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**U.S. Navy Sued Over Anti-Sub Training Range Where Rare Whales Calve**

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ATLANTA, Georgia, January 28, 2010 (ENS) - Conservation groups today filed a lawsuit against the U.S. Navy over its decision to build an Undersea Warfare Training Range next to the only known calving ground for the critically endangered North Atlantic right whale. Only about 350 whales of this species remain today.

The range is set for a location 50 nautical miles offshore of Jacksonville, on Florida's northeast coast. The Navy plans to place undersea cables and sensor nodes in a 500 square-nautical-mile area of the ocean to create the range for anti-submarine warfare training. The range would begin operating in 2014.

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 in U.S. District Court for the Southern District of Georgia.

In the coastal waters off Georgia and northern Florida, calving occurs from December through March. Known right whale nursery areas are in these shallow, coastal waters.

"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.

In 1994, the National Marine Fisheries Service designated as right whale critical habitat an area of coastal Florida and Georgia from Sebastian Inlet, Florida in the south to the Altamaha River, Georgia in the north. The training range location is out to sea opposite part of this area, but the conservationists contend that Navy ships, exempt from speed restrictions established to protect these whales, would pass through the calving grounds when traveling between the proposed training area and bases at Jacksonville and Kings Bay, Georgia.



North Atlantic right whale with a dolphin escort in waters off St. Augustine, Florida, 40 miles south of Jacksonville (Photo by Amy Willoughby)

Despite concerns expressed by the states of Georgia and Florida, conservation groups, and scientists, the Navy decided to proceed with its plans to build the \$100 million training range without implementing recommended measures that could have lessened the impact of its activities, the conservationists argue.

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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.

For years, conservationists have brought legal actions challenging the use of sonar in areas where whales can be affected. "Sonar can cause a range of impacts on marine wildlife, from disrupting nursing and feeding to injury and death in some cases," the groups reiterated today.

In its Record of Decision and Environmental Impact Statement for the range the Navy says the facility is needed because it improves the Navy's ability to train its naval forces to detect and defeat submarines operating in shallow, or littoral, seas such as the Arabian Sea, the South China Sea, and the Korean Sea where environmental conditions coupled with new noise reduction technologies make detection of "silent diesel submarines, easily obtainable by potential adversaries" increasingly difficult.

"While we recognize the Navy's need to train," says Wannamaker, "there are ways to accommodate that need without introducing multiple risks of harm into such a sensitive area."

In its EIS, the Navy acknowledges that its use of sonar on the range could harm or harass endangered whale species - the North Atlantic right whale, the fin whale, and the sperm whale - and promises to hold consultations with the National Marine Fisheries Service in accordance with the Endangered Species Act to mitigate or reduce impacts on these whales.

No ordnance would be detonated during training exercises, the Navy says. The physical force to which marine organisms would be exposed would be limited to that produced by torpedo launching and movement.

The conservationist lawsuit 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," the groups contend.

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 Humane Society of the United States. "The Navy is playing Russian roulette with one of our most imperiled wildlife species."

"The science here is settled," said Steve Roady of Earthjustice, a public interest law firm. "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."

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 Navy says it has adopted protective measures to reduce the potential for collisions with surfaced marine mammals and sea turtles.

"Based on the Navy protective measures and the implementation of mitigation measures during times of anticipated right whale occurrence, Navy vessels are not likely to adversely affect North Atlantic right whales," the EIS states.

"The proposed action is not likely to affect annual rate of population growth or survival of marine mammals," the Navy says.

The Navy says it has trained personnel that can spot marine mammals and it will "take appropriate action" if the animals are on the range when operations are taking place.

But the conservationists are not persuaded.

"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."

The North Atlantic right whale, *Eubalaena glacialis*, has been listed as endangered under the Endangered Species Act since 1973.

The legal challenge was filed today 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 Federation, North Carolina Wildlife Federation, South Carolina Coastal Conservation League, Animal Welfare Institute, Ocean Mammal Institute, Citizens Opposing Active Sonar Threats, and Cetacean Society International.

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