



Highlights of [GAO-08-407](#), a report to congressional committees

Why GAO Did This Study

A fundamental principle of military readiness is that the military must train as it intends to fight, and military training ranges allow the Department of Defense (DOD) to accomplish this goal. According to DOD officials, heightened focus on the application of environmental statutes has affected the use of its training areas. Since 2003, DOD has obtained exemptions from three environmental laws and has sought exemptions from three others. This report discusses the impact, if any, of (1) environmental laws on DOD's training activities and military readiness, (2) DOD's use of statutory exemptions from environmental laws on training activities, (3) DOD's use of statutory exemptions on the environment, and (4) the extent to which DOD has demonstrated the need for additional exemptions.

To address these objectives, GAO visited 17 training locations; analyzed environmental impact and readiness reports; and met with officials at service headquarters, the Office of the Secretary of Defense, federal regulatory agencies, and nongovernmental environmental groups.

What GAO Recommends

GAO recommends that, should DOD plan to pursue further environmental exemptions, it should develop a business case that analyzes and assesses the associated benefits, costs, and risks of those exemptions. DOD partially concurred with the recommendation and provided technical comments.

To view the full product, including the scope and methodology, click on [GAO-08-407](#). For more information, contact Brian J. Lepore, 202-512-4523, Leporeb@gao.gov.

MILITARY TRAINING

Compliance with Environmental Laws Affects Some Training Activities, but DOD Has Not Made a Sound Business Case for Additional Environmental Exemptions

What GAO Found

Compliance with environmental laws has caused some training activities to be cancelled, postponed, or modified, and DOD has used adjustments to training events, referred to as "workarounds," to accomplish some training objectives while meeting environmental requirements. Some DOD trainers instruct units to pretend restricted training areas are holy grounds, mine fields, or other restricted areas in theater, simulating the need to avoid specific areas and locations when deployed. GAO's review of readiness data for active duty combat units did not confirm that compliance with environmental laws hampers overall military readiness.

Since 2006, the Navy has twice invoked the Marine Mammal Protection Act exemption to continue using mid-frequency active sonar in training exercises that would otherwise have been prevented. DOD's exemption from the Migratory Bird Treaty Act, authorizing the taking of migratory birds, eliminated the possibility of having to delay or cancel military training exercises, such as Navy live-fire training at the Farallon de Medinilla Target Range. The exemption to the Endangered Species Act, which precludes critical habitat designation on DOD lands, enables DOD to avoid potential training delays by providing greater autonomy in managing its training lands.

On the basis of meetings with officials within and outside DOD and visits to 17 training ranges, GAO found no instances where DOD's use of exemptions from the Endangered Species Act or Migratory Bird Treaty Act has adversely affected the environment, but the impact of the Marine Mammal Protection Act exemption has not yet been determined. The services employ a variety of measures and conservation activities to mitigate the effects of training activities on the natural resources located on DOD lands. Additionally, regulatory officials GAO spoke to said DOD has done an effective job protecting and preserving endangered species and habitats on its installations. However, some nongovernmental organizations have expressed concern that the Endangered Species Act exemption allowing DOD to avoid critical habitat designations may weaken oversight from the U.S. Fish and Wildlife Service.

DOD has not presented a sound business case demonstrating the need for the proposed exemptions from the Clean Air Act, the Resource Conservation and Recovery Act, and the Comprehensive Environmental Response, Compensation, and Liability Act. Best practices and prior GAO work recommend that agencies develop a business case that includes, among other things, expected benefits, costs, and risks associated with a proposal's implementation. However, DOD has not provided any specific examples showing that training and readiness have been hampered by requirements of these laws. Meanwhile some federal, state, and nongovernmental organizations have expressed concern that the proposed exemptions, if granted, could harm the environment. Until DOD develops a business case demonstrating the need for these exemptions, Congress will lack a sound basis for assessing whether to enact requested exemptions.