



# RHUMB LINES

*Straight Lines to Navigate By*



November 17, 2008

## Supreme Court Rules for Navy and Modifies Sonar Preliminary Injunction

*"This case was vital to our Navy and Nation's security, and we are pleased with the Supreme Court's decision in this matter. We can now continue to train our Sailors effectively, under realistic combat conditions, and certify our crews combat ready while continuing to be good stewards of the marine environment."*

**– Honorable Donald C. Winter, Secretary of the Navy**

*"We are pleased with the Supreme Court's decision on this case of vital importance to our National Security. We will continue to train realistically and certify the Sailors and Marines of our Navy strike groups in a manner that protects our nation's security and the precious maritime environment."*

**– Adm. Gary Roughead, Chief of Naval Operations**

### Supreme Court opinion released

On November 12<sup>th</sup> the Supreme Court ruled for the Navy on the challenge to Navy's use of sonar for the 14 anti-submarine warfare (ASW) combat certification training exercises off the coast of Southern California (SOCAL). The Supreme Court vacated the two training restrictions in the preliminary injunction that Navy told the Court unacceptably restricted our Sailors' ability to conduct realistic combat training with mid-frequency active (MFA) sonar in SOCAL. The majority opinion concluded that "the balance of equities and consideration of the overall public interest in this case tip strongly in favor of the Navy." Seven justices agreed that the preliminary injunction was not supported by the evidence.

### What this means

Without the Supreme Court's action, Navy training would have been subject to the full impact of the District Court's injunction, which would have seriously limited our ability to properly train and certify our forces, significantly increasing risk to our Sailors and jeopardizing national security. This injunction and this decision concern the 14 major training exercises off Southern California. The last of these exercises will be completed this December.

### Anti-submarine warfare competency is achieved through realistic training

- ASW certification is achieved by building skills over time using synthetic and live training, beginning in the classroom and progressing to integrated operations.
- Any mitigation measures or restrictions beyond those currently required may negatively impact the Navy's ability to effectively train and certify forces preparing to go into harm's way.
- Operators must be certified at each level to effectively progress up the training ladder. Classroom and simulator training works at the basic phase but live training at sea, using the same tools that will be available when forward deployed, is required to progress to the unit level, then integrated training, and finally joint strike group training.
- The ASW training process is a set of building blocks, but critical training must be accomplished underway, at sea and with live tools. Simulators cannot achieve the same results. Additionally, ASW skills deteriorate quickly and constant training is necessary to maintain proficiency.

### Key Messages

- Our primary mission is to maintain a trained and effective Navy.
- We take extensive measures to protect marine mammals during our sonar training exercises.
- This decision is a victory for the nation to achieve a balanced, responsible approach to meeting the Navy's dual obligation for maintaining a trained and effective force and environmental stewardship.

### Facts & Figures

- For 40 years the Navy has conducted ASW training exercises in SOCAL - without a single marine mammal stranding linked to sonar.
- Since January 2007 when the NMFS-approved protective measures were instituted, no marine mammal strandings have been linked to the U.S. Navy.
- The U.S. Navy is a leading sponsor of marine mammal research, spending \$26 million in FY08.