

# LEGACY

The Newsletter of the Navy JAG Corps Environmental Law Community



*"Operating in an environmentally sound manner is the Navy legacy for the 21st century. It's the Navy's way of life."*  
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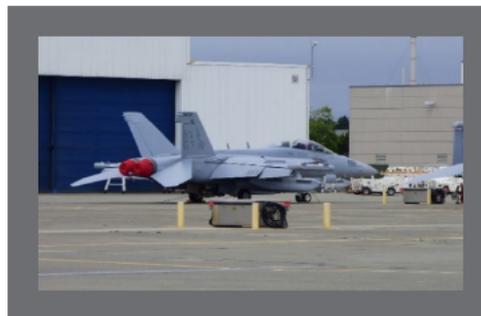
## From the Director...

*CAPT Randy Vavra, JAGC, USN*

**H**appy Holidays from Code 12! We wish you a festive holiday season and a very happy new year. This issue marks our fifth and final issue of 2018 – our inaugural year! I hope you have found the newsletter helpful in your practice. We welcome your comments, critiques, and recommendations for improvement. This issue features articles from across the 1207 community, highlighting the important work Navy environmental judge advocates do daily.

It has been a busy quarter for our community. Among other projects, last month the Navy filed with the Environmental Protection Agency (EPA) a Draft Environmental Impact Statement (EIS) to evaluate the environmental impacts of modernization of the Fallon Range Training Complex, Naval Air Station Fallon, Nevada.

Additionally, in October the Navy published its Record of Decision for the Atlantic Fleet Training and Testing (AFTT) Study Area, and National Marine Fisheries Service issued regulations allowing for takes of marine mammals incidental to AFTT training and testing activities. The Navy also published its final EIS for the Hawaii-Southern California Training and Testing Study Area, as well as the final EIS for "Growler" Airfield Operations at NAS Whidbey Island. Our community is doing tremendous work for the Navy each and every day!



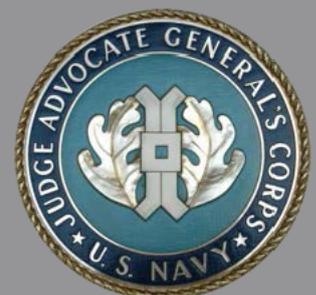
This quarter also marks the halfway point for our newest environmental law specialists currently in postgraduate school. If you are interested in pursuing sub-specialization in

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environmental law, the Navy provides an opportunity to attend some of the best environmental law programs in the country, including Lewis & Clark, Vermont, GW, Georgetown, and University of California (Berkeley). The Navy stands to reap considerable dividends from these educational opportunities. As the practice of environmental law in the Navy grows in complexity, we need lawyers trained at top institutions and capable of navigating the assortment of environmental compliance issues that arise daily in our practice. We look forward to welcoming CDR Holly Didawick, CDR (Sel.) Deni Baykan, CDR (Sel.) John Battisti, LCDR Chris Reintjes, LCDR Audrey Nichols, and LT James Carson into the community in the spring!

As always, thank you for all you do to make our community great. 2019 should be a great year, as Code 12 welcomes CAPT Johnny Nilsen as Director in the summer. Look for the next issue of LEGACY in February/March.



## Upcoming Events

*Mark your calendar for the following training and other opportunities:*

Advanced Environmental Law (CECOS) • January 14-17, 2019 • San Diego, CA

Advanced NEPA (NWETC) • January 17, 2019 • Arlington, VA

Cultural Resources Management • February 5-7, 2019 • Eglin AFB, FL

Environmental Law 2019 (ELI) • February 7-8, 2019 • Washington, D.C.

Adv. Environmental Law (USAF) • February 26-27, 2019 • Washington, D.C.

ELCOP Roundtable • March 7, 2019 • Quantico, VA

Natural Resources Compliance (CECOS) • March 18-21, 2019 • San Antonio, TX

Advanced Historic Preservation Law (CECOS) • April 9-11, 2019 • Norfolk, VA

*For more information, visit <https://portal.secnav.navy.mil/orgs/JAG/12/training>*



# Navy Environmental Counsel Advise on Marine Relocation to Guam

CAPT Randy Vavra, JAGC, USN

**T**uberolabium guamense (no common name) is an orchid with small white flowers found only in the Mariana Islands. In 2015, *T. guamense* was one of four species of orchid on Guam and the Commonwealth of the Northern Mariana Islands (CNMI) listed as threatened or endangered under the Endangered Species Act (ESA) (80 FR 59423). At the time of its listing, the United States Fish and Wildlife Service (USFWS) noted that there was one known plant on Guam and 239 known plants on the island of Rota.



*Tuberolabium guamense*

Earlier that year, the Navy concluded formal consultation with the USFWS under the ESA for the planned relocation of U.S. Marines to Guam. As part of the relocation, the Navy consulted on the construction and operation of a main cantonment area, including family housing and a live-fire training range complex (LFTRC). Although the Navy sought to include a conference report on the *T. guamense* and other species proposed for listing at that time in the relocation Biological Opinion (BO) (conference procedures are used when a Federal agency proposes an activity that is likely to jeopardize the continued existence of a species that has been proposed for listing under the ESA or when a proposed action

may affect a proposed or candidate species, see 50 C.F.R. 402 Subpart B), due to various constraints the USFWS was not able to carry this out. Once a species is listed, formal consultation is required for actions that *may affect* the listed species or critical habitat. 50 C.F.R. 402.14. Because the Navy had determined that its planned relocation activities may affect the *T. guamense*, as well as twelve other newly listed species, the Navy was required to reinitiate formal consultation. In other words, because of the timing of the listing of the *T. guamense* (and other species) on October 1, 2015, the Navy was required to reopen the consultation which had just been completed on July 31, 2015.

The Navy conducted surveys on Guam and eventually identified not one, but over 12,800 individual *T. guamense* plants, which the USFWS later dryly noted in the amended BO represented a “substantial increase” in the known population size. Of these 12,800 plants, 12,607 were found inside the action area for the relocation construction. The final BO noted that the proposed action would result in adverse effects to 4,922 individual *T. guamense* and that the Navy would, among other measures, translocate healthy plants. The reinitiation concluded that the Navy action would not jeopardize the

continued existence of the *T. guamense*, and that the conservation measures included in the Navy action may actually augment the species population. And the story ends . . . or not.

When the Navy consults under the ESA with USFWS for listed animals, the BO often includes an incidental take statement (ITS), which, under Section 9 of the ESA, serves as an exemption to the prohibition on take of listed species. Plants are treated differently under the Act. The ESA does not prohibit take of plants so the BO does not include an ITS for plants. Instead, the ESA makes it unlawful, inter alia, for any person to

remove and reduce to possession any such plant from areas under Federal jurisdiction. 16 USC 1538(a)(2)(B). The USFWS opined that the translocation of the *T. guamense* from one part of Navy property on Guam would amount to “removing and reducing to possession.” For reasons beyond the scope of this article, after extensive legal discussions, the Navy acceded to this view.

This determination made translocation of the *T. guamense* under the terms of the BO unlawful under section 9 of the Act. The solution? ESA 10(a)(1)(A) permits (16 USC 1539(a)(1)(A)) allow the USFWS to exempt certain activities from section 9 prohibitions. In this case, because the translocation of the *T. guamense* would “enhance the propagation or survival of the affected species,” biologists undertaking the translocation were eligible for 10(a)(1)(A) permits. We’ll save for another time a discussion of the headaches involved in securing and complying with 10(a)(1)(A) permits!

One final note on the *T. guamense*. On October 31, 2018, the Navy completed a third round of consultation for the relocation BO. This reinitiation was required in part because the Navy’s 2017 preconstruction surveys – a component of the Navy’s conservation measures – identified over 14,000 *T. guamense* plants within the project footprint. It should be noted that all known occurrences of *T. guamense* on Guam are currently on military owned lands. There has, as yet, been no investment in surveys for the species off of DoD owned lands. The discovery of an abundance of the species on DoD lands is a testament to the important work Navy scientists do to enhance scientific knowledge, and to the Navy’s commitment to environmental stewardship. The Navy invests substantial time and resources in environmental compliance, including in this case going to great lengths to find suitable botanists and nurseries to facilitate the care and propagation of translocated orchids. Thanks to the Navy’s wildlife and botanical management programs, some endangered and threatened animals and native plants, including *T. guamense*, are showing remarkable signs of recovery.



*Southern Sea Otter*

## Supreme Court Declines to Hear Chevron Challenge to Termination of FWS Sea Otter Program

*CDR David Shull, JAGC, USN*

On October 29, 2018, the Supreme Court denied certiorari in the case of *California Sea Urchin Commission, et al., v. Susan Combs, et al.* (Case Nos. 15-56672, 17-55428), a case which some viewed as a potential vehicle for the Court to reexamine the judicial doctrine of *Chevron* deference. The case involved a 1986 law that authorized the Fish and Wildlife Service (FWS) (the Service) to reintroduce sea otters into Southern California waters, subject to conditions to protect the surrounding fishery.

Southern sea otters, or California sea otters, were listed as threatened in 1977 under the Endangered Species Act (ESA). The ESA accords the Secretary of the Interior inherent authority to establish new or translocated populations of listed species. Section 10(j) of the ESA gives the Secretary additional flexibility when translocating a population of a listed species outside its current range by allowing the Secretary to designate the translocated population as an experimental population.

However, the southern sea otter is protected under both the ESA and the Marine Mammal Protection Act (MMPA), and the MMPA at the time did not contain similar authority. To resolve this inconsistency in the case of the southern sea otter, Congress passed Public Law 99-625, authorizing development of a translocation plan for southern sea otters. The translocation program, launched by the Service in 1987, allowed the reintroduction of sea otters to San Nicolas Island (the "translocation zone"), one of the Channel Islands, but also required the removal of sea otters from a "no-otter" management zone – a zone surrounding the translocation zone that contained the sea otter population to the translocation zone in order to protect fishery resources (52 FR 29754, codified at 50 CFR 17.84(d)). Otters found in the management zone were to be relocated back to the translocation zone or to the central coast of California.

A review of the translocation program in 2012 found that the program was inhibiting the natural expansion and recovery of the southern sea otter population. Concluding that the program had failed to fulfill its intended purpose (the population of sea otters never grew) and that recovery and management goals for the species were not achievable, the Service terminated the program. The decision was challenged by fishing industry groups, which alleged that in terminating the program the Service exceeded its statutory authority. While Congress authorized the development of the translocation program, it did not expressly speak to the program's termination. The district court granted summary judgment to the Service, finding that at *Chevron* step two the Service's interpretation of the statute was

reasonable. That decision was appealed to the Ninth Circuit, which affirmed on March 1, 2018.

Under *Chevron*, the Court relies on traditional tools of statutory construction to determine "whether Congress has directly spoken to the precise question at issue." *Chevron U.S.A. Inc. v. NRDC*, 467 U.S. 837, 842 (1984). "If the intent of Congress is clear, that is the end of the matter; for the court, as well as the agency, must give effect to the unambiguously expressed intent of Congress." When the statute is silent or ambiguous with respect to the question at hand, the Court will defer to the agency's interpretation if it is "based on a permissible construction of the statute."

In the petition for a writ of certiorari, petitioners took issue with the deference given to the Service: "Where a statute is completely silent on an issue— it neither delegates the question to the agency nor forbids agency action—does that silence implicitly invite the agency to take any action not expressly forbidden? In other words, must any power claimed by an agency have at least some mooring in a statute's text to receive deference?"

"If the intent of Congress is clear, that is the end of the matter; for the court, as well as the agency, must give effect to the unambiguously expressed intent of Congress."

*Chevron U.S.A. Inc. v. NRDC*, 467 U.S. 837 (1984)



California's Channel Islands

*San Nicolas Island is owned and managed by the U.S. Navy. The ocean and air space around the island are part of the Point Mugu Sea Range. San Nicolas Island serves as a launch platform and observation facility for short- and medium-range missile testing. Other island facilities include radar tracking instrumentation, electro-optical devices, telemetry, and communications equipment.*

The resolution of that critical question invites another: if statutory silence requires courts to defer to agencies, how should courts assess whether the agency's interpretation is reasonable with no statutory text against which to measure it?" For petitioners, the Ninth Circuit's decision reverses a fundamental principle of administrative law—that agencies only have the power Congress chooses to give them. "To defer to an agency on a question that Congress has delegated to that agency, however ambiguously, is one thing; but it is quite another to presume agency power from Congress's failure to explicitly and unambiguously deny it. That expansion of *Chevron* would fundamentally change the relationship between Congress and administrative agencies, and greatly increase already prevalent separation-of-powers concerns about the doctrine."

The Supreme Court's decision not to hear the case ends years of litigation aimed at forcing the Service to reinstate the program. For now, at least as presented in this case, the Court has chosen not to reexamine the scope of the *Chevron* doctrine.

include radar tracking instrumentation, electro-optical devices, telemetry, and communications equipment.

In the early 1980s, the Service asked the Navy to accept the experimental population in the waters around the island pursuant to its recovery plan for the species. The Navy raised concerns that, because the southern sea otter was listed as threatened under the ESA, the Navy would be required to consult with the Service on the potential effects of Navy activities on the sea otters. Due to the nature of Navy activities on and around San Nicolas Island, lengthy consultations were considered unfavorable and potentially disruptive. Hence the law ultimately passed by Congress, P.L. 99-625, included an exemption for defense-related agency actions (i.e., actions carried out by a military department). When the program was terminated by the Service in 2012, there was some concern that Navy's ESA exemption had also been eliminated; although the law remained, the ESA exemption presumed the existence of an experimental population (that is, a population provided for under a translocation plan) and a defined translocation zone, both of which were eliminated with the termination of the program.

So, in section 312 of the FY2016 NDAA, Congress directed the Navy to establish Southern Sea Otter Military Readiness Areas, creating new exemptions for military readiness activities that may affect sea otters at San Nicolas Island and San Clemente Island. Within these designated Sea Otter Military Readiness Areas, sections 4 and 9 of the ESA and sections 101 and 102 of the MMPA do not apply to incidental takings of any southern sea otters in the course of conducting a military readiness activity. The Navy remains subject to ESA section 7 and must consult on any agency action likely to jeopardize the continued existence of

the southern sea otter or result in destruction of critical habitat proposed to be designated.

The legislation also expanded the Navy's role in research and monitoring, directing the Navy to develop a plan, in coordination with the Service, to determine the effects of military readiness activities on the growth or decline of the southern sea otter population and on the near-shore ecosystem. Every three years, the Navy is required to report to Congress on the



*John Ugoretz, U.S. Navy Biologist, San Nicolas Island*

While not apparent on the face of the petition or in the lower court opinions, this case – and the translocation program at the root of it – has a significant nexus to the U.S. Navy. San Nicolas Island is owned and managed by the U.S. Navy. The ocean and air space around the island are part of the Point Mugu Sea Range. San Nicolas Island serves as a launch platform and observation facility for short- and medium-range missile testing. Other island facilities

status of southern sea otter populations and effects of military readiness activities on the population and near-shore ecosystem.

Sea otters around San Nicolas Island continue to thrive, and are generally healthier than those on the California mainland coast because of the island's abundant kelp and prey resources. From the Navy's perspective, this program – even if it did not achieve its initial goals – illustrates the positive cooperative role the Navy can play as a natural resource partner. While preserving the ability to conduct critical training and testing activities in and around San Nicolas Island, the Navy continues to work together with the Service, other agencies, and various non-federal partners to improve scientific research and understanding of the southern sea otter.

For more on San Nicolas Island, visit: <https://www.nps.gov/subjects/islandofthebluedolphins/>.



## Protecting Biodiversity in Areas Beyond National Jurisdiction

*CDR Maryann Stampfli, JAGC, USN*

The United Nations General Assembly (UNGA) has, in recent years, turned its attention to the issue of marine biodiversity in areas beyond national jurisdiction (BBNJ), moving ahead with efforts to advance new, binding international law under the United Nations Convention on the Law of the Sea (UNCLOS). See UNGA Resolution 69/292 of June 19, 2015. In September of 2018, pursuant to UNGA Resolution 72/249, the UNGA convened an Intergovernmental Conference (IGC) on the Conservation and Sustainable Use of Marine Biodiversity in Areas Beyond National Jurisdiction at UN Headquarters in New York



*Pterois (Lionfish)*

for the first of four scheduled sessions, with the stated goal to develop an internationally legally-binding instrument (ILBI) as soon as possible. The IGC is scheduled to complete its work in 2020.

The resulting instrument will endeavor to regulate pollution, support biodiversity and protect ecosystems, and manage fishing, shipping, energy production, and mining in areas beyond national jurisdiction. Currently, regulation of these areas is contained within various treaties, conventions, and agreements that primarily focus on sovereign water, seabed surface, and the seabed. These instruments are managed by a collection of States and regional management organizations, and in some cases are limited in scope to specific users, such as regulations governing commercial shipping. There is no instrument with global reach, and international waters remain largely unregulated. The IGC seeks to consolidate the existing regulatory structures and mechanisms under one legally-binding document, as UNCLOS did with the assorted law of the sea treaties some thirty years ago. As with the law of the sea, these negotiations are likely to affect U.S. commercial interests, such as the shipping and fishing industries, and have the potential to affect U.S. national security interests, including the Navy's ability to train and test. Efforts began as early as 2004 with the formation of the BBNJ Working Group to start thinking through how to manage areas beyond national jurisdiction. In 2010, the working group made its first recommendation to the

UNGA to implement an agreement under UNCLOS. In 2011, a “Package Deal” was proposed to address four core issues: Area-based management tools (ABMT), including Marine Protected Areas (MPA); Environmental Impact Assessment (EIA); Capacity-Building and Marine Technology Transfer (CB&TT); and Marine Genetic Resources (MGR), including benefit-sharing. Between 2011 and 2015, the Working Group substantively debated the scope, parameters, and feasibility of the ILBI. OJAG Codes 10 and 12 were active in this process, providing comments to the interagency to preserve Navy equities. In 2015, as previously noted, the UNGA formed a Preparatory Committee to begin formal work on the text of the ILBI. That work culminated in draft ILBI text on areas of consensus and a recommendation to the UNGA to convene the IGC. The meeting in September 2018 marked the beginning of the IGC process to draft an ILBI. For a full summary of the background culminating in the September 2018 meeting, see *Summary of the First Session of the Intergovernmental Conference on an International Legally Binding Instrument under the UN Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biodiversity of Areas Beyond National Jurisdiction*, Earth Negotiations Bulletin (ENB), Vol. 25 No. 179, Sept 20, 2018 (available at <http://enb.iisd.org/vol25/enb25179e.html>).

A major issue going forward will be whether any agreement drafted under UNCLOS will have the necessary enforcement mechanisms to ensure compliance. The problem of State

compliance with international legal regimes was highlighted recently in an international arbitration at The Hague to resolve a dispute between the Republic of the Philippines and People’s Republic of China concerning the South China Sea (South China Sea Arbitration). Although the Permanent Court of Arbitration ruled in favor of the Republic of the Philippines, rejecting China’s argument that it enjoys historic rights over most of the South China Sea, the ruling has had little effect in the absence of adequate enforcement mechanisms. China continues to build artificial islands in the disputed waters of the South China Sea with limited international repercussions.

UNCLOS remains the principal convention for ocean management. Despite acknowledging that UNCLOS reflects customary international law as it pertains to traditional uses of the oceans such as navigation and overflight, the United States is not yet party to the Convention. Given the lack of U.S. support for ratifying UNCLOS, rising tensions among global powers, and heightened competition in environmentally sensitive areas such as the Arctic, the outcome of the IGC’s negotiations is uncertain. If the IGC pursues a regime built upon cooperation, coordination, and information sharing, the resulting agreement stands a better chance of adoption. However, if the IGC attempts to set enforceable standards for compliance, it may not garner sufficient support for adoption, and, even if it does, it may go unenforced in practice, further weakening the effectiveness of UNCLOS for ocean management.



*Freedom of Navigation Operations in the South China Sea*

All four of the sub-working groups which met in September discussed in depth the purpose and functions of the instrument. The Area-Based Management Tools (ABMT) group focused on the objectives of the instrument, its relationship with other instruments, and processes to include decision-making and consultation, monitoring, and review. The range of alternatives include, on one end of the spectrum, incorporating existing regional bodies, processes, and frameworks, and outlining broad principles and approaches under the ILBI, without identifying a global oversight mechanism. Another option would clearly define

standards, objectives, and priorities, established a global body with authority to make binding decisions, and include mechanisms for compliance monitoring.

Similarly, discussion of EIAs highlighted the work that needs to be done to determine jurisdictional reach, standards for assessment, how to measure and address transboundary impacts, and what kind of public involvement or notification between states should be required. In the view of some observers, “IGC-1 negotiators were not quite ready to respond to the outstanding issue of whether the ILBI will provide for an internationalized decision-making mechanism against which the standards and thresholds set under the instrument will be assessed or if the decision-making will be conducted at the national level and the ILBI would merely serve as an information-sharing mechanism.” See *Summary of the First Session, supra*.

Although both the ABMT and EIA working groups discussed options for governance, “[t]here was no disagreement that all approaches will have to involve the sectoral bodies such as [Food and Agriculture Organization, International Maritime Organization (IMO), and the International Seabed Authority], as well as regional fisheries management and regional seas bodies.” A related example of that success is the IMO tackling pollution control in areas beyond national jurisdiction. The IMO’s authority attaches to shipping vessels transiting the high seas based on the regulatory power of flag state members of the IMO. The IMO looks to build on past success with new sulfur oxide regulations that go into effect in 2020.

Negotiation over jurisdiction is likely to be contentious, and if the controversy over the highly migratory species clauses of UNCLOS is any guide, decisions regarding the jurisdictional reach and binding nature of the BBNJ ILBI will require broad agreement reached by representatives with enough credibility and authority to bind their countries, as well as to win sufficient public support.



*Pelican Barracuda (Sphyrna tiburo)*

Two more IGC meetings are scheduled for 2019. As a follow-up to the initial meeting, the UK Environment Secretary called for 30 percent of the oceans to be protected as MPAs by 2030. Department for Environment, Food & Rural Affairs, *Gove calls for 30 per cent of world’s oceans to be protected by 2030*, Press Release (Sept 24, 2018), available at <https://www.gov.uk/government/news/gove-calls-for-30-per-cent-of-worlds-oceans-to-be-protected-by-2030>. Currently, only 10 percent are protected. In other words, the issue of conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction is not going away. Judge advocates in the operational and environmental areas of expertise should continue to follow this process and be mindful of its potential impacts on military readiness activities.



WRITE  
for  
US

If you are interested in writing for LEGACY, contact CDR David Shull at

# Supreme Court Remands Dusky Gopher Frog Case to Fifth Circuit

CDR David Shull, JAGC, USN

The dusky gopher frog will get another day in court. In a narrow opinion, a unanimous Supreme Court vacated the judgement of the Court of Appeals for the Fifth Circuit and remanded the case for further proceedings. *Weyerhaeuser Co. v. United States Fish and Wildlife Service [USFWS], et al.*, 568 U.S. \_\_\_ (2018) (Slip Op.). The case involves a parcel of land ("Unit 1") owned by Petitioner Weyerhaeuser Co., a timber company, and used as a timber plantation, which the USFWS (the Service) designated as unoccupied critical habitat for the dusky gopher frog. The frog has not been seen on the property for decades, and the land lacks features necessary to support the dusky gopher frog's subsistence, but the Service concluded that the property could be restored to habitable conditions "with reasonable effort." The Service also concluded that the potential costs of designation (depriving the owners of somewhere between \$20.4 and \$33.9 million in development value) were not disproportionate to the conservation benefits of designation. Weyerhaeuser sued, contending that the parcel could not be critical habitat because the frog could not survive there, and further arguing that the Service did not properly weigh the benefits against the economic impact. The district court ruled in favor of the Service, and the Fifth Circuit affirmed.

Justice Roberts, writing for the Court, held that only "habitat" of an endangered species is eligible for designation as critical habitat. The statutory definition of "critical habitat" informs us as to what makes a habitat "critical," not what makes it "habitat" in the first instance. The question, then, is what constitutes

"habitat." It is not limited to areas where the species currently lives, as the Endangered Species Act defines critical habitat to include unoccupied areas. But, does "habitat" include areas in which a species could not currently survive without some degree of modification? As a factual matter, can Unit 1 support the frog without modification? The Court remanded the case to the Court of Appeals to address these questions in the first instance.

The Court further held that the Service's decision *not* to exclude Unit 1 from critical habitat, given the economic impacts to the company, was reviewable: "Weyerhaeuser's claim is the familiar one in administrative law that the agency did not appropriately consider all of the relevant factors that the statute set forth to guide the agency in the exercise of its discretion." Because the Court of Appeals held that the Service's decision was unreviewable, it did not consider whether the Service's assessment of costs and benefits was flawed in such a way as to render the decision arbitrary, capricious, or an abuse of discretion. The Court remanded the case to consider that question, if necessary, in the first instance.



Dusky Gopher Frog

The final outcome may have important implications for the Navy. The case of the Guam Micronesian kingfisher is illustrative. The last wild kingfisher on Guam was seen in 1998; the primary cause of its decline is the introduced brown tree snake. Although the kingfisher doesn't exist in the wild and its old habitat is currently unsuitable due to predation, the USFWS nonetheless designated critical habitat on Guam, though Navy lands are currently excluded. *See* 69 FR 62943.



The Environmental Law Division (Code 12) provides legal advice, assistance, research, interpretation, representation, and training involving environmental and energy laws and policy issues as they pertain to Fleet training, testing, and naval operations, as well as environmental compliance ashore.

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