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Conservation Groups in Court to Save Highly Endangered Whales

Right Whales' Only Known Calving Grounds Threatened by Navy Project

ATLANTA (January 28, 2010) -- Conservation groups today challenged the U.S. Navy's decision to build its \$100 million Undersea Warfare Training Range next to the only known calving ground for the critically endangered North Atlantic right whale. The Natural Resources Defense Council, The Southern Environmental Law Center, Defenders of Wildlife, Earthjustice, The Humane Society of the United States, and nine other conservation groups brought the challenge.

"Right whales shouldn't be subjected to the threats that accompany this range -- ship strikes, entanglement and noise disturbance -- in the only place in the world where vulnerable females give birth to and care for their calves," said Catherine Wannamaker, an attorney with Southern Environmental Law Center. "While we recognize the Navy's need to train, there are ways to accommodate that need without introducing multiple risks of harm into such a sensitive area."

The project threatens the already precarious survival of right whales by introducing multiple known threats -- ship strikes, entanglement, and noise disturbances -- into an area critical to mothers and calves.

"Right whales already face a triple threat: sonar exposure, collisions with ships and debris entanglement," said Taryn Kiekow, staff attorney with NRDC. "Science tells us the loss of even a single North Atlantic right whale could threaten the survival of the entire species. Constructing a training range in the only area where the North Atlantic right whales give birth and nurture their young will only exacerbate the already tenuous grip this species has on survival."

The legal challenge alleges that the Navy and the National Marine Fisheries Service failed to study the environmental impacts of building and operating the training range at this location. The Navy decided to construct the range now, even though it acknowledges that more research needs to be done on the range's environmental impacts before operations can begin. In documents filed with the court, the groups argue that the agencies must first address the impacts from operating the range before deciding to construct it.

"The Navy's decision to shoot first and study the environmental impacts of using this facility later simply makes no sense," said Sharon Young, field director of The HSUS. "The Navy is playing Russian roulette with one of our most imperiled wildlife species."

"The science here is settled," said Steve Roady of Earthjustice. "Right whales are critically endangered and the government knows it. Under the circumstances, it is baffling that NMFS and the Navy could be planning to proceed with this project that places so many of these whales at risk. This is decidedly not sound science; it is fundamentally unsound."

As part of the planned training, Navy ships -- exempt from speed restrictions designed to protect right whales -- would pass through the calving grounds when traveling between the proposed training area and bases at Jacksonville, FL, and Kings Bay, GA. Ship strikes are the single largest cause of death for right whales with at least eight right whales killed in the past six years, including three pregnant females. Ship traffic in the calving grounds is of particular concern since data suggests female right whales are struck more often, possibly because they must spend more time at the surface with their calves which have undeveloped lung capacities. Scientists believe that the loss of even one right whale from non-natural causes could jeopardize the future of the species.

"The people of the southeast who welcome the return of the right whales each year know all too well the gruesome results when one is struck by a ship," said Sierra Weaver, attorney for Defenders of Wildlife. "This project will almost certainly increase that threat, and yet the National Marine Fisheries Service, the agency in charge of protecting the whales, has given the Navy a green light."

After laying cables through the 500 square nautical mile training area, the Navy plans to conduct 470 annual exercises on the training range with up to three vessels and two aircraft deploying exercise torpedoes, parachutes and sonobuoys, and sonar and other noise pollution. Sonar can cause a range of impacts on marine wildlife -- from disrupting nursing and feeding to injury and death in some cases. Debris left behind on the range may heighten risk of entanglement. According to scientists, approximately 14 to 51 percent of the right whale population is entangled each year which can interfere with eating, breathing or swimming.

Despite strong concerns expressed by Georgia and Florida, conservation groups, and scientists, the Navy decided to proceed with its plans without implementing recommended measures that could have lessened the impact of its activities.

The challenge was filed today in U.S. District Court for the Southern District of Georgia by Defenders of Wildlife, The Humane Society of the United States, Whale and Dolphin Conservation Society, Natural Resources Defense Council, Center for a Sustainable Coast, Florida Wildlife

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Citizens Opposing Active Sonar Threats, and Cetacean Society International. The groups are represented by attorneys from Southern Environmental Law Center, Defenders of Wildlife, Earthjustice, and Natural Resources Defense Council.

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 1.3 million members and online activists, served from offices in New York, Washington, Chicago, Los Angeles, San Francisco and Beijing.

About Defenders of Wildlife

Defenders of Wildlife is dedicated to the protection of all native animals and plants in their natural communities. With more than one million members and activists, Defenders of Wildlife is a leading advocate for innovative solutions to safeguard our wildlife heritage for generations to come. For more information, visit www.defenders.org.

About Earthjustice

Earthjustice (www.earthjustice.org) 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.

About The Humane Society of the United States

The Humane Society of the United States is the nation's largest animal protection organization -- backed by 11 million Americans, or one of every 28. For more than a half-century, The HSUS has been fighting for the protection of all animals through advocacy, education and hands-on programs. Celebrating animals and confronting cruelty -- On the web at www.humanesociety.org.

About Southern Environmental Law Center

The Southern Environmental Law Center (www.SouthernEnvironment.org) is the only regional nonprofit using the power of the law to protect the health and environment of the Southeast (Virginia, Tennessee, North and South Carolina, Georgia, and Alabama). Founded in 1986, SELC's team of 40 legal experts represent more than 100 partner groups on issues of climate change and energy, air and water quality, forests, the coast and wetlands, transportation, and land use.

Related Websites:

[North Atlantic Right Whale Videos and Photos - Office of Protected Resources - NOAA Fisheries](#)

[Group comments on the Navy's project](#)

[The U.S. Navy's final Environmental Impact Statement](#)

[The U.S. Navy record of decision \(pdf\)](#)

[National Marine Fisheries Service Biological Opinion \(pdf\)](#)

[Georgia's correspondence after final Environmental Impact Statement - June 2009 \(pdf\)](#)

[Georgia's correspondence after final Environmental Impact Statement - July 2009 \(pdf\)](#)

[Florida's correspondence after final Environmental Impact Statement \(pdf\)](#)