

Judge: Navy can train near rare Atlantic whales

September 10 2012, by Russ Bynum

(AP)—The Navy can build a \$100 million offshore range for submarine warfare training, despite environmentalists' fears that war games would threaten endangered right whales, a federal judge ruled.

U.S. [District Judge](#) Lisa Godbey Wood ruled the [Navy](#) took a "hard look" before concluding risks to the rare whales would be minimal at the proposed training site 50 miles (80 kilometers) off the coast of south Georgia and north Florida. Environmentalists sued to block the project in 2010, saying it's too close to the waters where [right whales](#) give birth to their [calves](#) each winter.

The groups that sued said Monday they're weighing an appeal. Experts say only about 400 right whales remain, and each death brings the species a significant step closer to extinction.

"They are critically endangered and I think deserve a weight beyond other species," said Sharon Young, marine issues director for the Humane Society of the United States, one of the groups that sued the Navy. "We certainly would never argue to undermine our national defense, but it's also reasonable to ask the military not to jeopardize a species that is just barely hanging on."

The proposed training range would consist of 300 sensors connected by a web of cables on the [ocean floor](#) in an area covering about 500 square miles (1,300 sq. kilometers). The Navy, which has bases nearby in both states, would use the site to train with a mix of submarines, surface ships

and aircraft.

The Navy plans to begin construction as soon as 2014 and begin training on the site in 2018, said Jene Nissen, the range's program director and a retired Navy commander. He said further environmental studies the Navy conducted since the lawsuit was filed only reinforced its conclusion that right whales won't be at risk.

"We understand that's the right whale's [critical habitat](#)," Nissen said. "We looked at the type of affects that training could have on right whales, and we are confident it will be very minimal."

The Southern Environmental Law Center, which sued on behalf of a dozen conservation groups, argued construction of the training site and the war games themselves would put right whales at risk of collisions with ships, entanglement in cables from parachutes attached to Navy buoys and potential harm from sonar.

The Navy agreed to suspend construction at the site from November to April, when right whales migrate to the warm southern Atlantic waters to give birth. Before suing, conservationists had also asked the Navy to halt training at the site during those months and to comply with offshore speed limits the government imposes on private and commercial ships. The Navy refused, saying the precautions would interfere with its ability to train effectively and maintain readiness.

The judge wrote that the Navy considered those measures and "rationally rejected them."

In her ruling Thursday, Wood also cited case law that says judges should give "great deference to the professional judgment of military authorities" on issues dealing with training, readiness and national security.

Young of the Humane Society said she believes stricter precautions would have been imposed for a civilian project, such as offshore wind turbines.

The Navy's lawyers also said ships from nearby Naval Station Mayport in Florida and Naval Submarine Base Kings Bay in Georgia routinely post lookouts to watch for whales during calving season. No collisions between Navy ships and whales have been reported since those precautions were implemented 15 years ago.

Environmentalists argue even trained spotters have trouble seeing right whales swimming just below the ocean's surface. Their fears of whales swimming near the training site were bolstered in March 2010, when biologists recorded a right whale giving birth about 10 miles (16 kilometers) from the proposed range.

In its environmental impact study on the project, the Navy consulted with the National Marine Fisheries Service and concluded the risks of ship strikes would be minimal based on computer models showing few right whales venture as far offshore as the training site. The Navy said parachutes being dropped into the water had weights that would quickly drag them to the bottom. And while some [environmentalists](#) argue that sonar can disrupt whale feeding patterns, and in extreme cases cause whales to beach themselves, the Navy noted that scientists don't fully understand how sonar affects [whales](#).

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Citation: Judge: Navy can train near rare Atlantic whales (2012, September 10) retrieved 27 April 2024 from <https://phys.org/news/2012-09-navy-rare-atlantic-whales.html>

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