat. When engaging a target at night SEALs will use a variety of pyrotechnics and tracers to illuminate the target and ensure effective fire. Since I became a SEAL in 1978, environmental restrictions have significantly reduced our ability to train with flares or tracers on ranges (from 12 months to only 5 months of the year at San Clemente Island alone). There is concern that flares and tracers will create fires that destroy the endangered species habitat. Additionally, there is concern that SEALs maneuvering on the range will destroy unseen nesting areas and archeological sites that are only marked with reflective tape. These types of restrictions force us, in some cases, to develop training scenarios that are both unrealistic and "canned", thereby reducing the overall quality of training for our operators.

Question. Where do you perform work arounds?

Answer. Most workarounds are conducted outside southern California at military bases such as Eglin Air Force Base in Florida, Forts A. P. Hill and Pickett in Virginia, Fort Chaffee in Arizona, and Naval Air Station Fallon in Nevada. We also utilize a number of non-Department of Defense ranges.

The travel required by having to rely on out-of-area ranges increases costs and reduces the total number of pre-deployment training days available. It also exacerbates the problem we face ensuring our people meet the requirements for individual personnel tempo enacted in the Fiscal Year 2000 National Defense Authorization Act, which limits the number of days a service member can be away from home to 30-40 days prior to overseas deployment.

Question. Have you received any instructions or directives to date from DoD on how to stop the impacts of training restrictions during your command of SEAL Group One?

Answer. No. My command works closely with the Navy Region Southwest and Naval Base Coronado to ensure our

concerns are voiced at the local, state and federal level, but I personally have not received any instruction on how to mitigate the encroachment.

Question. Have you ever personally met with the regional officials of the Fish and Wildlife Service or the National Marine Fisheries Service to discuss range management or participate in consultations where you have the opportunity to explain the importance of your military training?

Answer. No. I work through my chain of command to coordinate with regional officials. Naval Special Warfare is represented by our host commands in communications and negotiations with the various regulatory agencies. However, in many cases, representatives from my command are present at regional meetings to discuss encroachment issues.

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M. J. [Signature]
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Rep Davis
NSWG-1 CAPT McRaven
House Gov't Reform 9 May 01
Q. 34-35

Question. What restrictions have your commands put on the use of lead based bullets since 1990?

Answer. Lead based bullets are authorized for use at all of our primary training ranges in Southern California. The only specific restriction imposed on these ranges has to do with limiting personal exposure to respirable lead dust in enclosed facilities, in compliance with Occupational Safety and Health Administration industrial hygiene exposure regulations. We do this by limiting individual training time and by periodically shutting a facility down to adequately address accumulated lead build-up. At several out-of-area ranges we do use other types of non-lead ordnance when there is not enough area or ballistic integrity to accommodate the maximum travel distance of a lead bullet.

Question. Do you, personally, believe that many of the federal regulations regarding species protection have hurt our ability to train for and execute wartime missions?

Answer. Not yet, but very soon. Up until now we have been able to develop workarounds that keep our SEAL platoons combat ready. These workarounds have been conducted mostly outside our homestation. While this has been an expensive proposition in both manpower and money, it has been workable. However, with the additional limitations imposed by the Fiscal Year (FY) 2000 National Defense Authorization Act to track individual personnel tempo and limit the number of days a service member can be away from home, my SEALs will be reduced to 30-40 days away from home prior to overseas deployment (prior to the FY 2000 NDAA, they were away 103-110 days). This means that without quality ranges in the immediate vicinity of San Diego, I will be unable to meet my readiness requirements prior to overseas deployment.

Question. Do the training restrictions you are forced to comply with ultimately risk our troops safety?

Answer. Yes. While not immediately obvious, the quality of training (particularly night live fire training) is being degraded owing to encroachment. When you layer the environmental restrictions on top of urbanization, accessibility, and the individual personnel tempo limits imposed by the Fiscal Year 2000 National Defense Authorization Act, you have severely limited the SEALs

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ability to train realistically. This will eventually
manifest itself in combat losses.

