



Protecting Whales from Dangerous Sonar

NRDC takes the U.S. military to court to save marine mammals from underwater noise

In the deep ocean, whales and other marine mammals depend on sound to communicate, navigate, find food and attract mates. Imagine, then, what happens when a noise as intense as 2,000 jet engines blasts through the water.

That sound is the result of military ships and submarines pinging the ocean with active sonar, and it's why NRDC has been fighting for more than a decade for prudent safeguards -- eventually taking the fight all the way to the U.S. Supreme Court.

We don't have to choose between national security and protecting the environment.
– Michael Jasny, NRDC senior policy analyst

NRDC first started pushing for safer sonar use in the mid-1990s, before evidence of its dangers became widespread. By 2000, the threat grew undeniable when 13 whales of four different species stranded themselves in the Bahamas after a mid-frequency sonar exercise.

Since then, researchers have investigated numerous similar strandings around the world, and concern about sonar has continued to rise.

Navy Admits Sonar is Harmful

Under much pressure, the Navy finally began to prepare impact statements on mid-frequency sonar in 2005. Its first environmental review, for a proposed training range off North Carolina, was so heavily criticized that Congress cut its annual funding for the range. The Navy then withdrew its plans and started over.

The Navy also admitted that training exercises off the coast of southern California posed dangers to marine life. It estimated that exercises planned between January 2007 and 2009 would disturb 170,000 marine mammals, permanently injure more than 500 whales and cause temporary hearing impairment in at least 8,000 others.

NRDC asked the Navy to adopt specific common-sense safety measures to ensure that whales and other animals would be protected during training exercises. They include:

- Refrain from using sonar within 12 nautical miles of the California coast and in certain vulnerable whale habitats.
- Stop using sonar when marine mammals are spotted within 2,200 yards of a sonar-emitting vessel.
- Power down sonar by 6 decibels during "surface ducting" conditions. (Surface ducts are areas in the water where sound waves can be channeled, resulting in more intense exposure for whales.)
- Keep a watch out for whales from the air and delay exercises when they're within range.

To the High Court and Beyond

In early 2008, a Los Angeles federal court ruled in NRDC's favor, requiring the Navy to implement the safeguards. The military appealed all the way to the U.S. Supreme Court.

Arguments were heard in October 2008, and a month later, the justices issued a split decision, overturning two of the six mitigation requirements imposed by the Ninth Circuit Court of Appeals.

But the ruling left four important safety measures in place, and the Navy complied with them for the remainder of its exercises in California.

Protecting whales from sonar has never posed a threat to national security. NRDC doesn't argue that the Navy shouldn't train its sailors -- only that those exercises should be undertaken with effective precautions.

It's a matter of life and death for the marine mammals who share their home with our ships and submarines.

TAKE ACTION NOW!

WHALES IN DANGER

Send a message to help save the whales at NRDC's Save BioGems site.

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CHALLENGING UNSAFE SONAR

NRDC has successfully pushed for the Navy to use proper safeguards around the world.

2003 A federal court sides with NRDC, ruling that the Navy's plan to deploy low-frequency sonar across 75 percent of the world's oceans is illegal. The Navy agrees to limit use of the system to a fraction of the area originally proposed, with limits and seasonal exclusions.

2004 The European Parliament calls on its 25 member states to stop deploying active sonar without more information about the harm to marine life. The IUCN's World Conservation Congress calls for international action to develop sonar regulations. Parties meeting under two regional agreements in Europe resolve to develop guidelines to do the same.

2005 An NRDC-led coalition sues the Navy in U.S. federal court after years of attempts at constructive dialogue failed to convince the

Navy to take common-sense precautions during peacetime sonar training exercises. The Navy begins to conduct environmental reviews and seek permits for mid-frequency sonar training off the U.S. coasts.

2006 Two years after an earlier exercise caused the stranding of 200 whales in Hanalei Bay, a federal court halts sonar use during the Navy's massive Rim of the Pacific exercise off Hawaii. The Navy and NRDC agree on safeguards that allow the exercise to continue.

2008 A federal court again limits the regions where low-frequency sonar may be used, placing species-rich areas such as the Galapagos Islands and the Great Barrier Reef off limits.

2008 A federal court prohibits the Navy from conducting major mid-frequency sonar exercises in California without safety measures in place and rejects a White House bid to excuse the Navy from environmental compliance. The Navy appeals the decision, which goes to the U.S. Supreme Court.

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