



## The Ecological Society of America

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May 2003

Dear Member of Congress,

Military readiness is a key element of the Department of Defense's (DOD) mandate and threats to military readiness must be taken seriously. However, as scientists, we are concerned that proposed DOD exemptions from environmental statutes would unnecessarily detract from increasing ecological knowledge of endangered species and landscapes as well as removing their important statutory protections. We are unconvinced that compliance with these regulations impacts readiness to an extent that would justify exemptions.

The Ecological Society of America (ESA), the nation's premier ecological science society of 8,000 members, asks Congress to reject the proposed DOD exemptions. An exemption from these laws would preclude adaptive management and limit the use of science in establishing safe practices. For example, the DOD proposes to change the definition of harassment of a marine mammal from 'potential to disturb' to 'likely to disturb.' This language change shifts the burden of proof from the military to show that its activities *are not* harmful to the scientific community to prove that they *are* harmful. Given that many of the activities and technologies of the military are not shared with the public and that there are significant barriers to obtaining the necessary scientific data, the scientific community will not be able to adequately address this question. For example, determining the impact of Navy sonar on whales is fraught with data gaps and uncertainty. Without a precautionary approach, should the sonar prove to negatively impact whales, it is likely that science would not be able to provide clear evidence of that until whale populations were significantly impacted.

Exemptions to the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) would remove scientific oversight and accountability for emissions of toxic chemicals on military lands. However, toxic substances can travel far beyond release sites and persist well after activities have ceased. Scientific access is essential to determine the extent and toxicity of releases and recourse for mitigating or ending activities that cause unacceptable risks to humans, wildlife, or ecosystems. The science regarding safe exposure levels of many substances is still evolving and the regulation of these substances on military land must evolve with scientific input.

Proposed changes to the Endangered Species Act would eliminate the DOD's accountability to outside entities, a move that has the potential to decrease the ecological research performed on DOD lands and DOD's obligation to consider ecological science when designing or revising management practices. Much of the remaining habitat for endangered species is found on DOD lands. We applaud innovative DOD efforts to respond to this responsibly, such as its work with the North Carolina Nature Conservancy to purchase lands adjacent to Fort Bragg for the preservation of the endangered red cockaded woodpecker. The innovation of such partnerships demonstrate that national security and environmental protection need not be mutually exclusive.

Ultimately, the training restrictions facing the DOD and the plight of endangered species stem from a single cause – urban sprawl. The conversion of open spaces around DOD facilities to housing developments (known as 'encroachment') causes both increased restrictions on DOD activities and the destruction of essential habitat. As a result of encroachment, the last remaining large areas of habitat suitable for endangered species are frequently found on non-urbanized military bases, something likely to become even more pronounced in the future. Fortunately, there is an alternative to either sacrificing military readiness or sacrificing endangered species. The Ecological Society of America urges that rather than focusing on environmental statutes, DOD use its influence to combat encroachment, the root cause of critical habitat designation on bases and other restrictions, by advocating for better community planning and open space

requirements. The ecological science community could work as an ally with DOD to protect ecosystems outside of military bases to the mutual benefit of the environment and the military.

In summary, good management practices change and improve with increases in scientific information. The Ecological Society of America fears that blanket exemptions not only will decrease data gathered by both the DOD and independent scientists on DOD land, but also will permanently set in place existing practices, which further research may show to be inadequate. The DOD has been a good steward of its lands. We applaud the agency for its efforts and success. However, these exemption proposals represent a step in the wrong direction. There are cooperative alternatives that would lead to both a better military and a more protected environment. We ask Congress to reject this proposal and to work with the DOD to find an alternate course of action.

Sincerely,



Dr. Ann M. Bartuska, President

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*The Ecological Society of America is the country's primary professional organization of ecologists, representing over 8,000 scientists in the United States and around the world. Since its founding in 1915, ESA has diligently pursued the promotion of the responsible application of ecological principles to the solution of environmental problems through ESA reports, journals, research, and expert testimony to Congress. For more information about the Society and its activities, visit the ESA website at <http://www.esa.org>.*