Testimony Regarding the Renewal of the Sikes Act of 1960, as amended

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Before the U.S. House of Representatives
Subcommittee on Fisheries Conservation, Wildlife and Oceans

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H.R. 1497, a bill to reauthorize Title I of the Sikes Act. Under P. L. 105-85, the Department of Defense is required to complete a comprehensive Integrated Natural Resource Management Plan (INRMP) for each of its installations. Enacted in 1960, this law has been extended a number of times with the current authorization of appropriations expiring on September 30, 2003.

On March 27, 2003, Chairman Richard Pombo introduced the Sikes Act Reauthorization Act of 2003. This measure will extend until September 30, 2008, the authorization of appropriations for Title I of the Sikes Act that involves all of the components of wildlife conservation on military lands. The authorization is extended at its current level that provides up to $1.5 million each year to the Department of Defense and $3 million to the Department of the Interior.

PEER thanks the Chair and Members of the Subcommittee for the opportunity to testify at this important juncture in federal environmental and merit system law.

Twin Components of the Common Defense:
National *and* Environmental Security

Good morning. I am Dan Meyer, General Counsel at Public Employees for Environmental Responsibility ("PEER"). I am wearing my Southwest Asia Service lapel pin today in support of our forces: the soldiers, sailors, aircrews and marines that will return from the current war—we hope—to a clean and safe environment in which they can raise their families and heal their wounds, physical and psychological.

Introduction. Twelve (12) years ago I was honorably discharged from the United States Navy as an unrestricted Officer of the Line (Lieutenant, U.S.N.) following Desert Storm and four (4) of the most rewarding years of my professional career. While onboard the battleship IOWA (BB-61), I served as the Turret One Officer and took that Division to a world record in naval gunnery at Vieques Island, Puerto Rico (1989). Three (3) months later I was required to lead that same crew through the worst peacetime accident in the history of the fleet, an equipment failure that took the lives of forty-seven (47) sailors, and our comrades, in an adjacent gun turret.

My next duty assignment was to the flagship of the Commander, Middle East Force, forward deployed in the Emirate of Bahrain. My year onboard the USS LASALLE (AGF-03) was even more challenging and character building, in the best tradition of serving one's nation. The "Sparks" in my "Radio Shack" broke all fleet records for handling message traffic, and did so for two (2) flag staffs as well as our own ship. We were first in the fight during the incident at Nakihlu Island, and we relieved the USS TRIPOLI (LPH-10) when it hit an Iraqi mine off Kuwait. LASALLE later liberated the port of Mina Ah'Shubayh, clearing free Kuwait's first safe access to the sea.

Public Employees for Environmental Responsibility (PEER). Serving the nation under arms gives one a unique perspective on the interchange between environmental and national security, a balance best measured by the Sikes Act of 1960, as amended. The Sikes Act legislation is the cornerstone of my clients' daily work.

PEER is a not-for-profit incorporated in Washington, D.C. PEER assists state, federal and municipal employees with the legal challenges arising on the job, notably when they are asked to take an action in violation of rule, law or regulation; an action of gross waste and mismanagement; or an action constituting abuse of authority. PEER operates a network of ten (10) field offices around the country.

In addition, PEER works extensively on behalf of civilian natural and cultural resource specialists employed by Department of Defense agencies. Most of PEER's members in need of legal services work in areas where the nation's environmental resources are most endangered, including the "Defense lands" subject to the provisions of the Sikes Act. We also serve members in agencies that consult with the Defense Department to ensure its own environmental compliance, most notably the excellent professionals at the U.S. Fish & Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS).

The standards you write into the environmental statutes are the stars my clients steer by.

Working through PEER with federal employees serving in all communities of the U.S. Armed Services, the U.S. Fish & Wildlife Service, and the National Marine Fisheries Management Service, I have noted the following regarding the Sikes Act.

Readiness and Environmental Compliance, Paired. There is a false dichotomy or distinction being made by the Pentagon between "Readiness" and "Environmental Compliance". My former service in the Navy and my current legal practice allows me to witness the incredible

professionalism of the Department of Defense's environmental managers and their staff. It is a professionalism that mirrors the same standards of performance exhibited by our fighting men and women: they are one seamless whole, from the point of the sword to its pommel. As such, the remarks you are hearing from others today underscore a false dichotomy or division between readiness and environmental compliance. The two (2) actually go hand-in-hand. Our common defense has two (2) components: national security and environmental security. To sacrifice one is to diminish the other.

In pursuit of national security, the Sikes Act and other environmental statutes inculcate an understanding of the environment in our war fighters, so that they understand the impact of war fighting on the environment that sustains their men. In addition, the same statutes serve as benchmarks to define, in part, what we are defending. In pursuit of such "environmental security", we recognize that it does no good to win against an adversary in the Near East if—in training to do so—we are adversely wasting the health, safety and welfare of our citizens at home. These citizens would include those living closest to our Defense lands: the families of the soldiers, sailors, aircrews and marines you have been watching on the television for the past few weeks. Only a corrupted Republic would forego the draft, rely on volunteers, and house those volunteers in a degraded environment reminiscent of Love Canal when they return home from the front.

Problems with the Sikes Act

In its execution of the mandate you established through the Sikes Act, the Department of Defense has faced a tremendous hurdle. As its inventory of natural resource assets and needs grows, the individual Services' capacity to protect wildlife is diminishing. We are facing a statutory crisis. The law is clear but the will to enforce it within the U.S. Government is fleeting. Before renewing or making substantive changes to the Sikes Act, one must also understand the Act's role through other environmental statutes—notably those from which the Defense Department currently seeks to be exempted. It is also helpful to understand the flow of federal funds—or lack thereof—which determines how successfully the Act is executed. The

Department of Defense formerly funded many of its Sikes Act requirements through the proceeds of "commercial activities" on Defense lands, such as timbering and farming. That is now a disfavored practice, and neither the Congress nor the Department has thought through the transition of that financial requirement to a new funding source.

Roughly ninety percent (90%) of the Department of Defense facilities now have Integrated Natural Resource Management Plans (INRMPs). The depth and quality of these plans varies greatly. Ironically, the most highly regarded plans are those written for facilities implemented, in part, by a federal employee who was retaliated against for—among other things—having implemented the very INRMPs that are so successful. His case is now before the U.S. Court of Appeals for the Federal Circuit because the federal judiciary is not giving effect to the Whistleblower Protection Act of 1989 in a manner that you, the Congress, intended.

Facilities with five (5) or more acres of Defense land, presence of an endangered species, or a minimum of one hundred (100) acres of land under commercial production generally require an INRMP. The general perception is that the two (2) most effective INRMPs in the country are those implementing the Sikes Act at the Yakima Training Center (YTC) and at Forts Bragg and Stewart. Many of the professionals who participate in these plans are veterans. They are former war fighters who understand that we are protecting our way of life, and not just playing games on the battlefield. The source of the Yakima, Bragg and Stewart excellence in planning is the U.S. Army Forces Command (FORSCOM) under the command of General Larry P. Ellis, U.S.A. General Ellis' men of the First Battalion, Third Aviation Regiment recently secured the Eurphrates bridgehead at An Nasiryah for the United States Marine Corps in southern Iraq. Those are the same Marine Units for whom the flagship LASALLE cleared mines off of Kuwait in 1991, allowing the battleships WISCONSIN (BB-64) and MISSOURI (BB-63) to conduct Naval Gunfire Support during the coastal run to Kuwait City.

The Yakima, Bragg and Stewart INRMPs are excellent models, and you should have the Defense Department produce them for review by your staffs. The Yakima INRMP was first drafted in 1996 and was revised in 2001. It was one of the first plans to integrate both Natural

Resource and Cultural Resource requirements. Congress played a prominent role in the formation of the Yakima INRMP. The Yakima expansion of environmental compliance to include the National Historic Preservation Act of 1966 (NHPA) is a credit to the U.S. Department of the Army. The Bragg and Stewart INRMPs are products of excellence for another reason: they reveal the necessary connection between the Sikes Act and other environmental statutes from which other witnesses are asking you to exempt the Defense Department.

The Congress has provided no funding mechanism within the Sikes Act; it is a law with no means of execution without funding derived from the other environmental statutes. To properly implement the law, farsighted officials within the U.S. Department of the Army aligned the Environmental Program Report (EPR)—which drives funding of environmental compliance—with specific INRMP components in the Forts Stewart and Bragg Plans. Each "A106"—an individual budget entry—approved to meet a requirement of the Endangered Species Act or other environmental statute is matched in the ERP to a component in the INRMP. Take away the Defense Department's requirement to abide by the other environmental statutes, and the Sikes Act becomes all statement, no force.

So the experiences at Yakima, Bragg and Stewart offer a point of comparison from which to assess the weaknesses of the Sikes Act:

No Mechanism to Compel Compliance. Environmental management under the Sikes Act is, essentially, a voluntary self-regulating system. Lacking specific funding and a timely mechanism for feedback and external review, INRMPs cannot substitute for other acts of assessment, review and compliance under federal law. Until remedied, INRMPs are not appropriate replacements for civilian resource management laws.

No Protection for Military Stewards of Natural and Cultural Resources. The second weakness vitiating the effectiveness of the Sikes Act is the lack of protection for the professionals charged with its implementation. The Department of Defense extols its

stewardship, but mistreats its stewards. This lack of protection falls into two distinct but overlapping zones. First is the failure of the Whistleblower Protection Act of 1989 to provide adequate coverage for the Department of Defense staff managing the environment. Second is the looming threat of job loss through replacement by private, paid consultants.

Professional Retaliation. Department of Defense natural and cultural resource specialists provide the single biggest source of whistleblower complaints in my non-profit practice portfolio. Fully one third (1/3) of my docket of personnel cases at PEER consist of civilian Department of Defense specialists. In other words, the Department of Defense produces more environmental whistleblower challenges than any other agency. That is more challenges than even agencies such as the Environmental Protection Agency, whose administrative mission is dedicated solely to environmental issues.

These cases come to me when professionals face ethical crises on the job. Problems often arise over how to implement the Sikes Act or one of the environmental statutes. Recent decisions by the United States Court of Appeals for the Federal Circuit strip legal protection from employees who raise problems within the scope of their duties. These decisions mean that Defense specialists can be targeted for retaliation simply because they are doing their jobs—or doing their jobs too well.

Outsourcing. The Department of Defense has stated that it intends to outsource five hundred (500) of the roughly eight hundred (800) environmental stewardship positions within the Department. Under Part 32, *Code of Federal Regulations*, Section 169, such an action by Deputy Under Secretary Raymond Dubois would be a violation of law. See 32 C.F.R. § 169 ("the management and conservation of natural resources under DoD stewardship is an inherently governmental function"). This Code provision is actionable in federal court, and my hunch is that the Defense Department will move to strike this provision of the Code now that the courts have given life to the words. Unless the language is transferred to the Sikes Act and made the voice of the Congress, another set of environmental protections will have been removed by this Administration.

The Bush Administration's drive to privatized federal employment presents a huge challenge to effectively implementing the Sikes Act and the other environmental statutes. The perception in the field is that the Pentagon regards every decision outside the walls of the Pentagon as non-essential government functions, and therefore open to privatization. The traditional view was that functions such as surveying, monitoring and timber marking were open to privatization because they were ministerial, and lack a great deal of discretion. They were also acts that a federal employee with discretion would supervise. This Administration wants to privatize all decisions made beyond the banks of the Potomac River, including the essential government functions of environmental assessment, review and compliance.

To understand the coming collision between privatization and the Sikes Act requirements, one must understand the conflict within the Defense establishment between the "Navy Model" and the "Army Model" of environmental assessment, review and compliance. The Army maintains highly professional environmental field operations, situated in and around the facilities under review. It is a decentralized model placing the decision-making federal employee close to the resource. While the Navy has some exceptional environmental resource managers in the field, it has never decentralized its decision-making using the same model as the Army. For the most part, substantive decisions regarding the Endangered Species Act are made between the military stewards and their counterparts in the regional offices of the U.S. Fish & Wildlife Service (USFWS). By contrast, the regional National Marine Fisheries Service (NMFS) offices are not consulted to the same professional level on matters related to the Marine Mammal Protection Act. Those matters are largely decided by a cadre of Navy officials within the Pentagon.

The conflict between these two models—the "Army" model and the "Navy" model—must be understood before one can grasp the threat that privatization poses to effective execution of the Sikes Act. The Department of the Navy initiated the current statutory exemptions debate and also has less experience with INRMPs. The Navy's centralized decision-

making process has allowed it to "not see" resources which would require assessment, review and compliance decision-making. The damage to Chinook Salmon habitat in Puget Sound and the bombing of a North Atlantic Right Whale off New England—both actions lacking environmental assessment—are the genres of failure the "Navy Model" produces. The "Navy Model" would change very little following privatization because little is being done in the way of environmental assessment, review and compliance in the field. However the "Army Model"—which may produce a greater level of environmental compliance—would be destroyed by privatization. The people performing those essential government functions are the folks employed at the regional level. By privatizing those functions, a contractor will complete a task that is then subjected to an inherent conflict of interest: a private corporation must make a critical decision required to maintain fidelity to the law, and they must do so while contemplating whether its contract will be renewed next year by the base commander. To properly implement the current Sikes Act, and certainly to implement a stronger Sikes Act, Congress must block attempts to outsource the entire environmental staffs of specific Defense facilities.

Of particular concern are the following:

- Contracted natural resource people will be less likely to confront resource problems. If these positions are not governmental, then it is much easier to disregard their findings or just "hire another contractor". Merit System protections provide integrity and credibility to the execution of the law.

- The motives of contractors are profit and obtaining the next contract. Natural resource management is a long-term commitment. Contractors are conditioned by the market to focus on the short-term result.

- In cases that have been reported to PEER, the Department of Defense's motivation for obtaining private contractors has been to circumvent or obviate resource protection opinions from its own staff that have been deemed inconvenient or troublesome.

PEER is currently litigating against the natural resource contracting practices of the U.S. Department of the Air Force at Edwards AFB, California. We argue that Edward's management practices violate the prohibitions in the Sikes Act regarding contracting out inherently governmental natural and cultural resource management functions. The U.S. District

Court for the Central District of California has just ruled against motions by the Air Force to dismiss the suit. In a ruling on March 31, 2003, Judge Margaret M. Morrow found that the Sikes Act restrictions on contracting out resource management is neither "suggestive" nor provides "guidance"; rather, it is law as it is decided in our courts. As a result of that ruling, our lawsuit will proceed to trial this summer.

Command Hostility to Resource Protection. The commanders of facilities with jurisdiction over Defense lands often lack training in natural resource protection. There are no career incentives for environmental compliance, and a diligent "Green" commander would not be seen as a "member of the club" if he was especially rigorous in the enforcement of our nation's environmental laws. That is not to say they do not exist; I have received at least two (2) calls on behalf of Flag Officers over the past twelve (12) months, thanking PEER for it efforts. In the Fleet we called such compliments "Bravo Zulus" or "BZs". These officials concerns centered on the political influence of regulated corporations in the environmental decision-making at their installations under the supervision of the Deputy Under Secretary of Defense for Installations and the Environment. But such comments could never be made publicly.

Two (2) examples of this stand out within the experience of the United States Navy. Last year PEER highlighted two (2) practices—both including the use of low-level munitions—that were impacting the habitat of endangered species. In one case, Brunswick Naval Air Station disregarded advisories about right whale migration and conducted aerial bombardment practice directly in the path of migrating whales. The right whale is one of the most endangered species on the planet, and American taxpayers already spend millions of dollars to aid in that species' recovery. Shortly after that exercise took place, the headless carcass of a right whale calf was discovered.

The other incident involved the repeated detonation of munitions in Puget Sound, the nation's second largest estuary, and a vital habitat for an array of protected marine mammals and fish including Endangered Species Act listed Puget Sound Chinook salmon and Hood Canal summer run chum and their prey, which rely on habitats within the training areas. The marine waters of Puget Sound are designated as Essential Fish Habitat under the 1996 Sustainable

Fisheries Act. These activities had been ongoing for many years, and no environmental assessment was conducted. The culture had become so relaxed that the commanders in question did not even think they were violating the law.

This lack of command training is exacerbated by the frequency of command changes. With low environmental staffing levels, the prospect of contracting out discouraging new recruits, and a new commanding officer every couple of years, there is no consistency in facility management.

Wisdom from the Field. In 2001, PEER conducted a survey of natural resource managers serving on Defense lands. It was the first national survey of civilian specialists working on military bases across the United States.

- More than four (4) out of five (5) civilian specialists reported that the natural resource challenges on their bases, ranging from invasion of exotic plants to development and recreation pressures, are on the rise. Compounding this threat is the unwillingness of base commanders to value the natural resources within their custody.

- Nearly one third (1/3) of all respondents reported they "have been directed to overlook resource violations or circumvent resource laws and regulations" while only one fourth (1/4) believe that "violations of resource regulations create negative career consequences for responsible officers."

- Less than half (< 1/2) of specialists feel that resource protection "is a high priority with the current installation command."

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- One half (1/2) of specialists cite frequent changes of command as disrupting the base's resource protection efforts.

One civilian specialist described the prevailing attitude of the officer corps as an "apparent disrespect for DoD and other regulations and laws related to habitat and wildlife protection . . . Keeping the 'grass well mowed' is always more important than any consideration of wildlife that may reside in the grass and depend upon it for survival." Another respondent supplied an example: "Another equally challenging problem is our BASH [Bird Airstrike

Hazards Around Airfields] paranoia. If allowable, our command would eliminate all birds from our state." According to the specialists who implement the Sikes Act, military commanders too often regard laws protecting natural resources as a nuisance.

Solutions

In the re-authorization of the Sikes Act, PEER would urge Congress to also examine the following:

1. Make the Sikes Act enforceable. Unless there is some mechanism for external review of compliance, execution of the Sikes Act will remain uneven. Moreover, without such a mechanism and a demonstrated track record of its efficacy, any notion that the Sikes Act could serve as a substitute for natural and cultural resource laws of general application would be ill advised.

2. Protect Professionals Implementing the Sikes Act. The Whistleblower Protection Act of 1989 should be amended to undo the mischief created by the U.S. Court of Appeals for the Federal Circuit in the Huffman case two years ago. Huffman v. Office of Personnel Management, 263 F.3d 1341 (Fed. Circ. 2001). All employee disclosures to further the enforcement or administration of the Sikes Act should be classified as "protected disclosures" for purposes of civil service law. With respect to the threat posed by outsourcing, Congress could reaffirm its no-contracting policy. Otherwise litigation, turning on a question of Congressional intent, will be needed. This becomes doubly important if the Department is successful in passing amendments to the Code allowing them to outsource positions legally. The duties of some of these personnel may be delegated to the States. When this is done, the Whistleblower Protection Act of 1989 and the whistleblower provisions of the environmental statutes can not protect State employees enforcing federal laws. See Rhode Island v. United States, 304 F.3d 31 (1st Cir. 2003).

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3. Instill Environmental Responsibility Within the Officer Corps. This last reform is central to my heart on this matter. Long before I considered myself an environmentalist, I was a warrior—and my work still exhibits the training I received in the Navy. In that same way, we need to inculcate the environmental ethic within our warriors as a component of readiness—not only because we value the resources the Sikes Act protects, but also because we value our soldiers, sailors, aircrews and marines.

When I see images of the chemical warfare equipment and protective gear worn by our fighters in Iraq, I am saddened by our lack of preparedness—or readiness—against environmental hazards during Desert Storm. The Gulf War Syndrome was a product of the way in which warriors think, or fail to think, about the world around us—what we inject into it, and what we take out of it. On the battleship IOWA, we sent damage control units into cyanide-saturated spaces without protective gear; again a failure of environmental security. If you neglect the environmental security advanced by the Sikes Act and other environmental statutes, you will ultimately comprise the effectiveness of the fighting force maintaining your national security.

Conclusion. It is time to end the false dichotomy or division between "readiness" and "environmental compliance". As stated by former Defense Secretary William Perry:

> "Protecting our national security in the post-Cold War era
> includes integrating the best environmental practices
> into all Department of Defense activities."

Environmental compliance is an indispensable element of readiness. A base commander trained to think in terms of rigorous INRMPs and skillfully prepared by his or her career federal environmental staff will begin to think about the world around him as he plans for war. The INRMP encourages a process of thinking, a way of approaching the question of how the fighting unit impacts the Earth, and ultimately, the warrior who derives fighting sustenance from the Earth. A war commander trained in such disciplines, for instance, will think twice before

ordering the haphazard destruction of a chemical weapons depot, or how he exposes his fighters to depleted uranium munitions or burning petroleum fumes.

The Sikes Act relates specifically to the management of natural resources, but it is the template for how we manage war-making and its environmental impact. Machines increasingly win our wars, placing the responsibility for the common defense farther from the average citizen. The soldiers, sailors, aircrews and marines who still fight our battles, however, do so under the belief that the nation will address the adverse effects of those wars on both themselves and their families. Most of us are familiar with the idea of an adverse impact beyond the familiar physical or psychological damage of warfare. The effects of Agent Orange and the Defense Department's nuclear testing have alerted us all to the fact that our neighbors and their sons may be paying more for our defense than we initially understand a war to cost. These adverse impacts need to be addressed not only because we are a caring nation, but also because we rely on volunteers. Who will volunteer for military service if the handling of the "Agent Orange phenomenon" is the model currently used by the Pentagon?

A decade ago, our generals and admirals failed to understand the environmental security impact of both the detonation of the Iraqi chemical weapons depot at Khismayah (1991), and the impacts of Kuwait's burning oil fields on our warriors. Three decades ago, the same mistake was made with respect to defoliants in South East Asia. Five decades ago, the same mistakes were made with radiation testing on our servicemen and women. These types of failures undermine the integrity of our fighting force, raising suspicions within the enlisted ranks that the military leadership, defense contractors, and their Congressional allies will avoid the costs of war by making our soldiers and their families bear the same. Your integrity and the integrity of the process by which Capitol Hill makes national and environmental security decisions are as much at stake here as is the health of the American environment.

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Come back to the Sikes Act: a statutory regime that teaches our warriors to think of the environment as part of both their war fighting terrain and the resource they are defending, will change the way we approach environmental challenges in the field. The path to prevent future Desert Storm Syndromes travels by the nest of the Red-Cockaded Woodpecker and its endangered peers.

Remember, also, that the Defense lands are not the property of any one agency so much as they are assets entrusted by the people of the United States with a particular public instrumentality. The air, soil and water of those lands are no less part of our national heritage than those of national parks and forests. It is an institutional failure as well as a threat to public health and safety when groundwater is contaminated by Defense-related activities, or when already threatened wildlife is needlessly jeopardized. Ultimately, we ought to understand that we are not engaged in this season of war for the sake of making war, but rather to safeguard and protect a way of living in this country, a way of living dependent on the Sikes Act and the resources it protects.

Dan Meyer

Mr. Meyer is the General Counsel at *Public Employees for Environmental Responsibility* ("PEER"), an environmental non-profit headquartered in Washington, D.C. PEER provides legal defense for federal and State employees—including wildlife biologists, scientists, economists, natural resource managers, and refuge keepers—who find themselves retaliated against when their empirical findings conflict with the political agendas of agency superiors. This practice is conducted before both State and federal trial and appellate courts. PEER members work for the U.S. Department of Defense, the National Oceanic and Atmospheric Administration, the U.S. Fish and Wildlife Service, and many other agencies.

A former third generation military officer, Mr. Meyer was preceded in the naval service by a father who served for thirty-eight (38) years with the Atlantic Fleet and a grandfather who served with the Second Harris Light Cavalry under then Captain George S. Patton on the Mexican Frontier.

Mr. Meyer was naval officer, a veteran of the Persian Gulf War, and a survivor of the 1989 explosion onboard battleship IOWA (BB-61), in which a technical malfunction caused the worst peace-time accident in the U.S. Navy's history. Mr. Meyer's service with the fleet was the subject of an 2001 FX Network Feature Film, *A Glimpse of Hell*, starring Robert Sean Leonard (as Lt. Dan Meyer) and James Caan (as Captain Fred Moosally). A book of the same title was authored by veteran 60 Minutes journalist Charles S. Thompson (W.W. Norton & Co. 1999).

In 1993 and 1994, Mr. Meyer served as regulatory clerk to Commissioner Andrew C. Barrett of the Federal Communications Commission. He also served as a graduate intern to the Office of Communications Research in the Executive Office of the President during the first Clinton Administration. While at the White House, he assisted the President's War Rooms for the Omnibus Budget Reconciliation Act of 1993 and the North American Free Trade Agreement of 1994. Mr. Meyer also served in the United States Navy prior to taking his law degree. He was Communications & Signals Officer for the Flagship Middle East Force during Operations Desert Shield and Desert Storm. He conned the USS LASALLE (AGF-03) during that ship's mine sweeping operations to liberate Mina A'Shubayh, and also during that warship's repelling of the Islamic Guard off Nahkilu Island in 1991. Prior to that assignment, he was the Turret One Officer onboard battleship IOWA (BB-61) from 1987 through 1990. He and his gunners broke the world's record in naval offshore gunnery at Vieques Island on January 28, 1989.

During his naval service, Mr. Meyer was awarded the following honors:

Surface Warrior Pin, USS IOWA (BB 61) — 1989.

Navy and Marine Corps Achievement Medal, Seventh Fleet — 1991. For meritorious service under Commander U.S. Naval Central Command during the Persian Gulf War.

Navy Meritorious Unit Commendation, Commander, Naval Surface Forces, Atlantic — 1990. For meritorious service in the aftermath of the explosion aboard the USS IOWA (BB 61).

General awards. Navy "E" Ribbon; National Defense Service Medal; Armed Forces Expeditionary Medal (2nd Service Star); Southwest Asia Service Medal (3rd Service Star); Sea Service Deployment Ribbon (3rd Service Star); Kuwait Liberation Medal (KLM-SA); Kuwait Liberation Medal (KLM-K).

Prior to serving as PEER General Counsel, Mr. Meyer practiced law with private firms in the District of Columbia, specializing in federal regulatory law as it is applied to wireless and fixed wire communications. He also practiced energy law and all matters pertaining to corporate representation before the Federal Energy Regulatory Commission ("FERC"), the Federal Communications Commission ("FCC"), and the U.S. Department of Defense. This technology focus continues at PEER, where he assists State and federal employees applying the environmental laws against technology-based companies working to the detriment of our national parks.

Mr. Meyer also directs PEER's *Oceans Initiative* and *MilitaryPEER*, a chapter organized to deal with environmental and labor issues as they related to the stewardship of Defense Department bases and ranges within the United States. These collateral duties require him to apply the Endangered Species Act ("ESA"), the Migratory Bird Treaty Act ("MBTA"), the Marine Mammals Protection Act ("MMPA") on a regular basis. Mr. Meyer holds a Bachelors of Arts from Cornell University and a Juris Doctorate from Indiana University School of Law—Bloomington. He is admitted to practice in the District of Columbia, and before the following courts of law: U.S. Court of Appeals, Federal Circuit; U.S. Court of Appeals, D.C. Circuit; U.S. Court of Appeals, First Circuit; U.S. Court of International Trade; U.S. District Court, District of Columbia; Court of Appeals, District of Columbia.