

Chapter 6

The Environment

As required by the charter, the Commission carefully considered the impact on the environment of base closures and realignments. The Commission process maximized the level of review possible in the relatively short period of time available. The process was not, however, intended to replace the environmental analysis required by the Base Closure and Realignment Act to be accomplished by the Secretary of Defense during actual implementation of the base closures and realignments. Overall, the statute and the procedures established by the Commission pursuant to the statute have been designed to prevent environmental requirements from being used inappropriately to block base closures or realignments. At the same time, they are designed to ensure that the environment will be fully protected in that process.

In a hearing before the House Armed Services Committee, the Secretary of Defense testified that he fully intended to comply with all the applicable environmental laws in closing or realigning bases. Nevertheless, he did seek a modification of the National Environmental Policy Act (NEPA); the Congress supported this position. Accordingly, the base-closure statute specifies that the National Environmental Policy Act does not apply to the actions of the Commission. It does apply, however, with some modifications, to the actions of the Secretary during the closing of a military installation and during the process of relocating functions from a military

installation. In this regard, the base-closure statute further provides that the Secretary will not have to consider "the need for closing or realigning a military installation which has been selected for closure or realignment by the Commission; the need for transferring functions to another military installation which has been selected as the receiving installation or alternative military installations to those selected." The statute provides a 60-day limitation on a civil action for judicial review.

Even though there is no specific requirement under the statute for the Commission to consider environmental impact, the Secretary made it one of the explicit criteria of the charter. In addition, he appointed a noted environmental expert to the Commission.

The Commission held a public hearing on July 28, 1988 to receive testimony from environmental experts both inside and outside of government on the question of how the Commission should consider environmental impacts in its deliberations. Representatives of several national organizations testified. A recurring theme in their testimony was that the decision to close or realign a base would predominately rest on mission considerations rather than environmental considerations. Nevertheless, the witnesses urged that, once a decision was reached to close or realign a base, the Secretary should fully involve the public when considering appropriate mitigation measures.

The statute does not require nor has time permitted the Commission to prepare environmental assessments for its base-closure and realignment recommendations. But the Commission adopted procedures that required evaluation of closure and realignment actions on the basis of six key attributes: threatened or endangered species, wetlands, historic or archeological sites, pollution control, hazardous materials and wastes, and land uses. The Commission limited its review to active candidates for closure and realignment consideration. A large amount of data was collected in an extremely short period of time. It was taken, for the most part, from information already on record or from environmental specialists within the Department of Defense.

The Commission found that closures generally resulted in positive impacts on the environment rather than negative ones. The Commission was particularly sensitive to the issue of hazardous waste, a major problem at many military facilities. It is clear that base closure will not in itself change any obligations (or liabilities) that the Department may have regarding hazardous-waste cleanup. In some cases,

the need for cleanup may affect the property disposal and reuse plan for excess property made available from the base closure or realignment. Likewise, in developing and implementing such plans, it is desirable that the Department adhere to a national goal of "no net loss" of wetlands. No closures or realignments were precluded solely on the basis of environmental considerations. Environmental findings regarding the Commission's specific base-closure recommendations are included in Appendix H.

The Commission highlighted relevant environmental concerns during the decision-making process, which should also prove to be valuable to the Department during actual implementation of base closures and realignments, especially in dealing with matters of mitigation. The Commission anticipates that public involvement will be an important element of that phase and expects the Department vigorously to continue pursuing its obligations under the law so that the base-closure program is carried out in a manner that ensures an environmentally sound result.