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NAVY SEEKS TO CONTINUE ILLEGAL MARINE DETONATIONS

Shifting Much of Underwater Explosives Operations from Puget Sound to San Diego

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Washington, DC — The U.S. Navy underwater demolition program has operated without legally required environmental safeguards for more than 25 years and the Navy wants to keep it that way, according to a federal court filing today by Public Employees for Environmental Responsibility (PEER) and Wild Fish Conservancy. The Navy has announced that it will end most of its demolition exercises in Washington's Puget Sound which are the subject of the PEER/ Wild Fish Conservancy lawsuit and relocate them to Imperial Beach in San Diego County, California.

In July 2008, PEER and Wild Fish Conservancy filed a federal lawsuit charging the Navy with violating environmental statutes by setting off scores of underwater explosive charges each year in some of the most sensitive waters of Puget Sound without any attempt to avoid or minimize damage. In November, the Navy agreed to dramatically cut back the number, size and locations for its Puget Sound detonations.

Now, after months of settlement discussions, the Navy seeks to dismiss the PEER/Wild Fish Conservancy lawsuit because it claims that it is closing down most of its Puget Sound demolition operations. One problem with the Navy's relocation plan, however, is that the Navy has not conducted the required environmental reviews and consultations needed to begin explosive exercises in Imperial Beach.

"The Navy cannot avoid environmental compliance by simply relocating its violations," stated PEER Senior Counsel Paula Dinerstein who filed the motion for summary judgment in its lawsuit with Brian Knutsen of the Seattle law firm Smith & Lowney. "From its pattern of conduct, we can only conclude that the Navy never intended to obey the law."

In their filing before the U.S. District Court in Tacoma, PEER and Wild Fish Conservancy point to –

- An extensive Puget Sound explosives program dating back to the early 1980's averaging 60 exercises a year. Each detonation exercise kills thousands of fish;
- The Navy has resisted any alternatives or mitigation measures to reduce harm to wildlife; and
- Despite pledging since 2002 to bring itself into compliance, the Navy has evaded requirements by employing an array of delaying and, in some cases, misleading tactics.

The suit cites the Navy's violations of the Endangered Species Act and the National Environmental Policy Act. After months of ultimately fruitless settlement discussions, the Navy now contends that by moving its operations to Imperial Beach the suit is moot. A ruling is expected this summer.

"Significantly, the Navy has not told the people of Imperial Beach how many blasts to expect and where to expect them," Dinerstein added, noting that the Navy is not legally barred from resuming underwater demolition exercises in Puget Sound if the PEER/Wild Fish Conservancy suit is dismissed.

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[Read the summary judgment motion](#)

[See the recent Navy announcement shifting explosive operations to Imperial Beach](#)

[Look at the new conditions imposed in Puget Sound](#)

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