

## UNITED STATES NAVY – DEPARTMENT OF DEFENSE

### THE NAVY REQUESTS PERMISSION FROM NOAA TO “TAKE”, KILL OR HARM (OVER FIVE YEARS) 32 SPECIES OF MARINE MAMMALS IN THEIR U.S. PACIFIC OCEAN WARFARE TESTING PROGRAM

BY ROSALIND PETERSON March 28, 2009

<http://newswithviews.com/Peterson/rosalindA.htm>

TO PRESIDENT BARACK OBAMA, SENATORS DIANNE FEINSTEIN, JEFF MERKLEY, RON WYDEN & BARBARA BOXER, U.S. SPEAKER OF THE HOUSE OF REPRESENTATIVES, NANCY PELOSI, U.S. CALIFORNIA CONGRESSMEN MIKE THOMPSON & HENRY WAXMAN, OREGON CONGRESSMEN KURT SCHRADER, EARL BLUMENAUER, PETER DEFAZIO & DAVID WU, THE GOVERNORS OF THE STATE OF CALIFORNIA & OREGON, THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA, U.S. ELECTED OFFICIALS AT EVERY LEVEL OF GOVERNMENT, AND CITIZENS OF THE UNITED STATES.

The United States Navy and the U.S. Department of Defense have decided that their Northwest Training Range Complex, in the State of Washington, should be expanded, and have devised a draft Environmental Impact Statement (EIS), dated December 2008, for public review and comment. The expansion of their area of operation will include the State of Washington, the State of Oregon, part of the state of Idaho, and Northern California. The final date for public comment is April 13, 2009.

These designated areas will also include large areas of the Pacific Ocean from California to the State of Washington and areas along the border between the United States and Canada. (The extent map designating this program area also extends throughout Northern California to the San Francisco Bay Area under an “Extent Map Warning Area” designation.) Once implemented there is no date specified in E.I.S. for this Navy Warfare Testing Program to end although various documents show that this is a five-year Navy Warfare Testing program.

The U.S. Commander of the Pacific Fleet has given American citizens and residents of these states only a very short time to comment on their draft EIS: Published on December 30, 2008, with the final public comment “stay of execution” deadline moved to April 13, 2009. U.S. citizens in four states demanded this extension and more public hearings and are opposing this catastrophic program. (This document is approximately 1,000+/- pages in length with attachments.)

The United States Navy has also published an application, as an addendum to their program, in the U.S. Federal Register, dated March 11, 2009. This application from the Navy “...requests authorization to “take” individuals of 32 species of marine mammals during upcoming Navy Warfare testing and training to be conducted in the NWTR areas (off the Pacific coasts of Washington, Oregon, and northern California) over the course of 5 years...” Final public comment date is April 10, 2009.

- NOAA Definition: “TAKE”
- Defined under the MMPA as "harass, hunt, capture, kill or collect, or attempt to harass, hunt, capture, kill or collect."
- Defined under the ESA as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct."

The Navy Warfare Testing Program will “...utilize mid- and high frequency active sonar sources and explosive detonations. These sonar and explosive sources will be utilized during Antisubmarine Warfare (ASW) Tracking Exercises, Mine Avoidance Training, Extended Echo Ranging and Improved Extended Echo Ranging (EER/IEER) events, Missile Exercises, Gunnery Exercises, Bombing Exercises, Sinking Exercises, and Mine Warfare Training...”

According to Navy Public Relations Officer Sheila Murray the United States Navy is already conducting warfare testing programs throughout the United States. During the last two years, it is alleged that the

Navy has issued nearly identical environmental impact statements for Navy Warfare Training Range Complexes in the following areas: the Mariana Islands, the Hawaiian Islands, Jacksonville Florida, Cherry Point, North Carolina, the Gulf of Alaska and Southern California. It is unknown, at this time, how many marine mammals have been killed in these programs since their inception.

The Pacific and Atlantic Oceans belong to all the people of the world not just the United States. This “taking” of marine mammals negatively impacts the entire ecology of our oceans and the life in them which feeds large numbers of people and other species around the world. Now the United States government has decided that California, Oregon, Washington, and Idaho, and the Pacific Ocean marine life in those areas, are expendable in order to test more war weapons of mass destruction. It should be noted that the list of toxic chemicals is a long one as noted in the Navy E.I.S. Depleted uranium, red and white phosphorus, and a whole host of chemicals known to be toxic not only to man, but to marine life, are being served up on the “Navy Warfare Chemical Menu” that will contaminate our air, water, and soil.

**White Phosphorus is just one of the chemicals on Navy Toxic Menu:** Berkowitz et.al (1981), in assessing the potential hazards associated with the use of phosphorus smoke munitions, reported that White Phosphorus residues in aquatic systems can be extremely toxic. Berkowitz stated that the deposition of washout of...White Phosphorus, especially in water bodies may create exposure risks to resident finfish, invertebrates and waterfowl, even if resultant White Phosphorus concentrations are in the low ppb range. 1996)

Water Quality Criteria for White Phosphorus – Authors” Kowetha A. Davidson; Patricia S. Hovatter, Catherine F. Sigmon, Oak Ridge National Lab TN: Abstract: Data obtained from a review of the literature concerning the environmental fate and aquatic and mammalian toxicity of **white phosphorus** are presented...Laboratory and field studies indicate that white phosphorus is quite toxic to aquatic organisms, with fish being the most sensitive...bioaccumulation is rapid and extensive, with the greatest uptake in the liver and muscle of fish and the hepatopancreas of lobster...other toxic effects to aquatic organism include cardiovascular and histological changes. (1987) (White Phosphorus is an airborne contaminant – used in fog oil and smoke obscurants.)

Mammalian Toxicology and Toxicity to Aquatic Organism of White Phosphorus and ‘Phossy Water’ by Authors Dickinson Burrows; Jack C. Dacre: AWARE INC Nashville TN – Abstract: “...white phosphorus is highly toxic to both experimental animals and man...**white phosphorus** is also highly toxic to aquatic animals...”

Concerned citizens in Oregon, Washington, Idaho, and California, along with citizens across the United States are protesting this action by the United States government and the United States Navy. Almost all of our elected representatives are silent when it comes to opposing this disastrous program. The major news media has elected not to cover this story leaving coverage to a few small newspapers located in remote areas.

**A Navy public hearing will be held in Mendocino County, California on Tuesday, March 31, 2009.  
Ukiah, California – Board of Supervisors Chambers Time: 4:00 P.M.**

We hope that everyone will join us in demanding that the current ongoing Navy weapons program in Oregon is suspended permanently and that the new proposed Navy Warfare Testing Program expansion is stopped. Public protests should be filed with your elected representatives, the President of the United States, and to both the United States Navy and NOAA (United States Department of Commerce).

1, <http://www.nwtrangecomplexeis.com/Documents.aspx> United States Navy Environment Impact Statement (Download one chapter at a time – works the best.)

2, <http://www.nwtrangecomplexeis.com/NtrcCommentForm.aspx> U.S. Navy Public Comment Form Online - **Public Comment Deadline: April 13, 2009**

3, **Write to: Naval Facilities Engineering Command Northwest, 1101 Tautog Circle, Suite 203 Silverdale, Washington 98315 ATTN: Mrs. Kimberly Kier – NWTRC  
Navy Warfare Program Public Comment EIS Deadline: April 13, 2009**

4, NOAA Public Comments Address to: Michael Payne, Chief, Permits Conservation and Education Division, Office of Protected Resources National Marine Fisheries Service 1315 East-West Highway, Silver Spring, MD 20910–3225. Deadline: April 10, 2009

5, For More Information: Rosalind Peterson E-Mail: [info@californiaskywatch.com](mailto:info@californiaskywatch.com)  
(707) 485-7520 <http://newswithviews.com/Peterson/rosalinda.htm>

6, PETITION TO STOP NAVY PROGRAM: <http://www.californiaskywatch.com>  
[http://www.californiaskywatch.com/documents/htmldocs/pp\\_usn\\_permission\\_to\\_kill\\_marine\\_mammals.htm](http://www.californiaskywatch.com/documents/htmldocs/pp_usn_permission_to_kill_marine_mammals.htm)

7, [http://www.nwtrangecomplexeis.com/Public%20DEIS%20files/Chapters%201-3/Resource\\_Section\\_6\\_Marine\\_Plants\\_and\\_Invertebrates.pdf](http://www.nwtrangecomplexeis.com/Public%20DEIS%20files/Chapters%201-3/Resource_Section_6_Marine_Plants_and_Invertebrates.pdf)

8, [http://www.nwtrangecomplexeis.com/Public%20DEIS%20files/Chapters%201-3/Resource\\_Section\\_6\\_Marine\\_Plants\\_and\\_Invertebrates.pdf](http://www.nwtrangecomplexeis.com/Public%20DEIS%20files/Chapters%201-3/Resource_Section_6_Marine_Plants_and_Invertebrates.pdf)

9, [http://www.nwtrangecomplexeis.com/Public%20DEIS%20files/Chapters%201-3/Resource\\_Section\\_7\\_Fish.pdf](http://www.nwtrangecomplexeis.com/Public%20DEIS%20files/Chapters%201-3/Resource_Section_7_Fish.pdf)

10, [http://www.nwtrangecomplexeis.com/Public%20DEIS%20files/Chapters%201-3/Resource\\_Section\\_8\\_Sea\\_Turtles.pdf](http://www.nwtrangecomplexeis.com/Public%20DEIS%20files/Chapters%201-3/Resource_Section_8_Sea_Turtles.pdf)

11, [http://www.nwtrangecomplexeis.com/Public%20DEIS%20files/Chapters%201-3/Resource\\_Section\\_10\\_Birds.pdf](http://www.nwtrangecomplexeis.com/Public%20DEIS%20files/Chapters%201-3/Resource_Section_10_Birds.pdf)

12, [http://www.nwtrangecomplexeis.com/Public%20DEIS%20files/Chapters%201-3/Resource\\_Section\\_3\\_Hazardous\\_Materials.pdf](http://www.nwtrangecomplexeis.com/Public%20DEIS%20files/Chapters%201-3/Resource_Section_3_Hazardous_Materials.pdf)

The following Notice is in the United States Federal Register / Vol. 74, No. 46 / Wednesday, March 11, 2009 / Notices 10557:

**“DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration RIN 0648–XN87 Taking and Importing Marine Mammals; Navy Training and Research, Development, Testing, and Evaluation Activities Conducted within the Northwest Training Range Complex**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; receipt of application for letter of authorization; request for comments and information.

**SUMMARY:** NMFS has received a request from the U.S. Navy for authorization to take marine mammals incidental to military readiness training activities and research, development, testing and evaluation (RDT&E) to be conducted in the Northwest Training Range Complex (NWTRC) for the period beginning September 2009 and ending September 2014.

Pursuant to the implementing regulations of the Marine Mammal Protection Act (MMPA), NMFS is announcing our receipt of the Navy’s request for the development and implementation of regulations governing the incidental taking of marine mammals and inviting information, suggestions, and comments on the Navy’s application and request.

**DATES: Comments and information to NMFS must be received no later than April 10, 2009.**

**ADDRESSES: Comments on the application should be addressed to:**

Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service  
1315 East-West Highway, Silver Spring, MD 20910–3225.

**10558 Federal Register** / Vol. 74, No. 46 / Wednesday, March 11, 2009 / Notices addresses other than the one provided here. Comments sent via e-mail, including all attachments, must not exceed a 10–megabyte file size.

**FOR FURTHER INFORMATION CONTACT:**

Jolie Harrison, Office of Protected Resources,

NMFS, (301) 713–2289, ext. 166. **SUPPLEMENTARY INFORMATION**

## Availability

A copy of the Navy's application may be obtained by writing to the address specified above (See **ADDRESSES**), telephoning the contact listed above (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>.

The Navy's Draft Environmental Impact Statement (DEIS) for NWTRC was made available to the public on December 26, 2008, and may be viewed at <http://www.nwtrangecomplexeis.com/>

With respect to military readiness activities, the MMPA defines "harassment" as:

(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].

## Summary of Request

**In September, 2008, NMFS received an application from the Navy requesting authorization to take individuals of 32 species of marine mammals (4 pinniped and 28 cetacean) incidental to upcoming training and RDT&E activities to be conducted in the NWTRC (off the coasts of Washington, Oregon, and northern California) over the course of 5 years.**

These training and RDT&E activities are classified as military readiness activities. The Navy states that these training activities may expose some of the marine mammals present in the area to sound from various mid-frequency and high-frequency active tactical sonar sources or to pressure from underwater detonations. The Navy requests authorization to take individuals of 32 species of marine mammals by Level B Harassment.

## Specified Activities

**In the application submitted to NMFS, the Navy requests authorization to take marine mammals incidental to conducting training events and RDT&E utilizing mid- and high frequency active sonar sources and explosive detonations. These sonar and explosive sources will be utilized during Antisubmarine Warfare (ASW) Tracking Exercises, Mine Avoidance Training, Extended Echo Ranging and Improved Extended Echo Ranging (EER/IEER) events, Missile Exercises, Gunnery Exercises, Bombing Exercises, Sinking Exercises, and Mine Warfare Training.**

Table 1-1 in the application lists the activity types, the equipment and platforms involved, and the duration and potential locations of the activities.

**Information Solicited** Interested persons may submit information, suggestions, and comments concerning the Navy's request (see **ADDRESSES**). All information, suggestions, and comments related to the Navy's NWTRC request and NMFS' potential development and implementation of regulations governing the incidental taking of marine mammals by the Navy's NWTRC activities will be considered by NMFS in developing, if appropriate, the most effective regulations governing the issuance of letters of authorization.

**Dated: March 6, 2009. P. Michael Payne, Chief, Division of Permits, Conservation, and Education, Office of Protected Resources, National Marine Fisheries Service.**