

Assembly Joint Resolution No. 68

RESOLUTION CHAPTER 150

Assembly Joint Resolution No. 68—Relative to marine mammals.

[Filed with Secretary of State September 19, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 68, Brownley. Marine mammals: sonar.

This measure would request that the President of the United States and the United States Navy abide by the laws governing usage and effects upon the coastal regions of California and adopt the guidelines presented by the California Coastal Commission for training operations off the coast of southern California with respect to sonar usage and marine wildlife.

WHEREAS, The people of California and the United States place great value on the continued preservation of natural resources and marine wildlife, as shown by legislation on the state and federal levels, including the federal Marine Mammal Protection Act of 1972, the federal Endangered Species Act of 1973, the California Coastal Act of 1976, and other legislation; and

WHEREAS, The waters off the coast of southern California are known for the diversity and abundance of marine wildlife; and

WHEREAS, The United States Navy (“Navy”) training area covers much of the breeding and migration grounds for many species, including migration of blue and gray whales; and

WHEREAS, Scientific studies have proven a link between the use of mid-frequency sonar and mass deaths, panic, and hearing loss among marine wildlife, marine mammals in particular; and

WHEREAS, The federal Coastal Zone Management Act of 1972 granted authority to state coastal agencies to regulate federal activities if the activity affects coastal resources; and

WHEREAS, It is in the best interest of California and the United States to have a prepared and well-trained armed forces, and the southern California operating area is a vital training area for the Navy; and

WHEREAS, The California Coastal Commission (“Commission”) recognized the validity of the training missions and approved the missions conditional on adoption of guidelines for performing the exercises that would reasonably minimize the effects on marine wildlife and California’s coastal resources and usage; and

WHEREAS, The standards proposed by the Commission have been deemed operable and acceptable for past training missions of the Navy and the North Atlantic Treaty Organization, and even stricter parameters are followed by the armed services of Australia; and

WHEREAS, President George W. Bush has exempted the Navy from compliance with the requirements of the federal Coastal Zone Management Act of 1972, and that was challenged by the California Coastal Commission and citizen groups in federal court; and

WHEREAS, Federal district and appellate courts have ruled that the Navy is subject to the authority of the Commission under the federal Coastal Zone Management Act of 1972, and issued a preliminary injunction imposing conditions similar to those contained in the guidelines of the Commission, which the courts found will not significantly impede the efficacy of the Navy's training missions or impact troop readiness; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests the President and the United States Navy to abide by the laws governing usage and effects upon the coastal regions of California and adopt the guidelines presented by the California Coastal Commission for training operations off the coast of southern California with respect to sonar usage and marine wildlife; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.