

West Coast Marine Life and the Navy's NW Training Range

- The Navy's NW Training Range stretches from the inland marine waters of Puget Sound in Washington, west to the outer coast of Washington, and south to the Lost Coast region of Northern California in Northern Mendocino County. The range extends seaward approximately 250 nautical miles (288 miles) and encompasses more than 126,000 square nautical miles of ocean and 34,000 square nautical miles of airspace – an area the size of the entire State of California.

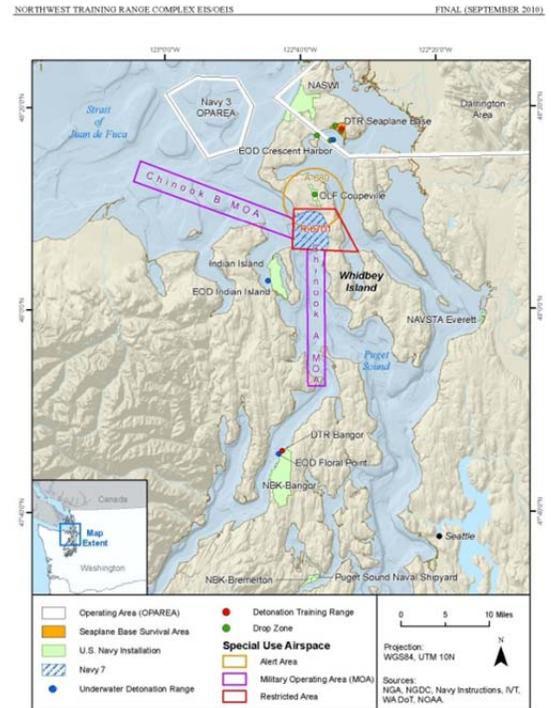
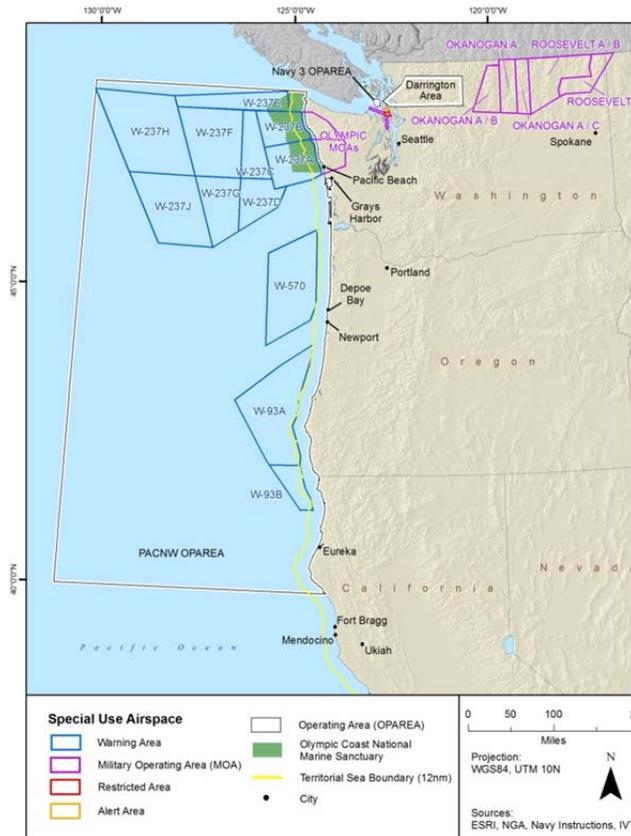


Figure 1-2: Puget Sound Training Areas of the NWTRC

- These west coast waters are some of the most biologically significant and productive marine areas in the world, home to both abundant and threatened species of marine life, including six endangered whale species (blue, fin, humpback, sei, sperm, and Southern Resident killer whales), threatened Steller sea lions, threatened and endangered salmon and steelhead, and endangered leatherback sea turtles.
- Some of the mid-frequency sonar systems the Navy employs are capable of generating sounds in excess of 235 decibels. A normal human conversation takes place at 60-70 decibels; a loud rock concert is about 115 decibels; permanent hearing damage for people can occur from short-term exposure to

140 decibels. The decibel scale is a logarithmic scale, and each ten-decibel rise along the scale corresponds to a ten-fold increase in power: a sound measuring 130 decibels is ten times more intense than a 120 decibel sound, a sound of 140 decibels is 100 times more intense, and a sound of 150 decibels is 1,000 times more intense.

- In 2003, the *USS Shoup*, exposed endangered Southern Resident killer whales to mid-frequency active sonar in Haro Strait west of San Juan Island in Washington State. A video of the incident is available here: http://www.youtube.com/watch?v=O9gDk29Y_YY
- Under the Endangered Species Act, “take” of a protected species means more than death of a single animal. “Take” also includes actions that harass or harm protected species, and harm includes “significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding or sheltering.” 50 C.F.R. § 222.102.
- The Marine Mammal Protection Act contains a definition of “take” that applies to all marine mammals (regardless of whether they are protected under the Endangered Species Act). A take includes actions that cause either “Level A” or “Level B” Harassment. For military readiness activities, Level A Harassment is defined as “any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild.” 16 U.S.C. §§ 1362(18)(B); 1362(18)(C). Level B Harassment is defined as “any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered.” 16 U.S.C. §§ 1362(18)(B); 1362(18)(D)
- The National Marine Fisheries Service has given the Navy a permit that allows 650,000 takes of marine mammals over a five-year period. This means that the agency believes there will be 650,000 instances when a marine mammal is harmed, and multiple takes of the same animal is specifically anticipated. For example, the Fisheries Service has permitted 596,370 takes of harbor porpoises, a number that is actually higher than the overall population of harbor porpoises. Not only does the permit allow the Navy to harm marine mammals, but it allows the Navy to harm the same animals again and again.
- In authorizing the Navy’s training activities, NMFS did not require the Navy to avoid any areas within this vast training range complex. The Plaintiffs in this case are not seeking to stop the training exercises, but are asking the Court to remand NMFS’s permits and authorizations and to require the agency to use the

latest scientific information to identify these biological “hot spots” and establish protection for marine mammals and other species by doing things like:

- Scheduling training to avoid times of the year when sensitive species are present in critical biological areas along this vast stretch of coast, including in places like the Olympic Coast National Marine Sanctuary on the Washington coast or biologically rich waters off of the Oregon and Northern California coasts;
- Establishing limited training exclusion zones that would allow the Navy to avoid the most significant concentrations of marine mammals; and
- Developing and incorporating better techniques for detecting marine mammals in training areas before exercises begin.