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# U.S. Supreme Court OKs Navy use of sonar

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Rick Loomis / Los Angeles Times

Jordan Bennett looks for whales and dolphins during exercises aboard the destroyer Momsen in January.

**In a defeat for environmentalists, justices say sonar does not have to be turned off when whales are near. Foes say sonar panics whales, makes their ears bleed and may spur them to beach themselves.**

By David G. Savage  
8:18 AM PST, November 12, 2008

Reporting from Washington -- The U.S. Supreme Court dealt a defeat to environmentalists today and cleared the way for the Navy to use high-powered sonar off the Southern California coast even if it poses a threat to whales and other marine mammals.

Chief Justice John G. Roberts said the Navy needs to train its crews to detect enemy submarines, and it cannot be forced to turn off its sonar when whales are spotted nearby. "The public interest in conducting training exercises with active sonar under realistic conditions plainly outweighs" the concerns voiced by environmentalists, he said for a 5-4 majority.



Archive: Sonar legal battle

Roberts faulted judges in California for "second-guessing" the views of Navy leaders. "Where the public interest lies does not strike us as a close question," he said.

Roberts also questioned whether whales have indeed been harmed by sonar. He said the Navy had been operating off the California coast for 40 years "without a single documented sonar-related injury to any marine mammal."

The Natural Resources Defense Council and other environmental groups strongly disagreed. They say studies conducted around the world have shown that the piercing underwater sounds cause whales to flee in panic. These studies said some whales have beached themselves and have shown signs of bleeding in their ears as a result of high-powered sonar.

Today's ruling lifts a Los Angeles judge's order that required the Navy to turn off its sonar

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when whales or marine mammals were seen within 1.2 miles of a ship.

The Bush administration had urged the court to take up this case and rule quickly so the Navy could conduct training exercises scheduled in the next few months.

Four justices -- John Paul Stevens, David H. Souter, Ruth Bader Ginsburg and Stephen G. Breyer -- dissented in whole or in part. They agreed with environmentalists that the Navy should be required to complete an environmental impact study before going ahead with its final training exercises.

Savage is a Times staff writer.

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