Citizens Opposing Active Sonar Threats
COAST

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COAST comments to the Advisory Committee on Acoustic Impacts on Marine Mammals
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My name is Russell Wray. I would like to thank the Marine Mammal Commission for forming this committee to focus attention on acoustic impacts on marine mammals, and to all of you, for hearing my comments today. I am here representing Citizens Opposing Active Sonar Threats. COAST was formed following the Bahamas mass stranding in 2000, to make the citizens and government of Maine, as well as our congressional delegation, aware of the threats to marine mammals and other ocean life posed by naval sonars.

The fact that Congress called for the establishment of this committee is encouraging, and leads one to hope that these acoustic threats are finally going to be dealt with. However, COAST is concerned that Congress itself has created the conditions where real change is unlikely to occur, by directing this committee to "reduce those threats while maintaining the oceans as a global highway of international commerce." To a large degree, the problem being grappled with here stems from human thinking that the oceans are simply our highway of commerce, rather then home to a myriad of living beings and ecosystems. Congress's instructions imply that this way of thinking shall not change, and are akin to saying we will reduce global climate change, but the American way of life is not negotiable. Maybe it is time that we look at Earth's oceans in a different light.

The committee's draft report "acknowledged our societies's critical dependance on many activities that purposely or incidentally introduce sound into the ocean", never hinting that this critical dependance is not desirable, and should be reduced. It has come to the conclusion that ocean activities including energy production and so-called national defense are important to our nation, without questioning our policies regarding these matters. While it is understood that the committee's scope was directed to "deal with acoustic threats caused by human activities", to not cast even a passing glance at the policies which do so much to create these threats, is to not look at the root of the problem. Why so little questioning?

A look at the makeup of the committee may help to explain. The majority of its members represent the interests of those who are responsible for the production of most of the anthropogenic sound which threatens marine mammals and other ocean life, or are representing those federal agencies charged with regulating them, but who, at least in some cases, act more to smooth the way for them at the expense of faithfully carrying out their mission. Some others are representing research institutions who, often times depend upon much , if not all of their funding from these agencies and the Navy, and who may be susceptible to pressure from these sources. Clearly, those whose primary interest is in the welfare of marine mammals and healthy oceans , make up a minority of this committee. One might fairly conclude that the committee is imbalanced , weighted in favor of users over protectors just in sheer numbers.

A key ingredient of the committee's report is the call for more research into the impacts of anthropogenic sound on marine mammals. While we would probably all agree that the resulting knowledge gained would be a good thing, the need for immediate action based on what we already do know is not given adequate emphasis. It is already established this sound can disrupt, injure and kill marine mammals and other ocean life. Some may choose to remain in denial about this, but a child understands that in filling the oceans with sound, sometimes very intense sound, that we are going to impact the creatures whose home is these oceans. You don't need to be a rocket scientist to understand this. So, while more research could be beneficial, it should not in any way delay action to reduce these impacts, now. Unfortunately, the call for more research is often little more then a poorly disguised stalling technique, as we have seen so much of regarding global climate change.

The committee's report does little to question the integrity of decisions coming out of management agencies, and seems to assume that their decisions are based solely on sound science, free from the influences of special interests and political manipulation. But this is often times simply not the case. The recent survey of NMFS scientists conducted by the Union of Concerned Scientists and Public Employees for Environmental Responsibility found that large numbers of NMFS scientists reported political interference in scientific determinations, and many felt that this has undermined NMFS's ability to fulfil its mission. An astounding 69 percent of scientists responding to the survey did not trust NMFS decision makers to make decisions that would protect marine resources and ecosystems. This is serious stuff! No doubt there are a great many people working within NMFS and other federal agencies with very high standards of scientific and management integrity, yet clearly those standards are sometimes cast aside by upper level decision makers.

But one need not question the integrity of NMFS decision making based on this survey alone. We only have to look at its recent actions, or lack thereof, regarding the protection of the North Atlantic right whale. It is facing extinction, and has been for many years, with only somewhere between 300 and 350 now left in existence. Ship strikes account for a very high percentage of right whale deaths. Since February of 2004, at least 4 have been killed by ship strike, 7 counting the 3 near-term calves also killed. These deaths have been a terrible blow to the right whale's chances of recovery. Yet NMFS, after all these years, still has failed to take any meaningful action to prevent more such deaths. What have they been waiting for? And given this, how are we to believe that NMFS will ensure the protection of marine mammals from the impacts of anthropogenic sound?

When NMFS issued its letter of authorization to the Navy for the deployment of LFA sonar, it went along with the Navy's absurd claim that exposure to LFA sound below a received level of 180 decibels is safe for marine mammals. This conclusion was based on short term tests conducted on 4 species of whales who were exposed to LFA sound at received levels hundreds of times less intense then 180 dB. In fact, there is considerable evidence indicating sound at levels lower then 180 dB have already injured and killed whales. This so-called "safe level" has no real basis in science. Nor did the NMFS assertion that "takes" resulting from Navy use of LFA sonar would have only negligible impacts. How could this be scientifically determined in the case of some beaked whales, when so very little is known about their population status? This determination was wishful thinking perhaps, but certainly not based in science.

The report speaks to the need for transparent investigations and assessments of stranding incidents, and a release of information to the public in a timely manner. Where is the information

NMFS is sitting on regarding the 34 whales killed coincident to Navy sonar exercises in North Carolina last January? Nine months have passed and still the information is not forthcoming. Do they have something to hide? It does appear so.

Clearly, the fact that political pressure is interfering in management agency's scientific determinations, and is hampering their ability to fulfil their missions needs to be addressed more thoroughly.

The committee report does acknowledge some of the social and cultural costs related to management inaction. However, this point is not brought home strongly enough. While the costs are hard to measure, they are nonetheless very real and can be tremendous. What will it mean to people if, for example, the right whale, or Gervais' beaked whale does go extinct? What damage will it do in our minds and hearts, knowing that we didn't grasp the existing opportunity to take real and meaningful action to ensure its rightful place on Earth, but rather let it disappear forever? How will that affect young peoples hope for the future? What of the lost beauty, and mystery, that brings so much meaning to people's lives? These costs should not be dismissed lightly.

Terms such as practicable, impractical, and too costly are applied frequently regarding mitigation measures. The question arises, impractical and too costly for whom? It may be more convenient for the oil industry to allow some whales, fish, and squid to be injured or killed by their seismic surveys, then to engage in meaningful mitigation measures that are grounded in reality, but we all know they are not hurting for money. On the other hand, the loss of healthy, living oceans will exact the ultimate cost, shared by all on the planet, should we fail to act to protect them.

Management, mitigation, monitoring, and enforcement don't take place in a vacuum. When they do occur, they take place in the real world, where all kinds of influences come into play. Do marine mammal observers ever experience pressure, either implicit or explicit, which could cause them not to see or report marine mammals? When, and if, it is found that the Navy has failed to comply with NEPA or the Endangered Species Act, who calls them on it and holds them accountable? Are necropsy reports ever written up in a way that is intentionally misleading? What of the Coast Guard's recent refusal to issue advisories to shippers when right whales in the area are put at risk? Is it reasonable to assume that corporations, whose primary motive is generally profit, will embrace voluntary guidelines? And can we really expect non-binding guidelines to help international efforts to reduce impacts of sound on marine mammals? As we all know, binding treaties are sometimes violated . Non-binding guidelines are too often little more then advice to be ignored, and therefore cannot be relied upon to reduce these impacts. It seems the committee's report has failed to take into account these real world factors.

Finally, a few words about the ideas conveyed by some of the language in this report. The concept of "management", when applied to complex living ecosystems, is indicative of the mind-set where some people believe they can control and manage nature. This mind-set is the story of the last century, and look at what it has brought us: a rapidly deteriorating environment. One that increasingly threatens even human survival.

Potential biological removal level? Acceptable risk? Acceptable to whom? What may be acceptable to Navy leadership may not be acceptable to the mother whale who loses her calf to Navy sonar.

We should try to keep in mind that we are talking about the lives of other creatures, many of whom no doubt, want to continue to live, some who may even desire a life that allows for

more then merely survival and reproduction, but also a life free of the stresses of human noise: a life to be lived and enjoyed.

It is human arrogance which causes us to believe humans are the only species capable and deserving of the ability to enjoy life. Its this same arrogance which allows for us to view the mother whale's dead calf as just so much collateral damage. Road kill on the global highway of international commerce.

Whether or not we are able to make the leap which allows us to recognize the right of other cultures, species, and individuals to share this Earth, one thing is certain; we humans are also subject to nature's laws, and the consequences of violating them. Hurricane Katrina's ravaging of a New Orleans stripped of her wet lands has shown us this.

Its time to look at Earth's oceans in a different light: one which recognizes the right of all the life within these oceans, not only to existence, but to lives lived in a healthy environment. Lets act on that recognition, for the benefit of us all.