
San Francisco Chronicle

August 21, 2007

NORTHERN CALIFORNIA'S LARGEST NEWSPAPER

Navy can't use sonar in submarine tests off Channel Islands

Noise would harm marine mammals, federal judge says

by DAVID PERLMAN
Chronicle Science Editor

A federal judge in Los Angeles barred the Navy on Monday from using powerful underwater sonar blasts for anti-submarine tests off California's Channel Islands, and warned that the sonar could cause widespread harm to nearly 30 species of marine mammals, including five species of endangered whales.

The preliminary injunction from U.S. District Judge Florence Marie Cooper was issued while environmental organizations, led by the Natural Resources Defense Council, are suing both the Navy and the National Marine Fisheries Service to prevent the sonar experiments.

Active sonar pulses at certain mid-frequency ranges beneath the sea act very much like radar signals do through space, bouncing back from targets - such as spacecraft, planes or even features on the moon, for example - and identifying them.

Scientists contend that in the water, sonar pulses damage the hearing organs of whales, disrupt their lives and have caused many whale species to strand themselves on shores.

The Natural Resources Defense Council and five other environmental

organizations sued the Navy in March to halt a series of 14 anti-submarine exercises planned for the next two years, claiming the sonar pulses would severely threaten the lives and health of marine mammals and would violate four federal laws, including the National Environmental Policy Act and the Endangered Species Act.

When the suit was filed, the Defense Department exempted the Navy from complying with the laws because of overriding national security needs.

On Monday, Cooper sent preliminary copies of the language she planned to use in her final ruling, noting there was a near certainty that marine mammals would be endangered by the sonar blasts. She called a series of mitigations proposed by the Navy to protect the whales "woefully inadequate and ineffectual."

In an e-mail Monday, a Navy spokesman cited the Navy's response to the lawsuit, which claimed that in 30 years of similar sonar experiments no whales have ever been stranded, nor have any marine mammals suffered "injuries or behavioral disturbances ... or even temporary hearing loss."

The Navy's "extensive mitigation measures" to protect the whales include using trained lookouts,

night-vision goggles, passive sonar to monitor marine mammals underwater, aerial surveillance and a 1,000-yard safety zone around its sonar transmitters, said the response document.

A spokeswoman for the National Marine Fisheries Service said her agency's officials would respond to the judge's ruling when they receive the final language in the injunction.

Both agencies are expected to appeal Cooper's ruling.

The court order "confirms that during sonar testing and training, the Navy can and must protect whales and other marine life in the extraordinarily rich waters off our Southern California coast," said Joel Reynolds, lead attorney for the Natural Resources Defense Council. "The Navy's rejection of common sense protective measures ... is illegal, unacceptable and completely unnecessary."

The environmental groups fighting to protect the whales from the powerful sonar signals contend that scientists have long known that marine mammals use their own sounds to find food, locate mates, avoid predators and communicate with each other. Man-made high-intensity sounds like powerful sonar can seriously disrupt the lives of these animals, researchers have maintained.