



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
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WASHINGTON, DC 20350-1000

SECNAVINST 5090.8A
ASN(I&E)
January 30, 2006

SECNAV INSTRUCTION 5090.8A

From: Secretary of the Navy

Subj: POLICY FOR ENVIRONMENTAL PROTECTION, NATURAL
RESOURCES, AND CULTURAL RESOURCES PROGRAMS

Ref: (a) DoD Directive 4715.1E, "Environment, Safety, and
Occupational Health (ESOH)," of 19 Mar 05 (NOTAL)
(b) DoD Instruction 4715.5, "Management of
Environmental Compliance at Overseas
Installations," of 22 Apr 96 (NOTAL)
(c) DoD Instruction 4715.8, "Environmental
Remediation for DoD Activities Overseas," of 2
Feb 98 (NOTAL)
(d) DoD Instruction 4715.3, "Environmental
Conservation Program," of 3 May 1996 (NOTAL)
(e) SECNAVINST 4000.35A, "Department of the Navy
Cultural Resources Programs" (NOTAL)
(f) SECNAVINST 11010.14A, "Department of the Navy
Policy for Consultation with Federally
Recognized Indian Tribes" (NOTAL)
(g) SECNAVINST 5000.2C, "Implementation and
Operation of the Defense Acquisition System and
the Joint Capabilities Integration and
Development System" (NOTAL)

1. Purpose. To re-issue policy and assign responsibilities
within the Department of Navy (DON), in accordance with
references (a) through (g), concerning environmental protection,
natural resources, and cultural resources programs.

2. Cancellation. SECNAVINST 5090.8.

3. Scope. The policies and responsibilities assigned in this
instruction apply to the Office of the Secretary of the Navy and
the Navy and Marine Corps operating forces and shore
establishments.

4. Background

a. In accordance with reference (a), the U.S. Armed Forces must be well prepared for their national defense mission and at the same time must act in an environmentally responsible manner. U.S. military environmental programs contribute to protection of the global environment, support military readiness and global security, and provide leadership and expertise to international and domestic organizations and governments.

b. DON environmental policies and programs must be effective, forward-looking programs that support naval operational readiness, improve our environment, protect natural and cultural resources, encourage technological innovation, and serve as a positive link to partnership with allies, neighboring communities and interested citizens.

5. Policy. In support of the national defense mission and to restore, protect, and enhance the quality of the environment for current and future generations, it is DON policy to integrate environmental protection, natural resources, and cultural resources programs considerations into all DON operations and activities, as appropriate. It is DON policy to:

a. Fully comply with all applicable Federal, State, and local laws and regulations; applicable Executive Orders; applicable environmental requirements issued in accordance with references (a) through (g); and applicable international agreements.

b. Achieve and maintain compliance through pollution prevention measures wherever practicable.

c. Program and budget sufficient resources to support all compliance.

d. Design and implement natural resource management plans and programs that are built upon the principles of ecosystem management and support present and future military and civilian activities, in accordance with reference (d).

e. Identify, protect, and preserve significant cultural, artistic, and historic resources in the custody and care of the DON, in accordance with references (d) and (e).

f. Maintain responsible and appropriate relationships with

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Federally recognized Indian tribes per reference (f).

g. Reduce risks to human health, safety, and the environment attributable to contamination from past DON activities through cost-effective clean-up initiatives within the United States, its territories, and possessions in accordance with applicable legal requirements.

h. Maintain, for fifty years, appropriate records of hazardous waste disposal and records concerning clean-up sites where the remedy in place involves an institutional control, an engineering control, or both, in order to respond authoritatively to future inquiries about these activities, to protect human health and safety and the environment, and to protect the interests of the United States.

i. Consistent with references (b) and (c) and other applicable Department of Defense (DoD) directives, execute environmental compliance, restoration, and planning programs outside the United States, its territories, and possessions, in a manner that will preserve or enlarge access for current and future United States military activities.

j. Support international activities to encourage environmental excellence on DON installations worldwide and the exchange of environmental management information between DON and military organizations in other nations.

k. Engage in and maintain professional and cooperative relationships with foreign governments, U.S. State and Federal agencies, public interest groups, and other stakeholders on matters of mutual concern.

l. Encourage effective and practical public participation in environmental decision-making that may affect public interests.

m. Minimize possible negative impacts of projected actions on the quality of life of local communities and on the environment, without compromising defense mission requirements.

n. Ensure employees with environmental duties and responsibilities are adequately trained, not only to comply with training requirements of applicable laws and regulations, but to the appropriate level to support excellent execution of their

responsibilities.

6. Strategic Tools. Management systems for environmental protection, natural resources, and cultural resources programs will be built and changed to meet the needs of the services and the installations, commands and facilities in the DON. Those systems should, however, include the use of certain basic strategic tools such as:

- a. Goals and performance measures that reflect desired outcomes.
- b. Inspection, evaluation, and accountability measures.
- c. Use of life-cycle cost analyses that include the costs of environmental requirements in investment decision-making.
- d. Recognition, through award programs and other recognition devices, of exemplary achievements in support of DON environmental programs.
- e. Systematic identification and use of innovative, cost effective environmental technologies and process changes.
- f. Early integration of environmental planning into support, acquisition, and operational proposals and developments.
- g. Internal corporate education about DON environmental requirements, programs, values and goals.

7. Responsibilities

a. The Assistant Secretary of the Navy (Installations and Environment) (ASN(I&E)) shall:

(1) Act as the principal advisor to the Secretary of the Navy on environmental and natural and cultural resources matters.

(2) Exercise leadership and oversight of environmental protection, natural resources, and cultural resource programs and initiatives.

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(3) Establish and issue policy guidance for specific issues arising in DON environmental programs.

(4) Act as principal representative of the DON to the Office of the Secretary of Defense, Congress, other Military Departments, other Federal agencies, tribal governments, military establishments of other nations and the public with respect to significant issues arising in DON environmental protection, natural resources, and cultural resource programs.

(5) Approve and sign regulatory and partnership agreements.

(6) Ensure the integration of environmental compliance, pollution prevention, and natural and cultural resources management into all DON activities, including military operational planning.

(7) Participate in the approval of the Navy and Marine Corps programs (Program Objective Memorandum and Program Review) and budgets to ensure funds are made available to comply fully with all applicable laws, regulations, Executive Orders, and environmental requirements.

b. The Assistant Secretary of the Navy (Research, Development, and Acquisition) (ASN(RD&A)) shall:

(1) Support research, development, test, and evaluation of technologies suitable for cost effective compliance with environmental requirements.

(2) Ensure research, development, and acquisition programs are planned and executed to produce technologies and systems that sustain compliance with applicable environmental laws and regulations, to the maximum extent practicable, in accordance with reference (g).

(3) Bring to the attention of ASN(I&E) matters within ASN(RD&A) cognizance that involve significant issues or controversies on environmental, natural or cultural resources protection.

c. The Chief of Naval Operations (CNO) and the Commandant of the Marine Corps (CMC) shall:

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(1) Act as the primary advisors to the operational fleet for environmental protection, natural resources, and cultural resources issues affecting military activities and budgets.

(2) Ensure the integration of environmental compliance, pollution prevention, and natural and cultural resources management into all DON activities, including military operational planning.

(3) Plan, program, and budget for environmental compliance, pollution prevention, conservation, restoration, and overseas and international environmental programs.

(4) Implement environmental management systems to ensure compliance with all applicable environmental, natural resources, and cultural resources laws and regulations and DoD and DON environmental policies.

(5) Issue specific implementing guidance based on ASN(I&E) policies.

(6) Bring to the attention of ASN(I&E) matters that involve significant issues or controversies concerning environmental, natural resources or cultural resources protection arising in Navy or Marine Corps activities.

(7) Inform DON personnel and the public about exceptional achievements in environmental, natural resources, and cultural resources protection.

d. The General Counsel (GC) of the Navy shall:

(1) Be responsible for providing legal advice, counsel, guidance and policy advice on environmental law matters arising within the DON. The GC shall maintain a close working relationship with the Judge Advocate General on environmental law issues, especially those involving operational and international law issues.

(2) With support of the Judge Advocate General of the Navy, be responsible for providing the full range of environmental law legal services to the Navy and Marine Corps.

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8. Delegation of Authority. ASN(I&E), ASN(RD&A), CNO, CMC, and GC may delegate responsibilities assigned in this instruction, as appropriate.

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BJ Penn

Assistant Secretary of the Navy
(Installations and Environment)

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