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Navy Training Blasts Marine Mammals with Harmful Sonar

Wildlife protection agency challenged for not doing its job

SAN FRANCISCO (January 26, 2012) — A coalition of conservation and American Indian groups today sued the National Marine Fisheries Service (NMFS) for failing to protect thousands of whales, dolphins, porpoises, seals, and sea lions from U.S. Navy warfare training exercises along the coasts of California, Oregon, and Washington.

Earthjustice, representing InterTribal Sinkyone Wilderness Council, Center for Biological Diversity, Friends of the Earth, Friends of the San Juans, Natural Resources Defense Council (NRDC), and People For Puget Sound, today filed a lawsuit in U.S. District Court for the District of Northern California challenging NMFS's approval of the Navy's training activities in its Northwest Training Range Complex. The lawsuit calls on NMFS to mitigate anticipated harm to marine mammals and biologically critical areas within the training range that stretches from Northern California to the Canadian border.

"The Navy's Northwest Training Range is the size of the State of California, yet not one square inch is off-limits to the most harmful aspects of naval testing and training activities," said Zak Smith, staff attorney for NRDC. "We are asking for common-sense measures to protect the critical wildlife that lives within the training range from exposure to life-threatening effects of sonar. Biologically rich areas like the Olympic Coast National Marine Sanctuary should be protected."

The Navy uses a vast area of the West Coast for training activities including anti-submarine warfare exercises involving tracking aircraft and sonar; surface-to-air gunnery and missile exercises; air-to-surface bombing exercises; sink exercises; and extensive testing for several new weapons systems.

"Since the beginning of time, the Sinkyone Council's member Tribes have gathered, harvested and fished for traditional cultural marine resources in this area, and they continue to carry out these subsistence ways of life, and their ceremonial activities along this Tribal ancestral coastline. Our traditional cultural lifeways, and our relatives such as the whales and many other species, will be negatively and permanently impacted by the Navy's activities," said Priscilla Hunter, chairwoman and co-founder of the InterTribal Sinkyone Wilderness Council. "Both NMFS and the Navy have failed in their obligations to conduct government-to-government consultation with the Sinkyone Council and its member Tribes regarding project impacts."

"These training exercises will harm dozens of protected species of marine mammals -- Southern Resident killer whales, blue whales, humpback whales, dolphins, and porpoises -- through the use of high-intensity mid-frequency sonar," said Steve Mashuda, an Earthjustice attorney representing the groups. "The Fisheries Service fell down on the job and failed to require the Navy to take reasonable and effective actions to protect them."

In late 2010, NMFS gave the Navy a permit for five years of expanded naval activity that will harm or "take" marine mammals and other sealife. The permit allows the Navy to conduct increased training exercises that can harm marine mammals and disrupt their migration, nursing, breeding, or feeding, primarily as a result of harassment through exposure to the use of sonar.

The Navy's mid-frequency sonar has been implicated in mass strandings of marine mammals in, among other places, the Bahamas, Greece, the Canary Islands, and Spain. In 2004, during war games near Hawai'i, the Navy's sonar was implicated in a mass beaching of up to 200 melon-headed whales in Hanalei Bay. In 2003, the *USS Shoup*, operating in Washington's Haro Strait, exposed a group of endangered Southern Resident killer whales to mid-frequency sonar, causing the animals to stop feeding and attempt to flee the sound.

"In 2003, NMFS learned firsthand the harmful impacts of Navy sonar in Washington waters when active sonar blasts distressed members of J pod, one of our resident pods of endangered orcas," said Kyle Loring, Staff Attorney for Friends of the San Juans. "Given this history, it is particularly distressing that NMFS approved the Navy's use of deafening noises in areas where whales and dolphins use their acute hearing to feed, navigate, and raise their young, even in designated sanctuaries and marine reserves."

"Whales and other marine mammals don't stand a chance against the Navy," said Miyoko Sakashita, Oceans Director at the Center for Biological Diversity.

The Navy's mitigation plan for sonar use relies primarily on visual detection of whales or other marine mammals by so-called "watch-standers" with binoculars on the decks of ships. If mammals are seen in the vicinity of an exercise, the Navy is to cease sonar use.

"Visual detection can miss anywhere from 25-95% of the marine mammals in an area," said Heather Trim, Director of Policy for People For Puget Sound. "It's particularly unreliable in rough seas or in bad weather. We learn more every day about where whales and other mammals are most likely to be found -- we want NMFS to put that knowledge to use to ensure that the Navy's training avoids those areas when marine mammals are most likely there."

The litigation is not intended to halt the Navy's exercises, but asks the Court to require NMFS to reassess the permits using the latest science and to order the Navy to stay out of biologically critical areas at least at certain times of the year.

Marcie Keever of Friends of the Earth noted, "It has become increasingly clear from recent research that the endangered Southern Resident killer whale community uses coastal waters within the Navy's training range to find salmon during the fall and winter months. NMFS has failed in its duty to assure that the Navy is not pushing the whales closer to extinction."

The Natural Resources Defense Council (NRDC) is an international nonprofit environmental organization with more than 1.4 million members and online activists. Since 1970, our lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. NRDC has offices in New York City, Washington, D.C., Los Angeles, San Francisco, Chicago, Bozeman, MT, and Beijing. Visit us at www.nrdc.org and follow us on Twitter [@NRDC](https://twitter.com/NRDC).

Earthjustice is a non-profit public interest law firm dedicated to protecting the magnificent places, natural resources, and wildlife of this earth, and to defending the right of all people to a healthy environment.

The InterTribal Sinkyone Wilderness Council is comprised of ten federally recognized Northern California Indian Tribes with ancient and enduring subsistence and cultural ties to the Sinkyone Coast, an area that will be affected by the Navy's expanded training activities.

People For Puget Sound is a regional nonprofit with a 20-year history of using science and engaging citizens to safeguard and improve the health of Puget Sound and the Northwest Straits.

Founded in 1979, Friends of the San Juans pursues its mission to protect the land, water, sea, and livability of the San Juan Islands through science, education, stewardship, and advocacy.

Friends of the Earth fights to defend the environment and create a more healthy and just world. Our campaigns focus on promoting clean energy and solutions to climate change, keeping toxic and risky technologies out of the food we eat and products we use, and protecting marine ecosystems and the people who live and work near them.

The Center for Biological Diversity works through science, law and creative media to secure a future for all species, great or small, hovering on the brink of extinction.

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