



PO Box 273 / Tuckahoe, NY 10707 / 914-793-9186 / 914-395-0017 fax

October 11, 2010

Naval Facilities Engineering Command Northwest  
1101 Tautog Circle, Suite 203  
Silverdale, WA 98315-1101  
Attn: Mrs. Kimberly Kler – NWTRC EIS

Re: EIS/OEIS NWTRC and MMPA Permit for the Navy's Northwest Training Range Complex

Dear Mrs. Kler:

Over the past 2 years, the public has participated in the EIS/OEIS processes for what are being called the "Big Three" Naval training ranges: SOCAL, HRC and AFAST covering Southern California, Hawaii and the Atlantic Fleet training range complexes respectively. The combined range covers 120,000 nm<sup>2</sup> (Southern California), 2.33 million nm<sup>2</sup> (Hawaii) and 2.6 million nm<sup>2</sup> (Atlantic Fleet). We are now expected to accept this additional vast and controversial training range, the NWTRC, with an additional 122,000 nm<sup>2</sup> for the Navy's unencumbered use. This latest range addition, however, seems superfluous and downright wasteful in light of the more than 5 million nm<sup>2</sup> encompassed in the "Big Three". Altogether, without dispute, and by its own admission, the effects of the Navy's actions will result in the "take" by Level B Harassment of some 11 million marine mammals over 5 years. This amount is expected to obliterate many cetacean species, in fact, we can expect nothing less.

One must ask whether there is some deficiency in the vast SOCAL, HRC and AFAST areas that the Navy must pursue now an area that includes one of the most biologically important marine sanctuaries in the world. In fact, it is not confirmed that the HRC exercises, with respect to sonar, will not already impact the NWTRC's area. What does the NWTRC have to offer that the other bathymetric seascapes do not?

What about the impacts of the proposed expansion of the NWTRC that would create new training areas: the Keyport Range, Dabob Bay Range, and the Quinalt Underwater Tracking Range? These would create an underwater training minefield, presenting year-round active sonar exercises and explosive detonations that will severely impact the waters off Washington, Oregon and northern California. Again, what bathymetric properties do these range areas hold that existing training areas do not? Shouldn't this expansion be part of the approval process for the NWTRC?

Our membership stands opposed to any permitting for the NWTRC for sonar or any other warfare, readiness or training practices by the Navy. Many have complained that the Navy's web page for the NWTRC is hard to navigate; a text "search" is missing, and specific information is hard or impossible to find. Could the Navy be attempting to thwart the dissemination of information that the public can meaningfully respond to? Specifically, where is the Biological Evaluation (BE) referred to in the DEIS which would

specify species impacts for public analysis? Why did the Navy develop new criteria for evaluating acoustic thresholds without publishing for customary scientific peer-review?

"Over the past several years, the Navy and NMFS have worked on developing alternative criteria to replace and/or to supplement the acoustic thresholds used in the past to estimate the probability of marine mammals being behaviorally harassed by received levels of MFA and HFA sonar. The Navy continues working with the NMFS to refine a mathematically representative curve for assessment of behavioral effects modeling associated with the use of MFA/HFA sonar." (FEIS/OEIS D-4)

Some have complained that this latest protocol change only permits greater impacts on marine life with less accountability. In addition, it appears that the Navy has chosen to redefine Level A and B Harassment, stating that injury from sonar would still be Level B Harassment.

The National Defense Authorization Act of 2004 amended the definition of "harassment" as applied to military readiness to read:

"(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) 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 [Level B Harassment]." (FEIS/OEIS D-1)

Yet the Navy would have the public believe that tangible physical "injures" (by definition Level A Harassment) does not include lung damage, or hearing loss (timpanic rupture). In addition, remarkably, NMFS adopted the criteria for assessment using the Navy's dubious analysis, which has no basis in credible research.

"Analysis of noise impacts is based on criteria and thresholds initially presented in U.S. Navy Environmental Impact Statements (EISs) for ship shock trials of the Seawolf submarine and the Winston Churchill (DDG 81), in EISs for the Southern California and Hawaii Range Complexes, and subsequently adopted by NMFS." (FEIS/OEIS D-2)

Beyond the question of what is an "injury", Level B Harassment hearing loss by sonar could lead to conditions where "behavioral patterns are abandoned or significantly altered". The inability to forage, to find relatives, communicate, and reproduce, is certain doom for a whale. Amazingly, hearing loss Temporary Threshold Shift (TTS) is touted as "non-injurious" in the Navy's DEIS!

Furthermore, the planned and accepted number of marine mammal takes in total, including the NWTRC, represents an agency incredibly beyond "out of control".

For example and perhaps most blatantly, NOAA's LOA for the AFAST states that the number of "takes" of Level B harassment will be 666 North Atlantic right whales. But there are only 350 NA right whales left of this critically endangered species! The LOA seems to be a blatant admission that what is not killed outright will be damaged, disrupted, and so impacted that one can not expect this beleaguered species to survive, and well, that's just a-okay. How could a permit for these "incidental" takings be granted when the criteria for such permits demands that the "take" will have no more than a negligible impact on the species or stock? The impacts to the NA right whale's total population alone negate the Navy's professed respect for wildlife laws, and should have compelled NOAA/NMFS to deny the AFAST permit. Despite the undeniable impacts, as expected, the Navy prevailed. Will the NWTRC LOA be the next Navy victory against environmental law?

Where is the Navy's so-called "responsible environmental stewardship" if a treasured environmental icon, symbolic of the decades-long struggles to do "what is right" by our oceans, the NA right whale, is wiped out by Naval exercises that could have just as easily been accomplished in a restricted, non- (or less) critical area? In addition, 4,202 mostly well-studied and named humpback whales, another iconic cetacean species, will also be impacted in the AFAST, but pointing this out is to no avail. In the NWTRC there are 29 marine mammal species, including eight endangered (or threatened) species of marine mammals. In addition, the region is a critical gray whale sanctuary. One of the world's most visible and highly monitored cetaceans is the endangered population of killer whales inhabiting the NWTRC region. Numbering just 83 today, the inevitable loss of just a few breeding females will lead to this long-lived cetacean's extinction. How can the Navy justify wiping out entire species without hesitation, for the sake of some repetitive training, that's not even real warfare? There will unavoidably be more of the same in the NWTRC's sensitive Olympic Coast National Marine Sanctuary.

Mitigation measures are notably ineffective during the Navy's NWTRC active sonar events. There is no provision for monitoring by submarine vessels (unless they are at the surface); yet submarines are a major component of active sonar.

"On the bridge of surface ships, there will always be at least three people on watch whose duties include observing the water surface around the vessel. All surface ships participating in ASW training events will, in addition to the three personnel on watch noted previously, have at all times during the exercise at least two additional personnel on watch as marine mammal lookouts." (DEIS 5-11)

This does little to assure the public that whales below the surface, or in darkness, will be respected during 24-hour training. Simply put, what happens at night - where visibility is often only 10 - 50 meters, and can change in an instant according to conditions? How can the Navy be expected to send aircraft out to monitor for whales in darkness, or even in daylight, for that matter. In fact, the presence of aircraft would alert foreign vessels to vessel position, hardly a practical maneuver for training! Why send aircraft out when the Navy only intends to monitor roughly 1000-2000 yards, less a mile, from the active sonar operating vessel. Yet, the Navy's "normal operating level" is at 235 dB! If LFA and MFA sonar range was only 2000 yards why would the navy bother using it at all?

"When marine mammals are detected by any means (aircraft, shipboard lookout, or acoustically) within 1,000 yds (914 m) of the sonar dome (the bow), the ship or submarine will limit active transmission levels to at least 6 decibels (dB) below normal operating levels." (DEIS 5-12)

The power-down so-called "mitigation" in the presence of marine mammals will be at 229 dB, roughly 80 dB greater than the levels needed to kill a human being, whose brains implode and begin to bleed out of their ears at 150 dB. Interestingly a similar result was seen in bloody heads and ears of the beaked whales that stranded after sonar exercises in 2000 in the Bahamas. The Navy's own research shows that 300 miles from the source, LFA sonar has only attenuated from 240 to 140 dB, still carrying enough energy to kill a human being after just a few minutes of exposure.

What can easily be disputed is the generalization that "the PTS threshold for cetacea is 215 dB re 1uPA<sup>2</sup>-s." (DEIS/OEIS Appendix D, D-3) This extrapolation supposes, with no published scientific documentation, that the smallest porpoise will be impacted to the same degree as the largest baleen whales in the training areas.

While the scope of the NWTRC's training area is disturbing to any serious or even casual observer, perhaps most unacceptable and troubling is the inclusion of the entire Olympic Coast National Marine Sanctuary in the training area. This location must be off-limits to naval training, without exception. In fact, the 29 species of marine mammals which will be "under fire" from naval warfare training games will

likely be hurled, one at a time, population after population, into justifiable status as endangered, threatened or at risk, or even hurled into extinction, by the very agency that is supposed to be protecting the public's resources. What will remain but the environmental and scientific communities to "pick up the pieces" and assess the damage done at each turn of the warfare game plan, to determine how many whales, turtles, fish are now gone? This will place an undue burden on the environmental and scientific communities. The weak mitigation measures are not even increased within the Olympic Coast National Marine Sanctuary.

Is it a pattern then for the Navy to demand huge training areas, ensonify and bomb the areas over and over, unceasingly, repeatedly, while destroying the wildlife that are unfortunate enough to live there, all for the sake of some idealized concept of "military readiness"? One can be confident that the US Navy is already "ready", and needs only a minimum of training which should be permitted only if non-detrimental to the environment and wildlife or the economies that depend on them for survival. Why doesn't NMFS simply tell the Navy that this plan is just too big? Why doesn't the Navy wisely make use of the increasing number of polluted oceanic dead zones for training where marine life is already absent?

The question becomes, in light of the failures of the DEIS and FEIS/OEIS to address these issues adequately, why has the Navy and what appears to be its co-conspirator, NOAA/NMFS, chosen to ignore proper procedure, ignore public comments, fail to address properly the issues put before them, fail to even include real scientific data to support its questionable numbers or its faulty assessment practices, and fail to respect the laws that have been established for protecting the environment -the rightful legacy and commonwealth of the American people?

In addition, we ask, will NOAA/NMFS act responsibly and deny naval warfare testing in a national marine sanctuary? Will NOAA/NMFS perform its directive in protecting marine resources, especially top of the food chain and critical cetacean populations throughout these training ranges by reassessing sound level criteria using non-military peer-reviewed research? Will NMFS impose the restrictions on sound and warfare activities to thwart the predicted devastating impacts? The nation's overall survival depends on government agencies faithfully performing their roles without influence from special interests, which includes the military. NMFS must exercise its duties and deny any permits to the Navy for military readiness training in the NWTRC.

Sincerely,

Taffy Lee Williams, Director