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# 7 PUBLIC REVIEW PROCESS AND RESPONSE TO COMMENTS

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Public involvement in the review of DEISs is stipulated in 40 CFR Part 1503 of the CEQ's regulations implementing NEPA and in 32 CFR Part 775 of the Navy's NEPA regulations. These regulations provide for active solicitation of public comment via the scoping process, public comment periods, and public meetings. This chapter has been prepared to document the public involvement process in the preparation of this final OEIS/EIS.

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## 7.1 Public Review Process for October 2005 Draft OEIS/EIS

### 7.1.1 Scoping Process

The scoping process for the October 2005 draft OEIS/EIS was initiated by the publication of the NOI in the *Federal Register* on May 13, 1996. Scoping letters were also sent to members of Congress and federal, state, and local agencies, as well as members of the general public, notifying them of the beginning of the OEIS/EIS process. Several news articles concerning the project and the scoping process appeared in eastern North Carolina newspapers.

Fourteen letters were received from the following agencies, groups, and individuals:

- U.S. Department of the Army, Corps of Engineers, Norfolk District
- U.S. Department of the Army, Corps of Engineers, Wilmington District
- U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southeast Regional Office
- U.S. Department of the Interior, Fish and Wildlife Service, Raleigh Field Office
- U.S. Department of the Interior, Fish and Wildlife Service, Ecological Services
- North Carolina Department of Environment, Health and Natural Resources, Legislative and Intergovernmental Affairs
- North Carolina Department of Environment, Health and Natural Resources, Division of Parks and Recreation
- North Carolina Department of Environment, Health and Natural Resources, Division of Marine Fisheries
- Commonwealth of Virginia, Department of Environmental Quality
- Commonwealth of Virginia, Department of Historic Resources
- Hampton Roads Planning District Commission
- Mr. Ernie L. Burress
- Mr. John D. Costlow

Scoping comments fell into the following general major categories.

- Consideration of and National Pollutant Discharge Elimination System (NPDES), Section 10 (Rivers and Harbors Act), Section 404 (Clean Water Act), and other regulatory requirements in the EIS process.
- Potential for impacts to wetlands and impacts of cable landfall.
- Provision of detailed descriptions of the proposed USWTR facility; proposed training operations, schedules, and level of anticipated activity; and types of weapons and ordnance to be used, with appropriate supporting information.
- Alternatives analysis and discussion of the process for selecting the proposed alternative and eliminating others.
- Provision of oceanographic characteristics of potential project areas and oceanographic processes in the project areas that concentrate marine organisms or otherwise influence potential impacts.
- Impacts of construction and operation on: (1) the sea bottom; (2) aquatic resources in canyon areas along the continental shelf; (3) fishes, invertebrates, marine mammals, and their habitats and avoidance of those impacts; (4) state and federal threatened and endangered species; (5) commercial and recreational fisheries; and (6) reef habitat, among others.
- Types of signals (e.g., sonar, radar, laser, and microwave) to be used; frequency, duration, and intensity of acoustic signals; and acoustic impact on fish and on marine mammals.
- Impacts of other aspects of training operations (e.g., noise, concussions, vibration).
- Operational protocols to minimize adverse impacts to marine life.
- Collisions of vessels (military or civilian and military) on proposed ranges.
- Impacts on national [resource] reserves and the anticipated interaction between the USWTR and potential oil and gas lease blocks.

### 7.1.2 Filing and Distribution of the Draft

The formal NOI to prepare an OEIS/EIS was published in the *Federal Register* on May 13, 1996. In 2005, the range name was updated to the Undersea Warfare Training Range. USEPA filed a formal notice of availability (NOA) – *Notice of Public Hearings for a Draft Overseas Environmental Impact Statement/Environmental Impact Statement for the Undersea Warfare Training Range* – in the *Federal Register* on October 28, 2005, triggering the public review period for the draft OEIS/EIS. The document was distributed to officials of federal, state, and local governments, citizen groups and associations, and other interested parties. Further, the draft OEIS/EIS was made available to the public in the following locations:

Virginia Beach Central Library  
4100 Virginia Beach Boulevard  
Virginia Beach, VA 23452

Carteret County Public Library  
210 Turner Street  
Beaufort, NC 28516

Eastern Shore Public Library  
23610 Front Street  
Accomac, VA 23301

Onslow County Public Library  
58 Doris Avenue East  
Jacksonville, NC 28540

Chincoteague Island Library  
4077 Main Street  
Chincoteague Island, VA 23336

Jacksonville Public Library  
Regency Square Branch  
9900 Regency Boulevard  
Jacksonville, FL 32225

A Web site was established for the project: <http://projects.earthtech.com/USWTR/>. An electronic copy of the draft OEIS/EIS was made available for public viewing on the website, and single copies of the document and executive summary were available from the Navy upon request.

### 7.1.3 Public Review Period and Public Hearings

Three combination informational meeting/hearings were held to inform members of the public of the results of the draft OEIS/EIS and to take comments, as follows:

Tuesday, November 15, 2005  
Open house: 3:30 p.m. to 5:30 p.m., reopening at 6:30 p.m.  
Hearing: 7:00 to 9:30 p.m.  
Chincoteague Community Center  
6155 Community Drive  
Chincoteague, VA 23336

Thursday, November 17, 2005  
Open house: 3:30 p.m. to 5:30 p.m., reopening at 6:30 p.m.  
Hearing: 7:00 to 9:30 p.m.

Crystal Coast Civic Center  
3505 Arendell Street  
Morehead City, NC 28557

Monday, November 21, 2005  
Open house: 3:30 p.m. to 5:30 p.m., reopening at 6:30 p.m.  
Hearing: 7:00 to 9:30 p.m.  
Wilson Center for the Arts  
Florida Community College, Jacksonville South Campus  
119091 Beach Boulevard  
Jacksonville, FL 32246

Advertisements for the meetings appeared during the week and on Sunday in *The Virginia Pilot*, serving the Norfolk area; the *Daily Times*, Salisbury, Maryland; the *Eastern Shore News*, serving the Chincoteague area; the *Sun Journal*, New Bern, North Carolina; *Jacksonville Daily News*, Jacksonville, North Carolina; the *Carteret County News/Times*, Morehead City, North Carolina; and the *Florida Times Union*, Jacksonville, Florida. Figure 7-1 contains the notice that appeared in the North Carolina papers, as an example.

The meeting format combined open house information sessions and formal hearings. The open house portion that preceded the hearing consisted of a series of display stations, each of which dealt with a specific topic related to the project. Navy representatives staffed the stations and comment table. They provided information, answered questions, and took comments. Fact sheets were available that contained supporting information for each topic. Multiple means to provide comments during the open house were available to the public, including comment forms, tape recorders, and a laptop computer with personnel on hand to record dictated remarks. Court reporters recorded comments and statements offered during the hearings. Oral and written comments and comments received during the open house, at the hearing, and via mail or fax during the public comment period all became part of the official record and all carry the same weight.

**Notice of Availability and Public Hearing on the  
Draft Environmental Impact Statement (EIS) for the Undersea Warfare  
Training Range**

The US Navy will host a public information session and a public hearing for the EIS that was prepared regarding the Navy's proposal to establish an undersea warfare training range (USWTR) offshore of the east coast of the United States. The USWTR would be a 500-square-nautical-mile (NM<sup>2</sup>) area of the ocean instrumented with undersea cables and sensor nodes and used for anti-submarine warfare (ASW) training. Interested members of the public are urged to attend to learn about the project and the EIS, and to offer their comments. Written comments will be taken at both the public information session and at the hearing. Oral comments can be made at the hearing and will be limited to three (3) minutes per speaker.

**November 17, 2005**      Crystal Coast Civic Center  
3505 Arendell Street  
Morehead City, NC 28557

**The public information session will be from 3:30 p.m. to 5:30 p.m. and will open again at 6:30 p.m. The public hearing will be held from 7:00 p.m. to 9:30 p.m.**

The environmental impact statement is available to the public on the Internet at <http://projects.earthtech.com/USWTR/> and at the following locations:

Carteret County Public Library	Onslow County Public Library
210 Turner Street	58 Doris Avenue East
Beaufort, NC 28516	Jacksonville, NC 28540

Figure 7-1

2005 Public Scoping Meeting Advertisement

The original public review period was from the date of publication of the NOI, October 28, 2005, to December 28, 2006; however, in response to requests for an extension and to comments to that effect, the Navy extended the public comment period to January 30, 2006, providing a full 90 days for comments.

Comments received during the public comment period were posted on the project Web site and addressed via revised text in affected sections of the revised draft OEIS/EIS. Comments fell into the following major categories:

- Acoustic modeling process and results, including biological assumptions, consideration of the impacts of reverberation, sonar characteristics, and Level A and B harassment thresholds, among others
- Assessment of fish and marine mammal population/distribution
- Sonar impacts on fish, marine mammals, sea turtles, and birds

- Specific impacts on North Atlantic right whales
- Marine mammal strandings and ship strikes
- Socioeconomic impacts, including potential impacts on commercial and recreational fishing, diving, etc.
- Landside impacts
- Impacts on marine habitat, including marine life and marine protected areas
- Impacts to cultural resources
- Impacts of sonar on divers
- Cumulative impacts
- Solid and hazardous waste issues, including debris, entanglement, and toxicity
- Mitigation measures
- NEPA compliance and discussion of the proposed action
- Other regulatory compliance (e.g., MMPA, ESA, etc.)

As a result of comments received after publication of the draft OEIS/EIS in 2005, it was determined to add Charleston, South Carolina to the analysis of alternative sites for the USWTR. Addition of the new alternative site, availability of new data since the 2005 documents were published, and some modification of the methodology used to analyze behavioral impacts on marine mammals led to the Navy's decision to issue a revised draft OEIS/EIS.

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## **7.2 Public Review Process for 2008 Revised Draft OEIS/EIS**

### **7.2.1 Scoping Process**

The Navy published its NOI to prepare the revised OEIS/EIS and to open another scoping comment period in the *Federal Register* on September 21, 2007. The revised draft OEIS/EIS was released to the public on September 12, 2008.

Starting the day the NOI was published, the Navy placed advertisements (Figure 7-2) which announced its intent to issue a revised draft OEIS/EIS in 22 newspapers from Virginia to Florida, running three consecutive days in daily papers, two consecutive weeks in weekly papers, and three publication dates in papers that publish three times a week. These newspapers were:

- *Salisbury Daily Times* in Maryland;
- *Salisbury News* in Delaware;
- *Virginian-Pilot*, *Chincoteague Beacon*, and *Accomack Eastern Shore News* in Virginia;
- *Star News*, *Jacksonville Daily News*, *Carteret County News*, *Tideland News*, and *Havelock News* in North Carolina;
- *Post & Courier*, *Myrtle Beach Times*, *Myrtle Beach Herald Star*, *Walterboro Press & Standard*, and *Coastal Observer* in South Carolina;
- *Savannah Morning News*, *Brunswick News*, *Savannah Tribune*, and *Darien News* in Georgia; and
- *Florida Times-Union*, *Beaches Leader*, and *St. Augustine Record* in Florida.

***Public input is helping Navy revise the Draft Overseas Environmental Impact Statement (OEIS)/ Environmental Impact Statement (EIS), Undersea Warfare Training Range***

The Navy announces its intent to revise the previously released Draft OEIS/EIS assessing potential environmental impacts of establishing an undersea warfare training range (USWTR) off the eastern coast of the United States for anti-submarine warfare (ASW) training. Based on comments received from federal agencies, state agencies, and members of the public, the Navy determined that a new DOEIS/EIS should be prepared, incorporating suggestions received during the public review and comment period. The changes contemplated involve addition of an alternative and modification of the methodology used to analyze behavioral impacts on marine mammals.

Recognizing the continued importance of public input, the Navy is also reopening the scoping process and invites you to submit any comments relevant to the scope of issues to be addressed in the revised DOEIS/EIS. Scoping comments previously submitted following publication of the 1996 NOI are still valid and will be considered. All comments received during the October 2005 DOEIS/EIS public review and comment period will also be considered during this scoping process and should not be resubmitted. Please submit any new comments by October 22, 2007, to ensure consideration.

**Mail comments to:**  
 USWTR DOEIS/EIS Project Manager, Naval Facilities Engineering Command Atlantic  
 6506 Hampton Boulevard, Norfolk, Virginia 23508-1278  
 facsimile (757) 322-4894

Additional background information on the USWTR, including the prior DOEIS/EIS and the public comments received, are available via the website <http://projects.earthtech.com/USWTR/>

Figure 7-2

2007 Revised Draft OEIS/EIS and Scoping Advertisement

These advertisements also announced another opportunity for the public to be heard: an additional public scoping period beginning with the publication of the NOI and ending on

October 22, 2007. The advertisements urged agencies, organizations, and members of the general public to submit comments not previously submitted for the Navy to use in developing the scope of the revised document. There were no public meetings or hearings during this time. Also, concurrent with publication of the NOI to produce the revised draft OEIS/EIS, a one-page newsletter that contained background on the project and reflected the intent to revise the document was sent to the entire project mailing list. This mailing list included all parties that had provided contact information at the November 2005 public meetings as well as local, regional, and federal officials and all organizations that had previously expressed interest.

Twenty letters were received from the following agencies, groups, and individuals:

- U.S. Dept. of Interior - Fish and Wildlife Service
- U.S. Dept. of Interior - Minerals Management Service
- North Carolina Dept. of Administration
- North Carolina Dept. of Environment and Natural Resources – Div. of Coastal Management
- North Carolina Wildlife Resources Commission
- South Carolina Dept. of Natural Resources
- National Resources Defense Council
- Seabird Pelagic Trips
- Southern Environmental Law Center
- Linn Barrett
- J. Capozelli
- Lexie Cataldo
- Sandra Davidson
- Kelly Farr
- Dwight Hines
- Janice Orion
- P. J. Pillmore
- Genevieve Rigsby
- Tina Seastrom
- State of Maryland Military Department

In addition, more than 12,000 form letters were received by fax after the close of the comment period.

Comments from that scoping process were considered in the preparation of the revised draft OEIS/EIS. The comments provided in these letters fall into some of the same general categories as did the comments received after publication of the October 2005 draft OEIS/EIS, most particularly pertaining to the following areas of interest:

- Impacts on marine mammals, sea turtles, fish, seabirds, and marine habitat (including concern about threatened and endangered species)

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- Alternatives analysis and incorporation of seasonal variations in activities into alternatives analysis
  - Specific concerns about the North Atlantic right whale
  - Impacts on cultural resources
  - NEPA compliance
  - Mitigation measures
  - Statements by prior commentors to the effect that issues raised previously are still open concerns.
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### **7.2.2 Filing and Distribution of the 2008 Draft OEIS/EIS**

Preparation of the draft OEIS/EIS followed the receipt of the scoping comments. Publication of the notice of availability in the *Federal Register* was made on September 12, 2008 starting a 45-day comment period. The document was distributed to officials of federal, state, and local governments, citizen groups and associations, and other interested parties (see Appendix I). The notice of availability announced public meeting/hearings would be held in Chincoteague, Virginia (September 29); Morehead City, North Carolina (October 1); North Charleston, South Carolina (October 6); and Jacksonville, Florida (October 7). The draft OEIS/EIS was made available to the public in the following locations:

Worcester County Library  
Ocean City Branch  
10003 Coastal Highway  
Ocean City, MD 21842

Wicomico County Free Library  
122 South Division Street  
Salisbury, MD 21801

Virginia Beach Central Library  
4100 Virginia Beach Boulevard  
Virginia Beach, VA 23452

Eastern Shore Public Library  
23610 Front Street  
Accomac, VA 23301

Chincoteague Island Library  
4077 Main Street  
Chincoteague Island, VA 23336

Carteret County Public Library  
210 Turner Street  
Beaufort, NC 28516

Onslow County Public Library  
58 Doris Avenue East  
Jacksonville, NC 28540

Charleston County Public Library  
68 Calhoun Street  
Charleston, SC 29401

Jacksonville Public Library  
Regency Square Branch  
9900 Regency Boulevard  
Jacksonville, FL 32225

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### 7.2.3 Public Review Period and Public Hearings

Four combination informational meeting/hearings were held to inform members of the public of the results of the draft OEIS/EIS and to take comments, as follows:

Monday, September 29, 2008  
Chincoteague Community Center  
6155 Community Drive  
Chincoteague, VA 23336

Wednesday, October 1, 2008  
Crystal Coast Civic Center  
3505 Arendell Street  
Morehead City, NC 28557

Monday, October 6, 2008  
The Sheraton North Charleston  
4770 Goer Drive  
North Charleston, SC 29406

Tuesday, October 7, 2008  
University of North Florida  
University Center  
12000 Alumni Drive  
Jacksonville, FL 32224

Advertisements for the meetings (Figure 7-3) appeared in:

- *The Virginian Pilot* in Norfolk, Virginia;
- *Eastern Shore News* and *Chincoteague Beacon* in Chincoteague, Virginia;
- *Daily Times* in Salisbury, Maryland;
- *Eastern Shore Banner* in Cambridge, Maryland;
- *Ocean City Today* in Ocean City, Maryland;
- *Sun Journal* in New Bern, North Carolina;
- *Jacksonville Daily News* in Jacksonville, North Carolina;
- *Havelock News* in Havelock, North Carolina;
- *Star News* in Wilmington, North Carolina;
- *Tideland News* in Swansboro, North Carolina;
- *Carteret County News/Times* in Morehead City, North Carolina;
- *The Charleston Daily Mail* in Charleston, South Carolina;
- *The Post & Courier* in Charleston, South Carolina;
- *The Coastal Observer* in Pawley Island, South Carolina;
- *Goose Creek Gazette* in Goose Creek, South Carolina;
- *Herald Star* and *Times Newspapers* in Myrtle Beach, South Carolina;
- *Walterboro Press & Standard* in Walterboro, South Carolina;
- *Brunswick News* in Brunswick, Georgia;
- *Savannah Morning News* in Savannah, Georgia;
- *Savannah Tribune* in Savannah, Georgia;
- *Darien News* in Darien, Georgia;
- *St. Augustine Record* in St. Augustine, Florida;
- *Jacksonville Beach Sun-Times* in Jacksonville Beach, Florida; and,
- *Florida Times Union* in Jacksonville, Florida.

**Notice of Availability and Public Hearing on the  
Draft Overseas Environmental Impact Statement (OEIS)/Environmental  
Impact Statement (EIS) for the Undersea Warfare Training Range**

The US Navy will host a public information session and a public hearing for the EIS that was prepared regarding the Navy's proposal to establish an Undersea Warfare Training Range (USWTR) offshore of the east coast of the United States. The USWTR would be a 500-square-nautical-mile (NM<sup>2</sup>) area of the ocean instrumented with undersea cables and sensor nodes and used for anti-submarine warfare (ASW) training. Interested members of the public are urged to attend to learn about the project and the EIS, and to offer their comments. Written comments will be taken at both the public information session and at the hearing. Oral comments can be made at the hearing and will be limited to three (3) minutes per speaker.

**September 29, 2008**      The Chincoteague Center  
6155 Community Drive  
Chincoteague, VA 23336

**The public information session will be from 4:00 p.m. to 7:00 p.m. The public hearing will be held from 7:00 p.m. to 9:00 p.m.**

The environmental impact statement is available to the public on the Internet at <http://projects.earthtech.com/USWTR/> and at the following locations:

Chincoteague Island Library  
4077 Main Street  
Chincoteague Island, VA 23336

Eastern Shore Public Library  
23610 Front Street  
Accomac, VA 23301

Virginia Beach Central Library  
4100 Virginia Beach Boulevard  
Virginia Beach, VA 23452

Worcester County Library  
Ocean City Branch  
10003 Postal Highway  
Ocean City, MD 21842

Wicomico County Free Library  
122 South Division Street  
Salisbury, MD 21801

Figure 7-3

Sample Advertisement for NOA and Public Hearings on the 2008 Draft OEIS/EIS

The meeting format was a combination of open house information sessions and formal hearings. The open house portion that preceded the hearing consisted of a series of display stations, each of which dealt with a specific topic related to the project. Navy representatives staffed the stations and comment table. They provided information, answered questions, and took comments. Fact sheets were available that contained supporting information for each topic. Multiple means to provide comments during the open house were available to the public,

including comment forms, tape recorders, and a laptop computer with personnel on hand to record dictated remarks. Court reporters recorded comments and statements offered during the hearings. Oral and written comments and comments received: during the open house; at the hearing; via mail; by computer to the USWTR Web site; or fax during the public comment period all became part of the official record and were considered in the preparation of the final OEIS/EIS.

Comments received during the public comment period were addressed via revised text in affected sections of the final OEIS/EIS. Comments fell into the following major categories:

- Acoustic modeling process and results, including biological assumptions, consideration of the impacts of reverberation, sonar characteristics, and Level A and B harassment thresholds, among others;
- Assessment of fish, sea turtle, seabird, and marine mammal population/distribution;
- Sonar impacts on fish, sea turtles, seabirds, and marine mammals;
- Impacts on North Atlantic right whales;
- Marine mammal strandings and ship strikes;
- Socioeconomic impacts, including potential impacts on commercial and recreational fishing, diving, etc.;
- Landside impacts;
- Impacts on marine habitat, including marine life and marine protected areas;
- Impacts to cultural resources;
- Cumulative impacts;
- Solid and hazardous waste issues, including debris, entanglement, and toxicity;
- Mitigation measures;
- NEPA compliance and discussion of the proposed action; and,
- Other regulatory compliance (e.g., MMPA, ESA, etc.).

The letters and hearing presentations have been numbered based upon the affiliation of the author/speaker (e.g., federal agency, state agency, member of the public, etc.) and the associated comments have been coded to identify the location of a comment. Appendix H of this final OEIS/EIS provides a matrix of the comments submitted; it is organized based upon the category of the comment. A CD-ROM, placed in the inside cover of this final OEIS/EIS, provides electronic copies of both the coded and uncoded comment letters, as well as the transcripts of the public hearings. The Record of Decision for the USWTR is scheduled to be released in the summer of 2009.