



Steve Leathery, Chief, Permits,
Conservation and Education Division,
Office of Protected Resources,
National Marine Fisheries Service,
1315 East-West Highway,
Silver Spring,
MD 20910-3225.

May 20, 2006

Re: 2006 RIMPAC IHA
Federal Register I.D. 011806L

Dear Mr. Leathery,

I am concerned about the advisability of deploying various acoustical communication and SONAR technologies proposed or indicated in the 2006 RIMPAC exercises. While RIMPAC has taken place biennially since 1968 without apparent negative environmental consequences, recent naval exercises worldwide have increasingly been associated or directly implicated in catastrophic marine mammal strandings and unusual “avoidance behavior” events. This includes the Hanalei Bay “Melon Headed Whale Incident” associated with the 2004 RIMPAC.

While the U.S. Navy has characteristically denied complicity in any marine mammal strandings or harassment, it is abundantly clear that these events have occurred – and continue to occur – coincident or subsequent to, and within the acoustical reach of naval exercises. The coincidence of strandings and harassment events in temporal/spatial relationship with naval exercises is so common that it would be an extreme statistical anomaly if the subject naval exercises were not at cause for these events.

I am also troubled that conservation organizations such as NRDC, Seaflow, the Humane Society U.S., the Ocean Mammal Institute and the Animal Welfare Institute

need to continually expend our resources and energies attempting to stem the destruction marine habitat by the US Navy. It is equally troubling that that by expressing our concerns, the “burden of proof” falls upon us who are attempting to conserve marine mammal habitat, and not the US Navy, who are proposing assaults and compromises to the environment.

While the specifics of various US Navy Sonar technologies are not available for public review, the evidence of the last five or six years suggests that new technologies are being deployed that, while being perhaps just as loud as the SQS-53C Sonar,¹ these new technologies may be utilizing signals that marine mammals are not biologically adapted to. It may be that while sound exposure levels of 140-150 dB SEL (re 1uPA) of “traditional” SQS-53C signals may be tolerable to the subject marine mammals, other more recently introduced signals are not tolerable to these animals.

Unfortunately, due to the “secure” nature of the signals used in these exercises, conservation organizations do not have access to them and must depend on information provided by the US Navy regarding the specifics of the signals. This situation further increases our burden of proof, because we do not have all of the information with which to prove that any new sonar technology is damaging to animals and habitat. In light of this, I believe that a more precautionary approach should be taken; that in place of conservation interests needing to prove that various US Navy Sonar signals are damaging to animals and habitat, the burden of proof should be shifted to the US Navy to prove that any and all technologies employed in the RIMPAC (as well as subsequent exercises) are NOT damaging to animals or habitat. This provision would include using actual sonar signals, not just modeling signals with sound level equivalencies.

I am also concerned that the RIMPAC proposal is using the Navy’s Draft EIS for the USWTR proposal² even while the assumptions, methodologies and substantiating information in that DEIS are still in draft form and are still under review.

¹ See the 2006 Supplement to the 2002 RIMPAC PEA section 2.1.2.2

² Ibid. Section 4.2.1 stating that the RIMPAC ASW proposal uses the same methodology as the “Overseas Environmental Impact Statement/Environmental Impact Statement, Undersea Warfare Training Range” (OEIS/EIS) (DoN 2005b)

For these reasons I am including my statements and comments on the Draft Overseas Environmental Impact Statement/Environmental Impact Statement for the Undersea Warfare Training Range dated December 21, 2005. These comments should be re-examined in the context of the RIMPAC IHA and included into the public record.

Given the precarious state of the oceans³ and the international desire to maintain sustainable yields of ocean resources and long term survival of marine mammals, it would seem reasonable, even sensible, to apply the precautionary principle when the US Navy proposes implementing new technologies into our ocean habitats. It is also reasonable to require that the thresholds for the “incidental harassment” of marine mammals should not be speculative or based on incomplete models, and that the impact of any new technologies is known to be benign prior to introducing these technologies into the environment. I also cannot stress enough that the burden of proof for the safety of these technologies should be borne by the perpetrators of the proposed harassment and not borne by those of us who are attempting to conserve the oceans for ourselves and for future generations.

Sincerely,

Michael Stocker
Science Advisor,
Seaflo Inc.

Cc: Hon. Donald C. Winter (U.S. Navy)
William Hogarth (NMFS)
Donna Wieting (NMFS Office of Protected Resources)

³ “An Ocean Blueprint for the 21st Century” Final Report of the U.S. Commission on Ocean Policy. Washington, D.C., 2004 ISBN#0-9759462-0-X and “America’s Living Oceans: Charting a course for Sea Change” Pew Oceans Commission, Arlington, VA., 2003.