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[Main Page](#)
[Media Center](#)

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[Nature's Voice](#)
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[Firsthand](#)

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Press Statement

[Main page](#) | [Archive](#)

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Environmental Coalition Reaches Agreement with Navy on Mid-Frequency Sonar Lawsuit

Navy to follow environmental compliance schedule, release classified information on sonar and fund research to benefit marine mammals

LOS ANGELES (December 28, 2008) -- After years of litigation with the U.S. Navy over its refusal to prepare environmental impact statements (EIS) for sonar training exercises, a settlement announced Saturday commits the Navy to complete a schedule of full environmental reviews on major training exercises around the world, according to the Natural Resources Defense Council (NRDC). The settlement also requires disclosure of previously classified information regarding the Navy's sonar use and commits the Navy to fund nearly \$15 million in new marine mammal research designated by NRDC and co-plaintiffs. The settlement resolves a lawsuit filed in 2005, which challenged the Navy's lack of environmental review prior to deploying mid-frequency active sonar during training exercises carried out around the world. The Navy acknowledges that sonar can be deadly to marine mammals, causing permanent injury and temporary deafness.

Other plaintiffs include the International Fund for Animal Welfare, Cetacean Society International, League for Coastal Protection, Ocean Futures Society and Jean-Michel Cousteau. The settlement does not address mitigation measures or training limitations at issue in *Winter v NRDC*, recently decided by the U.S. Supreme Court.

Following is a statement by Joel Reynolds, senior attorney and director of NRDC's marine mammal program:

"The Navy agrees that high-intensity military sonar can injure and kill whales, dolphins and other marine life. This agreement commits the Navy for the first time to a program of environmental review and public transparency in its sonar training in an effort to shield whales and other vulnerable species from harmful underwater noise. In addition, it requires the Navy to fund significant research for the benefit of marine mammals identified by NRDC and other organizations committed to marine mammal protection. Finally, while it does not resolve disagreements with the Navy over operational safeguards required to reduce sonar's risk to whales and other marine life, it sets in place a process for negotiation between the Navy and this environmental coalition that we hope will reduce the need for future litigation."

Following are details of the settlement:

1. It sets out a schedule for environmental compliance pursuant to which the Navy will prepare and issue environmental statements for sonar exercises and ranges around the world.
2. It requires public disclosure of previously classified information on sonar, including information that had been covered by protective order in *NRDC v Winter*. The Navy also agrees to provide plaintiffs a series of briefings on sonar compliance and mitigation-related issues.
3. The Navy agrees to fund \$14.75 million dollars in new marine mammal research.
4. The settlement establishes a cooling off period to permit negotiation between plaintiffs and the Navy when future sonar disagreements arise.
5. The Navy agrees to pay \$1.1 million dollars in attorney's fees for settling both the 2005 lawsuit and a 2006 lawsuit regarding sonar use around Hawaii.

The Natural Resources Defense Council is a national, nonprofit organization of scientists, lawyers and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has 1.2 million members and online activists, served from offices in New York, Washington, Chicago, Los Angeles, San Francisco and Beijing.



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