



NATURAL RESOURCES DEFENSE COUNCIL

By Regular Mail

April 3, 2009

Oceanus Editor -- Woods Hole Oceanographic Institution
Mail Stop 40
Woods Hole, MA 02543
oceanuseditor@whoi.edu

To the Editor:

Had *Oceanus* contacted us, we could have corrected inaccuracies that undermine the force of your story ("Supreme Court Weighs in on Whales and Sonar").

In fact, environmental enforcement has been responsible for millions of dollars in research on noise in the ocean. The Marine Mammal Research Program under Scripps' Acoustic Thermometry of Ocean Climate project in 1995, the ONR-funded Scientific Research Program regarding Low Frequency Active sonar in 1997, and, most recently, almost \$15 million in new research on both marine mammal acoustics and basic ecology under a settlement with the Navy in December 2008 – all of these have been undertaken or expanded in direct response to environmental advocacy, as Dr. Tyack, who was involved in both the ATOC and LFA research initiatives, can attest.

Moreover, without this advocacy, the Navy would almost certainly still be training illegally with sonar around the world, with too little regard for marine impacts – just as it had for decades before environmental advocates forced them to respond. Time after time, the Navy has rejected meaningful safeguards, and in case after case the federal courts have found them in violation of the law. Although in *Winter v. NRDC* the Supreme Court, based on the Court majority's view of the public interest, lifted two of the six mitigation conditions imposed by the lower courts, it did not challenge their legal judgment that the Navy had violated the law nor did it accept the Navy's astonishing claim that the President, at the Navy's request, could overrule a federal court.

All of us are fortunate to live in a nation of laws, but our environmental laws are meaningful only if enforced. To portray environmental advocacy as hindering scientific research, as your article does, is not only factually inaccurate but fundamentally at odds with the longstanding commitment of the scientific community to conservation of our oceans.

Joel Reynolds
Natural Resources Defense Council