

## **Tribal Statement of Opposition to the U.S. Navy's Training and Testing**

**March 22, 2019**

- The InterTribal Sinkyone Wilderness Council is a consortium comprised of 10 federally recognized Tribes from Mendocino and Lake Counties that has worked for many years to safeguard the health of the ocean, on which its member Tribes depend for traditional foods and their cultural ways of life.
- In 2012 the Sinkyone Council and environmental organizations filed a federal lawsuit against National Marine Fisheries Service for issuing a permit for the Navy's training and testing program, which the suit's plaintiffs asserted did not include adequate mitigations for addressing impacts to marine species and the Tribes' cultural ways of life. To view the lawsuit's complaint, go to: <http://earthjustice.org/sites/default/files/NW-Training-Range-Complaint.pdf>. To view press releases about the reasons for the lawsuit, and the federal court's September 2013 ruling, go to:  
<http://www.foe.org/news/news-releases/2012-01-lawsuit-filed-over-navy-training-that-blasts-marine-mammals-harmful-sonar>  
<http://earthjustice.org/news/press/2013/court-rules-that-federal-agency-failed-to-protect-thousands-of-whales-and-dolphins-from-navy-sonar>
- In a subsequent case, after the federal district court in Hawai'i determined that the Navy's training activities in Hawai'i and Southern California illegally harm more than 60 separate populations of whales, dolphins, seals, and sea lions, the Navy agreed in 2016 to put vital habitat in these waters off-limits to mid-frequency sonar training and testing. Several months later in a different case, a federal appeals court found that the Fisheries Service's "systematic underprotection of" whales and other marine life in its permit for the Navy's use of low-frequency sonar across the globe violated the law and ordered the government to consider additional mitigation measures for this activity.
- Various studies have found that the use of sonar can cause hearing damage and behavior alterations in marine mammals.
- The ocean areas where the training and testing takes place are culturally significant to Tribal peoples, and using the ocean environment for training and testing of military equipment and personnel is inconsistent with the cultural values we hold. The assessment of harm should not be limited to physical effects only.
- The impact of training and testing on the marine environment should not be measured solely according to whether entire populations of marine species are harmed. Harm to smaller areas and groups should also be considered.
- Monitoring of impacts to the marine environment and marine plant and animal species needs to be improved and the results of the monitoring should be reported to the Tribes.
- The goal of mitigation of harm to marine plant and animal species should be to reduce the effect of training and testing to the lowest humanly possible impact.
- Special measures are being taken to address the concerns of the Tribes because they are sovereign nations, and not merely members of the public.
- The member Tribes of the Sinkyone Council are engaged in an ongoing process of government-to-government consultation with the Navy regarding Tribal concerns about the Northwest Training and Testing program. The Navy has affirmed that it is committed to open and meaningful engagement to address the Tribes' issues of concern.
- Due in part to government-to-government consultation process with the ten member Tribes comprising the InterTribal Sinkyone Wilderness Council, the Navy at the end of 2018 discontinued its training and testing activities in both state and federal waters, out to 12 nautical miles from Northern California's shoreline.