

## **The Navy's Proposed Undersea Warfare Training Range: Doing Wrong by Right Whales**

Op-Ed published in the Daytona Beach News-Journal, December 13, 2008  
by Catherine Wannamaker, Staff Attorney  
Southern Environmental Law Center

On the eve of the Northern right whale's annual migration to Florida, the Navy has proposed to locate its highly controversial Undersea Warfare Training Range just offshore of the only known calving ground for the highly endangered right whale.

In September, the Navy announced plans to locate the range in the waters of Georgia and Florida after originally proposing that the range be located off of North Carolina in 2005. The proposed training range is a 500 square-nautical mile area of the ocean that will be instrumented with cables and transducer nodes and connected to shore by a long trunk cable that the Navy will use for antisubmarine warfare training. The Navy plans some 470 exercises annually on the range, with each exercise involving up to three vessels and two aircraft engaged in simulated warfare. Training exercises will involve the use of mid-frequency sonar, including over 6,000 sonobuoys that will be expended on the range, and submarine-based sonar.

Importantly, the Navy already plans to conduct antisubmarine warfare training up and down the east coast from January 2009 to January 2014 as part of its Atlantic Fleet Active Sonar Training program. The Undersea Warfare Training Range is a separate and distinct antisubmarine warfare training proposal, which, due to the Navy's failure to propose reasonable restrictions on its activities, poses a serious risk to the survival of the North Atlantic right whale, a species that cannot sustain additional threats.

After a nearly one-year gestation period and a more than 1,400 mile journey south, female right whales return to the waters in our backyards, Georgia and Florida, to give birth to their calves from November to April. The very existence of the North Atlantic right whale is imperiled by a variety of threats from human activity, and protection of the calving grounds is of paramount importance. Scientists estimate that only between 300 and 400 whales remain. The National Marine Fisheries Service has warned that the loss of even one whale from the small existing population from non-natural causes could push the species over the brink of extinction.

In proposing to locate the training range just outside of this federally-designated right whale critical habitat, the Navy ignores or turns a willful blind eye to the various risks posed by its activities, including the very real threats posed by ship strikes, entanglements, and sonar.

The National Marine Fisheries Service ("NMFS") has concluded that the greatest known cause of right whale mortality in the western region of the North Atlantic is collision with ships. The risk of ship strikes should be of particular concern in the calving grounds off Georgia and Florida, as the data on ship strikes reveals that female right whales are struck more often than males, possibly because they must spend more time at

the surface with their calves who have undeveloped lung capacities. Given concern over the impacts of ship strikes, NMFS has proposed new vessel speed restrictions requiring commercial vessels to slow down around east coast ports. Unfortunately, federal vessels are exempt from the rule and only requested to follow speed restrictions if possible.

Naval vessels and submarines will be traveling to the training range from bases in Georgia and Florida and will pass squarely through the middle of right whale critical habitat. Despite the dangers this poses, however, the Navy has refused to follow NMFS' ship speed rule, instead insisting that speed restrictions are "arbitrary" and decrease training effectiveness. Rather than reducing speeds, the Navy simply plans to have Naval observers serve as "lookouts" for right whales, a measure that NMFS, the Georgia Department of Natural Resources, and the Florida Fish and Wildlife Conservation Commission have all found to be ineffective.

Entanglement in debris left on the training range is also a concern, as the Navy plans to leave over 6,000 discarded sonobuoys, torpedo control wires, and various air launch accessories on the sea floor to degrade over time (a concern not only for whales, but sea turtles and productive fisheries in the area). If right whales are in the vicinity and dive to the bottom in search of food, there is a very real possibility that they could become entangled in parachute assemblages and air launch accessories, which resemble the fishing gear that presents the second largest source of mortality to the species.

As if these risks alone are not significant enough, the Navy plans to use various forms of mid-frequency sonar during its 470 training exercises on the range. According to the Navy's own assessment, sonar has been linked to the death of various whale species on at least five occasions. Here, the Navy admits that activities on the range may disrupt the behavior of over forty right whales in such a significant way that they may refrain from normal activities such as migrating, surfacing, nursing, breeding, and feeding. Yet the Navy irresponsibly concludes that this will not impact the long term survival of the species when coupled with the other impacts posed by such a heightened amount of activity in such a sensitive area.

The list of measures that could reduce impacts to right whales rejected by the Navy is long and all-encompassing. In their plans for the training range, the Navy has rejected seasonal restrictions on training during the right whale calving period, rejected the use of third party observers to help spot right whales, rejected the surveying of the training area prior to exercises to ensure that no marine mammals are present, and rejected the use of ramp-up sonar activities that could clear the area of marine mammals before training exercises begin. The Navy has even refused to report marine mammals sighted during training exercises to further scientific understanding of the species, because, in the Navy's opinion, having to report such sightings would burden Navy personnel during training exercises (an ironic explanation given the Navy's plan to rely on those same Navy personnel to spot and avoid collision with right whales).

State and federal regulatory agencies have sounded alarm bells over the Navy's proposal. Georgia's Department of Natural Resources has requested that the Navy

refrain from conducting training exercises from November to April, when right whales are in the area giving birth to their calves, and has questioned the accuracy of the Navy's conclusions on the potential impacts from sonar. Florida's Fish and Wildlife Conservation Commission has recommended that the Navy not install the training range anywhere on the east coast, and that if the Navy must do so, it wholly avoid the sensitive Georgia/Florida critical habitat area. The federal Environmental Protection Agency has expressed significant concerns about the impacts the debris associated with the training range will have on reef complexes and hard bottom habitat, as well as concerns regarding the impact of the range on endangered species such as the right whale.

The Navy plans to reach a final decision on the proposed training range in the spring of 2009. In the meantime, the Navy must consult with NMFS regarding potential impacts to right whales and other endangered species. We must hope that NMFS brings a level of scrutiny and review to this project that the Navy has refused to employ. While we all understand the importance of national security, responsible government officials can surely devise creative ways to allow the Navy to conduct its training in a manner that does not result in the extinction of a highly imperiled species and wreak havoc on the marine environment that so many of us use and enjoy.