

United States Senate

HART SENATE OFFICE BUILDING
SUITE 112
WASHINGTON, DC 20510-0505
(202) 224-3553
<http://boxer.senate.gov/contact>

August 8, 2007

The Honorable Donald Winter
Secretary of the Navy
1000 Navy Pentagon
Washington, D.C. 20350-1000

Dear Secretary Winter:

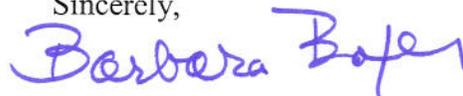
I write to you regarding the August 6th order by the U.S. District Court for the Central District of California, which granted a preliminary injunction on the Navy's use of mid-frequency active sonar during training exercises off the coast of Southern California. I strongly urge you not to appeal the order, but to fully comply and expedite a settlement with the Natural Resources Defense Council and their co-plaintiffs.

The settlement must involve the Navy's adoption of additional mitigation measures to significantly reduce the risk of harm to marine life during sonar exercises. In the order, the court has declared that the Navy's proposed mitigation measures are "woefully inadequate and ineffectual," and the Navy's actions in planning and conducting the exercises are in probable violation of the National Environmental Policy Act (NEPA), the Administrative Procedures Act (APA), and the Coastal Zone Management Act (CZMA). The California Coastal Commission's conditions conveyed to the Navy should be a basis for the protective measures needed.

I deeply appreciate the national security concerns and needs related to protection from submarine threats. However, Southern California's waters are among the richest and most ecologically significant marine habitats in the world. The Navy should be able to implement stronger measures to adequately protect the marine resources that are so important to California and our nation. As stated in the court's ruling, "harm to the environment, Plaintiffs, and public interest outweighs the harm that Defendants would incur."

I hope for your cooperation on this significant matter.

Sincerely,



Barbara Boxer
United States Senator