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## Press Release

### FOR IMMEDIATE RELEASE

**Press contact:** Hamlet Paoletti 310/434-2300 (office), 310/434-2317 (direct), 310/877-4686 (cell)

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## Navy Defies State Coastal Commission, Refuses to Safeguard Whales During Extended Sonar Training off Southern California

### Questions States' Authority to Protect Marine Mammals in Coastal Waters

LOS ANGELES (February 13, 2007) – In a four-page letter to the California Coastal Commission, the United States Navy announced late yesterday that it will not comply with a decision by the commission requiring the Navy to protect whales and other marine life during two years of major naval sonar exercises planned off the Southern California coast. The move is a direct violation of longstanding precedent and the commission's authority, according to the Natural Resources Defense Council (NRDC).

"The Navy's rejection of the common-sense protective measures required by the commission for sonar training is an attack not just on whales and other marine life off our coast but on the commission itself," said Joel Reynolds, Senior Attorney and Director of the Marine Mammal Protection Project at NRDC.

At a public hearing in January, the bi-partisan commission voted 8 to 1 to condition its approval of the Navy's exercises on a set of 14 requirements, 12 of which were aimed at lessening harm to whales and other marine mammals from the blasts of mid-frequency active sonar. But in its letter yesterday the Navy formally refused to accept any of the sonar-related mitigation or monitoring measures, couching the rebuff in a sweeping denial of California's authority to protect marine mammals off its coast.

Stating that it is "unable to agree to the conditions regarding the use of mid-frequency active (MFA) sonar as set forth" by the commission, the Navy not only challenged California's jurisdiction to regulate the use of sonar more than three miles off its coast, but also asserted that states are preempted by the federal Marine Mammal Protection Act from enforcing state laws to prevent harm to whales.

"The Navy's novel notion that California has no authority to protect marine mammals ignores the fact that the commission has been doing so for years under federal coastal protection laws," Reynolds said.

Among the requirements presented by the Coastal Commission to the Navy were: avoidance of key marine mammal habitat, such as the Channel Islands National Marine Sanctuary and the gray whale migration route; a requirement to power down at nighttime and in other conditions of low visibility, when whales are hard to spot; and expanded safety zones around ships to keep from blasting nearby whales. Yesterday the Navy agreed only to submit any monitoring reports it prepares to the commission.

Whales around the world have been found dead or dying following encounters with mid-frequency military sonar. In 2004, the world's leading whale biologists examined the link between Navy sonar and whale strandings and concluded that the evidence of sonar causation is "very convincing" and "overwhelming."

The exercises would take place in some of the most diverse and biologically rich waters off the continental United States -- waters that host blue whales, humpbacks, gray whales, dolphins, porpoises and other sensitive and iconic California species.

The Natural Resources Defense Council (NRDC) is an international nonprofit environmental organization with more than 1.3 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, Livingston, Montana, and Beijing. Visit us at [www.nrdc.org](http://www.nrdc.org)

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