



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

SECNAVINST 5090.8B
ASN (EI&E)
18 Oct 18

SECNAV INSTRUCTION 5090.8B

From: Secretary of the Navy

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

Encl: (1) References
(2) Responsibilities

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

2. Cancellation. SECNAVINST 5090.8A.

3. Applicability. This instruction applies to the Office of the Secretary of the Navy (SECNAV), the Chief of Naval Operations (CNO), the Commandant of the Marine Corps (CMC), and all United States (U.S.) Navy, U.S. Marine Corps installations, commands, activities, field offices, and all other organizational entities within the DON.

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 operate in an environmentally responsible manner. U.S. military environmental programs contribute to protection of the global environment, support military readiness and global security, and establish and maintain open and productive dialogue with international and domestic organizations and governments.

b. DON environmental policies and programs must be effective, forward-looking programs that support naval operational readiness, protect our environment and natural and cultural resources, encourage technological innovation, enable current and future weapon system capabilities, testing, and

training, 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 program 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; Executive Orders (EOs); environmental requirements issued in accordance with references (a) through (p); and applicable international agreements;

b. Employ pollution prevention measures to achieve and maintain compliance wherever practicable;

c. Program and budget sufficient resources to meet all applicable requirements as per paragraph 5a;

d. Design and implement natural resource management plans and programs that are built upon the principles of ecosystem management to ensure continued availability of the land, air, and sea space necessary for the readiness of operating forces and shore support of the Navy, in accordance with reference (c);

e. Identify, protect, and preserve cultural resources in accordance with references (d) and (e);

f. Maintain responsible and appropriate relationships with Federally recognized Indian tribes, Alaska natives, and native Hawaiian organizations per references (f), (g), and (h);

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 U.S., its territories, and possessions in accordance with applicable legal requirements and reference (i);

h. Execute environmental compliance and remediation programs outside the U.S., its territories, and possessions, in a manner that will preserve or enhance access for current and future U.S. military activities, consistent with references (j)

and (k) and other applicable Department of Defense (DoD) instructions;

i. Maintain indefinitely, appropriate records of hazardous waste disposal and records concerning clean-up sites where the remedy in place involves a land use control in order to respond authoritatively to future inquiries about these activities, protect human health and safety and the environment, and protect the interests of the U.S.;

j. Integrate environmental requirements and considerations into DON weapons system acquisitions through systems engineering to achieve lethal, mission-capable war-fighting vessels, aircraft, and land systems which are environmentally compliant with all applicable statutes and regulations and reduce total ownership costs in accordance with reference (l);

k. 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;

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

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

n. Minimize possible negative impacts of proposed actions on the quality of life of local communities and on the environment, without compromising defense mission requirements, in accordance with reference (m);

o. Integrate environmental planning into early stages of construction, training, testing, and acquisition proposed actions to ensure compliance with all applicable environmental statutes, and to reduce total ownership costs in accordance with reference (m);

p. Integrate environmental planning into early stages of decision-making for major Department actions that may have significant environmental impacts, including weapons system

acquisitions, training and exercises at sea, training and operations on land, science and technology related programs, and shore installation management; and

q. 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 proficient execution of their responsibilities.

6. Management. Management systems for environmental protection, natural resources, and cultural resources programs will be built and maintained to meet the needs of the Services, commands, installations, and facilities in the DON. Those systems should include:

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; and

f. Internal corporate education about DON environmental requirements, programs, values, and goals.

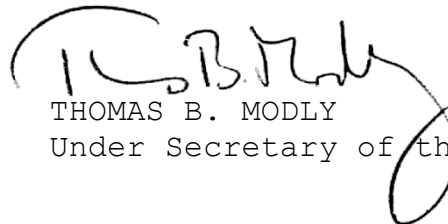
7. Delegation of Authority. Assistant Secretary of the Navy (Energy, Installations and Environment) (ASN (EI&E)), Assistant Secretary of the Navy (Research, Development and Acquisition) (ASN (RD&A)), CNO, CMC, and General Counsel (GC) may delegate responsibilities assigned in this instruction, as appropriate.

8. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedules found on the Directives and Records Management Division (DRMD) portal page:

<https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages/Home.aspx>.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the DRMD program office.


THOMAS B. MODLY
Under Secretary of the Navy

Distribution:

Electronic only, via Department of the Navy Issuances website
<http://doni.documentservices.dla.mil/>

REFERENCES

- (a) DoD Directive 4715.1E of 19 March 2005
- (b) DoD Instruction 4715.06 of 4 May 2015
- (c) DoD Instruction 4715.03 of 18 March 2011
- (d) DoD Instruction 4715.16 of 21 November 2017
- (e) SECNAVINST 4000.35A
- (f) DoD Instruction 4710.02 of 14 September 2006
- (g) DoD Instruction 4710.03 of 25 October 2011
- (h) SECNAVINST 11010.14A
- (i) DoD Instruction 4715.07 of 21 May 2013
- (j) DoD Instruction 4715.05 of 1 November 2013
- (k) DoD Instruction 4715.08 of 1 November 2013
- (l) SECNAVINST 5000.2E
- (m) SECNAVINST 5090.6A
- (n) DoDM 4715.06 Volumes 1-3, Regulations on Vessels Owned or Operated by the Department of Defense of 7 June 2017
- (o) SECNAV memo, Determination under section 1902(b) of the Act to Prevent Pollution from Ships (APPS) for the Department of the Navy of 12 September 2012
- (p) ASN (RD&A) memo, Equipment/Systems Requiring the Unplanned Use of Class I Ozone-Depleting Substances (ODS) of 18 November 1997

RESPONSIBILITIES

1. ASN (EI&E) shall:

a. Act as the principal advisor to the SECNAV on environmental, natural, and cultural resource matters;

b. Exercise leadership and oversight of environmental protection, natural resources, and cultural resource programs, and initiatives;

c. Establish and issue policy guidance for specific issues arising in DON environmental programs;

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

e. Approve and sign regulatory and partnership agreements. Depending on the subject matter and corresponding signature level required for the agreement, this authority may be delegated;

f. Ensure the integration of environmental planning and compliance, pollution prevention, and natural and cultural resource management into all DON activities;

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

h. Act as a principal advisor to DON Acquisition Program Decision Making, manage and oversee the integration of DON environmental policy in DON acquisition program governance, and advocate for the DON's Environmentally Sound Ship Concept of enabling naval vessels to operate worldwide with minimal potential for regulatory constraints; reduced dependence on

shore facilities; and in compliance with applicable environmental statutes, regulations, and requirements.

2. ASN (RD&A) shall:

a. Support research, development, test, and evaluation of technologies suitable for cost effective compliance with environmental requirements;

b. 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 (l);

c. Bring to the attention of ASN (EI&E) matters within ASN (RD&A) cognizance that involve significant issues, controversies, or policy oversight on environmental, or natural or cultural resources. These may include but are not limited to:

(1) Ship acquisition program compliance with vessel discharge standards in accordance with references (n) and (o);

(2) DON acquisition program efforts to eliminate remaining uses of ODS for weapon systems and DON acquisition program requests for the unplanned use of ODS for applications where no technically certified alternative exists in accordance with reference (p);

(3) Staffing and coordination of DON acquisition program Programmatic Environmental, Safety, and Occupational Health Evaluations in accordance with reference (l); and

(4) National Environmental Policy Act and Executive Order 12114 analyses and documentation to determine the impact and effects of DON weapons system testing on the environment in accordance with references (l) and (p).

3. The CNO and CMC shall:

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

b. Ensure the integration of environmental planning and compliance, pollution prevention, and natural and cultural resource management into all Navy and Marine Corps activities;

c. Plan, program, and budget for environmental compliance, pollution prevention, conservation, restoration, and international environmental programs;

d. Implement management systems to ensure compliance with all applicable environmental, natural resources, and cultural resource laws and regulations and DoD and DON environmental policies;

e. Issue specific implementing guidance consistent with ASN (EI&E) policies;

f. Approve and sign regulatory and partnership agreements. Depending on the subject matter and corresponding signature level required for the agreement, this authority may be delegated;

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

h. Inform DON personnel and the public about exceptional achievements in environmental, natural resources, and cultural resource protection.

4. The GC for the Navy shall:

a. 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 (JAG) on environmental law issues, especially those involving operational and international law issues; and

b. With support of the JAG, be responsible for providing the full range of environmental law legal services to the Navy and Marine Corps.