

OVERVIEW

2004 Readiness and Range Preservation Initiative (RRPI)

We often say that we need to train as we fight. The reality is we fight as we train.

The Department of Defense's (DoD's) primary mission is maintaining our Nation's military readiness, today and into the future. Our military ranges and operating areas are national assets that provide the land, air, and sea space to train our military forces and to test our equipment to sustain a strong defense. However, encroachment-induced restrictions are limiting realistic preparations for combat.

In 2002, DoD submitted to Congress an eight provision legislative package, the Readiness and Range Preservation Initiative (RRPI). Congress enacted three of the provisions that year, including two that allow DoD to cooperate more effectively with third parties on land transfers for conservation purposes. The third accommodates the unintentional taking of migratory birds during military readiness activities without resulting in a violation of the Migratory Bird Treaty Act. In 2003, Congress passed two more of the RRPI provisions. One authorizes the use of Integrated Natural Resource Management Plans (INRMP) that benefit threatened and endangered species to substitute for critical habitat designation under the Endangered Species Act, but only if approved by the Secretary of the Interior. The second amended the definition of "harassment" under the Marine Mammal Protection Act and provided for a national security exemption.

The remaining three provisions that are being resubmitted this year reaffirm the principle that military lands, marine areas, and airspace exist to ensure military preparedness, while also ensuring DoD remains fully committed to environmental stewardship of the lands under its care. Although DoD is seeking modest clarification in these laws, our proposals would confirm -- not change -- the regulatory policy of the last two Administrations and a majority of the States. These provisions would:

- Extend the allowable time to incorporate new military readiness activities into a Clean Air Act State Implementation Plan when new units are moved to an installation.
- Clarify regulation of munitions under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA) if and only if munitions are used on an operational range and those munitions and their associated constituents remain there. Regulation of closed, transferred, or transferring ranges is not affected by these two provisions.

Flexibility in selected aspects of these environmental statutes offers the services the only way to balance both military needs and environmental protection. DoD remains fully committed to high-quality environmental stewardship and the protection of natural resources on its lands. DoD has entered into lengthy discussions with the States on these three provisions and believes the changes to the legislative language made during that process have provided a viable legislative solution.