

# Groups sue over Navy sonar use off Northwest

26 January 2012, By GENE JOHNSON , Associated Press



A beached pilot whale is seen in this Jan. 15, 2005 file photo taken near Oregon Inlet on North Carolina's Outer Banks by the U.S. Coast Guard. In a lawsuit being filed Thursday Jan. 26, 2012 by the environmental law firm Earthjustice, the Natural Resources Defense Council and other groups claim the National Marine Fisheries Service was wrong to approve the Navy's plan for the expanded training in the Pacific Northwest. Regulators determined that while sonar use by navies has been associated with the deaths of whales around the world — including the beachings of 37 whales on North Carolina's Outer Banks in 2005 — there was little chance of that happening in the Northwest. (AP Photo/U.S. Coast Guard, File)

Conservationists and Native American tribes are suing over the Navy's expanded use of sonar in training exercises off the Washington, Oregon and California coasts, saying the noise can harass and kill whales and other marine life.

In a lawsuit being filed Thursday by the environmental law firm Earthjustice, the Natural Resources Defense Council and other groups against the National Marine Fisheries Service claims the service was wrong to approve the Navy's plan for the expanded training.

They said the regulators should have considered

the effects repeated sonar use can have on those species over many years and also required certain restrictions on where the Navy could conduct sonar and other loud activities to protect orcas, humpbacks and other whales, as well as seals, sea lions and dolphins.

Instead, the Navy is required to look around and see if sea mammals are present before they conduct the training.

Kristen Boyles, a Seattle-based attorney with Earthjustice, said it's the job of the fisheries service to balance the needs of the Navy with measures to protect marine life.

"Nobody's saying they shouldn't train," she said. "But it can't be possible that it's no-holds-barred, that there's no place where this can't happen."

In 2010, the fisheries service approved the Navy's five-year plan for operations in the Northwest Training Range Complex, an area roughly the size of California, about 126,000 nautical square miles, that stretches from the waters off Mendocino County in California to the Canadian border. The Navy has conducted exercises in the training range for 60 years, but in recent years proposed increased weapons testing and submarine training.

The groups want the permit granted to the Navy to be invalidated. They are asking the court to order the fisheries service to study the long-term effects of sonar on marine mammals, in accordance with the Endangered Species Act and other laws.

Regulators determined that while sonar use by navies has been associated with the deaths of whales around the world, including the beaching of 37 whales on North Carolina's Outer Banks in 2005, there was little chance of that happening in the Northwest. The short duration of the sonar use, typically 90 minutes at a time by a single surface vessel, and reduced intensity would help prevent

whale deaths, they said. Regulators required the Navy to shut down sonar operations if whales, sea lions, dolphins or other marine mammals were spotted nearby.

The lawsuit, being filed in U.S. District Court in San Francisco, claims that the Navy's sonar use in the Northwest might be strong enough to kill the animals outright. But even if it doesn't, the repeated use of sonar in certain critical habitats, such as breeding or feeding grounds, over many years could drive those species away, making it more difficult for them to eat or reproduce, it claims. The fisheries service should have ordered the Navy to keep out of such areas, at least seasonally, the environmental groups said.

A spokeswoman for the Navy declined to comment on Wednesday, saying she had not seen the lawsuit, and the fisheries service did not immediately return an email seeking comment.

The plaintiffs include People for Puget Sound, a Seattle-based nonprofit, and the InterTribal Sinkyone Wilderness Council, which represents ten Northern California American Indian tribes.

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