



P.O. Box 574 • North Easton, MA 02356  
Phone: (508) 230-9933 • Fax: (508) 230-2110  
e-mail: [nepeer@peer.org](mailto:nepeer@peer.org) • <http://www.peer.org/newengland>

Naval Facilities Engineering Command Atlantic  
Attn: Keith Jenkins  
Code EV21 KJ  
6506 Hampton Boulevard  
Norfolk, VA 23508-1278

**SENT BY FACSIMILE (757-322-4894) AND REGULAR MAIL**

January 30, 2006

Dear Mr. Jenkins,

Public Employees for Environmental Responsibility (PEER) is a Washington D.C.-based non-profit, non-partisan public interest organization concerned with honest and open government. Specifically, PEER serves and protects public employees working on environmental issues. PEER represents thousands of local, state and federal government employees nationwide; our New England chapter is located outside of Boston, Massachusetts. PEER has been working for several years to save the critically endangered North Atlantic right whale, and as such, we are extremely concerned about the U.S. Navy's proposed Undersea Warfare Training Range (USWTR). Our comments on the Navy's Draft Environmental Impact Statement (DEIS) are set forth below.

#### **Background**

The Navy proposes to construct an undersea warfare training range (USWTR) that would result in the instrumentation of a 1,713 square kilometer (500-square-nautical mile) area of the ocean offshore of the east coast of the United States. According to the DEIS, the proposed range would enable the Navy to train military personnel how to use active sonar to find, track, and pursue submarines in shallow (littoral) seas under realistic conditions. The range would contain undersea cables and 300 sensor nodes, and would be connected to a landside cable termination facility (CTF). The Navy proposes to use the area for anti-submarine warfare (ASW) training. The alternative locations evaluated for the USWTR include a site offshore of southeastern North Carolina in the Cherry Point Operating Area (Alternative A), a site offshore of northeastern Virginia (Alternative B), and a site offshore of northeastern Florida in the Jacksonville area (Alternative C). The Navy's preferred alternative is Alternative A off North Carolina.

### **Purpose and Need**

The Navy claims that it is imperative for U.S. troops to train with active sonar for "national security" reasons (DEIS p. 1-2). Specifically, the DEIS states that the new generations of so-called quiet diesel submarines threaten U.S. forces, merchant mariners, and ultimately, the security of our nation as a whole. PEER does not believe that national security and environmental protection are mutually exclusive. The Navy appears to imply that impacts to marine mammals and other marine life must be accepted as collateral damage, and that sonar cannot be constrained without resulting in a threat to national security. PEER does not believe that this is true, and believes that the Navy must explore other alternatives such as passive listening devices. Page 2-9 of the DEIS states that "there are two basic types of sonars, active and passive. Both are used to search for, detect, localize, classify, and track submarines. Passive systems do not emit any energy and therefore are not a subject of this OEIS/EIS." The fact that passive systems do not emit energy is not a reason to exclude them as possible alternatives. The Defense Advanced Research Projects Agency (DARPA), the central research and development organization for the Department of Defense (DoD), has been investigating the potential of passive sonar in the detection of quiet submarines for years. In a speech given to the Department of Defense in September of 2000, Dr. Thomas J. Green, Program Manager for the Robust Passive Sonar Program (RPS) stated:

The focus of RPS is to develop innovative, optimal end-to-end processing approaches that exploit tactical acoustic sensors to produce dramatic gains in passive detection against quiet targets operating in shallow water "littoral" environments. In recent years there has been much emphasis on achieving tactical control of shallow water, littoral regions against quiet diesel electric submarines. Towards this end, there has been substantial fundamental work aimed at developing advanced processing techniques to exploit the propagation characteristics of these regions. In addition, new sensors are being developed and deployed that have the necessary characteristics to support many of these processing techniques. We believe there is an opportunity now to realize significant acoustic gain by applying these and other advanced signal processing techniques to emerging sensors within an end-to-end sonar system context and by so doing to achieve substantial tactical advantage over future submarine threats. (see <http://www.darpa.mil/DARPAtech2000/presentation.htm>).

Given the promise of passive sonar in detecting quiet targets in littoral environments, PEER believes that the Final EIS should explore passive sonar in its alternatives section, whether or not it emits energy.

### **Concerns with Active Sonar**

As you are aware, a mounting body of evidence is emerging that confirms that active sonar is dangerous to marine mammals. At low intensities, this type of sonar can result in behavioral modification of individuals, and at increasing intensities, can lead to physiological impacts such as internal hemorrhages and gas embolism. Moreover, there have been an increasing number of marine mammal mass strandings and mortalities associated with mid-frequency sonar. In fact, in January of 2005, 37 whales stranded in North Carolina in the vicinity of the proposed USWTR, just after the U.S. Navy

conducted sonar exercises. Although sonar was not found to be the definitive cause of this stranding, necropsy results from at least seven of the whales were indicative of sonar. The Navy itself has acknowledged that sonar can harm whales: a joint Navy/NOAA investigation found that sonar from Navy ships was the most likely explanation for the stranding of 17 whales in the Bahamas in the year 2000. And, aside from the harm to marine mammals, intense ocean noise can injure and kill fish.

#### **Potential Impacts to North Atlantic Right Whales**

There are 36 species of marine mammals that occur in the vicinity of Cherry Point, North Carolina, the Navy's preferred location for the USWTR. Among these species are six species of federally endangered whales, including the North Atlantic right whale (*Eubalaena glacialis*), and the federally endangered West Indian manatee (DEIS p. 3.2-20 and 3.2-21). The DEIS correctly states that the North Atlantic right whale is the world's rarest baleen whales, with roughly 300 individuals remaining. The primary causes of mortality for the North Atlantic right whale are ship strikes and entanglements in fishing gear. Right whales are a migratory species, and can be found in the Cherry Point vicinity from October through April, with peak sightings in February and March. The whales are typically found within 55 miles of the coast. The Navy states that the "North Atlantic right whale is expected to occur only rarely in the vicinity of the proposed Site A USWTR" (DEIS, p. 3.2-24). However, given that the National Marine Fisheries Service (NMFS) has assigned a Potential Biological Removal (PBR) of zero to the North Atlantic right whale, PEER does not believe that the Navy's "protective measures" of practicing "increased vigilance," posting two watchstanders, and not knowingly approaching right whales within 1,500 feet (DEIS p. 4.2-13) is sufficient to protect this species. Moreover, PEER does not agree that these protective measures, together with the mitigation measure of using a vague and undefined "slow, safe speed" (DEIS p. 6-7) are enough to support the Navy's statement that "Navy vessels are not likely to adversely affect North Atlantic right whales" (DEIS p. 4.2-13).

#### **Conclusion**

Given the undisputed body of evidence that active sonar can injure and kill fish and marine mammals, together with the potential availability of less environmentally damaging alternatives, PEER believes that the DEIS falls short in its alternatives analysis. Moreover, PEER does not believe that the so-called mitigation and protective measures outlined by the Navy are enough to protect the critically endangered North Atlantic right whale, not to mention the other endangered marine mammal species. Such impacts warrant a more thorough analysis of need and alternatives in order to satisfy both the requirements and spirit of the National Environmental Policy Act.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kyla Bennett". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Kyla Bennett, Ph.D., J.D.  
Director  
New England PEER