

PUBLIC HEARING

UNDERSEA WARFARE TRAINING RANGE
DRAFT OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(OEIS)/EIS

DATE: October 6, 2008
TIME: 7:00 p.m.
LOCATION: Sheraton North Charleston
4770 Goer Drive
Charleston, SC
PRESIDING JUDGE: LtCol. Raymond Beal,
U.S. Marine Corps
PRESENTATION BY: Mr. Jene Nissen,
U.S. Fleet Forces Command
CDR. Curtis Stubbs
U.S. Navy
REPORTED BY: Janice N. Shepherd,
Registered Professional
Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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1 LT.COL. BEAL: This hearing will come
2 to order. Good evening, Ladies and Gentlemen.
3 Welcome to the public hearings on the Navy's Draft
4 Environmental Impact Statement, also referred to as
5 the DEIS, the Overseas Environmental Impact
6 Statement, which is the OEIS, on the Navy's
7 proposed action of evaluating potential
8 environmental impacts of the construction and
9 operation of an undersea warfare training range
10 associated with the Navy Atlantic Fleet training
11 activities.

12 The construction of the proposed USWTR,
13 the range, would entail the instrumentation of a
14 500 square mile area of the seafloor with undersea
15 cables and sensory nodes connected to the shore via
16 a single trunk cable. The purpose of the proposed
17 action is to enable U.S. Navy to train effectively
18 in a shallow water environment ranging from 120 to
19 900 feet depth at a suitable location for Atlantic
20 Fleet anti-submarine warfare-capable units. The
21 NEPA proposed action is to provide range
22 capabilities for training and equipping
23 combat-capable Naval forces ready to deploy
24 worldwide.

25 Let me begin by thanking each of you

1 for your attendance tonight. I am Lieutenant
2 Colonel Raymond Beal, United States Marine Corps.
3 My role is to preside over this public hearing. In
4 order to assure everyone present can hear me and
5 understand what is going on and out of respect for
6 your fellow citizens that are speaking tonight, I
7 ask everyone to take a moment and turn off your
8 cell phones or put them in silent mode. Thank you.

9 I am a Marine Corps Judge Advocate. I
10 am the Circuit Military Judge for the Southern
11 Judicial Circuit in the Navy-Marine Corps Trial
12 Judiciary. I have been assigned to preside over
13 this public hearing by the Chief Judge of the
14 Navy-Marine Corps Trial Judiciary. I am not and
15 have never been affiliated in any way with the
16 Department of Navy's evaluation of the potential
17 environmental effects associated with the proposed
18 action that I previously described to you.

19 As a sitting military judge, I am
20 required to remain neutral and to act impartially
21 in all matters under my cognizance, which includes
22 this hearing. My job here tonight is simple. It
23 is to ensure that we have a fair, orderly, and
24 impartial hearing consistent with the tenants of
25 the National Environmental Policy Act, or NEPA.

1 All who wish to provide comments will have the
2 opportunity to do so. I expect there will be a
3 wide range of comments expressed this evening, and
4 I ask that we treat each other with courtesy and
5 respect.

6 Throughout this hearing, I ask you to
7 keep in mind that this is not an arena for debate.
8 It is not a popularity vote on the EIS or the OEIS,
9 hereinafter referred to as the document, and the
10 alternatives described therein; nor is it a hearing
11 in a question-and-answer format. This public
12 hearing provides an opportunity for you to express
13 your views on the adequacy or the inadequacy of the
14 document and to have those comments made part of
15 the official record. This hearing is part of the
16 official record.

17 In order to orient those attending who
18 may not be entirely familiar with the document,
19 this public hearing will begin with a brief
20 introduction by two Navy representatives, Mr. Jene
21 Nissen seated here to my left here from US Fleet
22 Forces Command, Norfolk, Virginia, and Commander
23 Ron -- excuse me, Commander Curtis Stubbs, US Navy
24 Commanding Officer Fleet Area Control and
25 Surveillance Facility in Jacksonville. These

1 gentlemen will present information concerning the
2 purpose and need for the proposed action and the
3 five alternatives analyzed in the document.

4 The briefing will take about 15 minutes
5 and is required by statute as part of the National
6 Environmental Policy Act process. Following the
7 introductory presentation, we will begin hearing
8 your comments on the document. This hearing is
9 being held in accordance with the provisions of the
10 National Environmental Policy Act, or NEPA, and the
11 regulations that are published by the Council on
12 Environmental Quality.

13 The purpose of the hearing is to
14 provide a public forum to summarize the results of
15 the document and, more importantly, to receive your
16 comments on the document. These comments will be
17 part of the official record and will be considered
18 in preparation for the final EIS/OEIS. Your
19 comments and involvement in this hearing are very
20 important to the decision making process. Your
21 input provides the decision makers with the benefit
22 of your knowledge of any environmental impacts that
23 you think might result from the proposed action.

24 This hearing is the venue that the Navy
25 uses to gather your concerns, whether they are

1 through oral or written comments, about the
2 adequacy of the environmental analysis and the
3 environmental impacts identified under the proposed
4 action and the alternatives. We ask that you focus
5 your comments on the environmental issues.
6 Non-environmental issues will take time away from
7 those that came to comment on the analysis of the
8 environmental concerns, and comments on
9 non-environmental issues will not add to the
10 adequacy of the analysis used in the final EIS or
11 OEIS.

12 As I said earlier, it's my job to
13 ensure that each of you has an equal opportunity to
14 speak. The Navy representatives will not be
15 allowed to respond to your comments, and that is
16 important to know. This is not a debate. It is a
17 hearing, and it is your opportunity to be heard.

18 I will enforce the individual time
19 limits previously established to five minutes so
20 that all those who wish to speak may have an
21 opportunity to do so. Please do not interrupt any
22 speaker, whether you agree or disagree with them.
23 Interfering with a speaker will simply reduce the
24 amount of time available for all those who desire
25 to be heard. Similarly, applause or other

1 outbursts will take valuable time away from the
2 speaking and will hamper me in trying to afford
3 everyone a chance to speak.

4 This hearing is scheduled to adjourn at
5 9 p.m. If necessary, I will not consider the time
6 taken by the Navy representatives for the
7 presentation to count against that full two-hour
8 time. I will add the additional time to the period
9 available for folks to speak. In other words, you
10 will have the full two-hour hearing time that is
11 noted in the Federal Register.

12 If after everyone who desires to speak
13 has had an opportunity to do so and there is any
14 time left, I will permit speakers to use the
15 additional time to continue, expand upon their
16 earlier comments, again observing the five-minute
17 time limit. If you decide to speak, the
18 stenographer will record your comments. You are
19 also encouraged to continue your comments or
20 elaborate on your comments through a written
21 submission.

22 If you do not wish to speak at this
23 public hearing but you do have comments that you
24 would like to make part of the public record, I
25 encourage you to submit those comments in writing.

1 There are a number of ways available for you to do
2 that, as indicated on the projection screen over
3 here to my right. First, you may submit your
4 written comments tonight at the comment table, or
5 you may submit your comments online via the website
6 at <http://projects.earthtech.com/USWTR/>.

7 Additionally, you may fax your comments
8 to 1-804-200-5568. Again, that fax number is
9 1-804-200-5568.

10 And, finally, if you prefer, you may
11 mail additional comments to Naval Facilities
12 Engineering Command Atlantic, Attention Code EV22LL
13 (USWTR OEIS/EIS PM), 6506 Hampton Boulevard,
14 Norfolk, Virginia, 23508-1278.

15 Written comments will be accepted
16 throughout the comment period which concludes on
17 October 27, 2008. Comments made at all the public
18 hearings provided in writing at any time during the
19 public comment period or postmarked by October 27,
20 2008, will be given equal consideration. All
21 comments are part of the official record.

22 Information is available at the comment table on
23 all the methods of submitting comments that I have
24 just discussed.

25 Now, when you came in tonight, you

1 should have signed in and received fact sheets.
2 Also, you should have been asked to indicate if you
3 wish to speak. For those who said you wish to
4 speak, you should have signed speaker cards at the
5 registration table similar to the cards that I have
6 here. Speaker cards will become part of the
7 official record. If anyone wishes to speak who has
8 not yet signed a speaker card, please raise your
9 hand, and a member of the Navy staff will sign you
10 up.

11 Elected officials that choose to
12 comment will be given an opportunity to speak
13 first, but I don't believe we had any elected
14 officials sign up. So in a moment, we'll begin
15 with some of the comments of the private citizens.

16 Now, when you do come up to speak, it's
17 important that you speak clearly and slowly so that
18 the stenographer can do her job. Please face the
19 stenographer, which is very important because
20 she'll be taking down everything that you have to
21 say. They're also going to ask that you state your
22 full name and spell it so we can record it
23 correctly. Additionally, please provide your state
24 of residence, but do not provide any personal
25 information in your comments such as your home

1 address if you don't want that information to be
2 published in the final EIS. If you're representing
3 someone or some group other than yourself, please
4 state that as well and provide the address of the
5 group or organization that you're representing.

6 As I said before, each person will be
7 allotted five minutes to speak. This applies to
8 everyone. You do not have to speak for the full
9 five minutes. However, if you do choose to speak
10 for five minutes, a green card will be raised when
11 there's one minute remaining. A yellow card will
12 be raised when there is only 30 seconds remaining
13 to give you a cue that you only have 30 seconds to
14 wrap up your comments. And when your five minutes
15 have ended, a red card will be raised. At that
16 point, please end your statement. Out of respect
17 for others who would like to make comments, I ask
18 that you please honor the time limit and any
19 requests that I might have for you to stop talking
20 should you exceed that time limit.

21 If you think that you will have more
22 comments than you have time, I invite you to make
23 the most of the time that you have available by
24 citing your most important comments first. Once
25 again, as I said earlier, you can follow up your

1 oral comments with written comments, and I
2 encourage you to do so. If you do not have an
3 opportunity to voice all of your comments, you can
4 and should submit them in writing. I can't
5 overemphasize that fact enough.

6 I will now turn the floor over to the
7 Navy representative, Mr. Jene Nissen of the United
8 States Fleet Forces Command in Norfolk, Virginia.
9 Mr. Nissen.

10 MR. NISSEN: Good evening and welcome
11 to tonight's public hearing on the Undersea Warfare
12 Training Range, or USWTR. I am Jene Nissen from
13 the United States Fleet Forces Command, and I want
14 to thank you on behalf of the United States Navy
15 for attending this hearing tonight.

16 There are three purposes for today's
17 meeting. First, we will attempt to summarize the
18 Draft Environmental Impact Statement so you
19 understand a little more of what we are proposing.
20 Second, we will summarize a few of the things we
21 have learned from this study. But the most
22 important reason we are here is to listen to you,
23 to record your comments and concerns so that we can
24 move forward with a better product.

25 Here is the agenda for tonight's

1 meeting. First, we will provide a brief overview
2 of the Draft EIS/OEIS, including the proposed
3 action, purpose and need, and the results from the
4 analysis. The Navy has issued this completely
5 revised DEIS due to new marine mammal effects
6 criteria developed by the National Marine Fisheries
7 Service, inclusion of the fourth site off South
8 Carolina for analysis, and revision of the
9 operationally preferred alternative.

10 Following this information, we will
11 present the proposed mitigations and monitoring
12 requirements.

13 At the conclusion of the presentation,
14 the floor will be open to receive comments from you
15 on the draft EIS. This comment period is very
16 important because you will have the opportunity to
17 provide your feedback on the document.

18 I'd like to now introduce Commander
19 Curtis Stubbs.

20 CDR. STUBBS: Good evening. I'm
21 Commander Curtis Stubbs. I have roughly 27 years
22 anti-submarine warfare in my background in the
23 Navy.

24 Let me first describe why we need to
25 build the Undersea Warfare Training Range. First,

1 I need to point out that 100 years after they were
2 invented, submarines still pose a threat. The
3 oceans are no more transparent today than they were
4 100 years ago. This means submarines remain
5 stealthy and remain a threat to all maritime
6 forces, both military and civilian.

7 Second, even today, in 2008, more than
8 90 percent of our Joint military equipment,
9 including Army and Marine Corps tanks, trucks,
10 food, and ammunition, still flows by sea. Clearly,
11 recent history has shown us that the United States
12 possesses a dominant military force, and if we
13 arrive in theater, we will win. So if you happen
14 to be someone that wishes to challenge the United
15 States overseas, than recent events will likely
16 cause you to conclude that if our military arrives
17 intact to a point of conflict, we will prevail.
18 Hence, if you wish to challenge us, then your best
19 hope might be prevent our equipment from arriving.
20 One way to do that would be to sink the ships that
21 carry that hardware. And history has shown that
22 the best way to sink shipping is to use submarines.
23 Hence, anti-submarine warfare is a critical aspect
24 of our ability to protect American interests
25 overseas.

1 This is not merely a Navy problem. It
2 is a national security problem. People sometimes
3 say that anti-submarine warfare is unimportant in a
4 world where terrorism is the principal threat, that
5 we don't need ASW because al-Qaida doesn't have a
6 submarine force. While I may be willing to admit
7 that al-Qaida doesn't have a submarine force,
8 neither do they have an air force. Yet they still
9 found a way to use aircraft as weapons in the war
10 against us. So we can't rule out the possibility
11 that they might find a way to use undersea weapons
12 as well.

13 With that as background, I now need to
14 point out how the operational environment has
15 changed.

16 First, the threat has changed. The
17 submarines that we face today are significantly
18 quieter than the average Soviet submarine was in
19 the Cold War. Over the past 15 years since the
20 Cold War ended, submarines have quieted to the
21 point where traditional detection methods don't
22 work as well as they used to. Increasingly, we may
23 not be able to detect an enemy submarine until
24 after he is in a position to fire at us. That's
25 clearly a problem.

1 Second, where we operate has changed.
2 Post-Cold War Naval operations frequently require
3 us to operate relatively close to shore, less than
4 100 miles off an enemy's coastline. If this is
5 where our military must operate, then the threat is
6 certainly to follow. But this area of the ocean is
7 much more complex than the open ocean environment
8 we typically found ourselves in during the Cold
9 War. And these complexities are very difficult to
10 model in a computer program.

11 So undersea warfare training is as
12 critical today as it was during the Cold War, but
13 it's more complex.

14 For example, the art of interpreting a
15 sonar display is no easier today than it was 50
16 years ago. There is a lot of science behind the
17 processing that goes into our sonar systems, but
18 the interpretation of those sonar displays is still
19 predominantly an art, and it's a very complex art.

20 We have been trying for over 20 years
21 to develop the computer program that you see in the
22 movies, one where the submarine is simply
23 represented by a red dot on a screen. That
24 computer program does not exist because submarines
25 change their nature, they change their

1 characteristics, and it still therefore takes a
2 highly trained human to understand what is and what
3 is not a submarine. And the only way to develop
4 highly trained people is to train them.

5 We try the best we can to use synthetic
6 methods in our training program. We try to use
7 computer simulation. We try to do things short of
8 putting active sound in the water to do our
9 training. But the truth is, just like
10 meteorologists have a hard time telling us where a
11 particular hurricane is going to land because the
12 atmosphere is too complex to model with any great
13 fidelity, nor can we design a computer model that
14 perfectly emulates the actual ocean environment,
15 because the actual ocean environment is so complex.
16 That's why we still have to train in the ocean.

17 So while we would love to conduct all
18 of our training in computer simulators, the reality
19 is that oceans are a very complex environment, and
20 we have to go to sea and train in the real ocean
21 both to improve the quality of our training and to
22 validate whether our computer simulations are
23 correct. Realistic training conditions are
24 critical to effective training.

25 The Navy must use passive and active

1 sonar. As most of you know, passive sonar involves
2 listening to noises that the submarines make. But
3 as submarines become quieter, passive sonar becomes
4 less and less effective. Today, it is extremely
5 difficult to detect a submarine using passive means
6 before the submarine is close enough to conduct an
7 attack.

8 In contrast, active sonar is where we
9 intentionally put sound into the ocean in the form
10 of a "ping," and then listen for the echo of that
11 ping to reflect off the submarine. Unlike passive
12 sonar, active sonar does not depend on the
13 submarine to make noise. For that reason, active
14 sonar is just as effective against a quiet
15 submarine as it is against a noisy submarine. So
16 why passive technology has become less useful with
17 time, active performance has improved because we
18 now have better computers to process the active
19 reflections. We have even reached the point where
20 we can improve active detection ranges without
21 putting more sound in the ocean. This is a key
22 point. We're getting better with active
23 technologies while reducing the impact on our ocean
24 environment. This reality is reflected in the
25 following slide.

1 This slide demonstrates the difference
2 in passive and active detection ranges against a
3 very quiet diesel submarine.

4 The inner circle represents the area
5 where a warship can detect a submarine using
6 passive sonar by listening for noises the submarine
7 makes. As you can see, the passive detection range
8 is very short. In fact, the submarine can close
9 well within his torpedo firing range before the
10 American warship could have detected him using
11 passive means.

12 Now, in contrast, the outer circle is
13 the area where this same American warship could
14 detect the submarine using active sonar, by
15 pinging. Using active sonar, the warship can
16 detect the submarine before the submarine closed to
17 conduct a torpedo attack. So using active sonar,
18 the surface ship was able to detect the submarine
19 and defend itself. Using only passive sonar, the
20 surface ship would be defenseless against the
21 submarine. You can understand why the Navy thinks
22 active sonar is extremely important.

23 What I'm telling you is we need to
24 train on an undersea training range that is less
25 than 100 miles from land.

1 We need to use active sonar in our
2 training program, and we can do so in an
3 environmentally responsible manner.

4 Jene Nissen will review our mitigation
5 plan in a moment, but I wanted to ensure you that
6 we will take common-sense measures to reduce our
7 impact on the marine environment. We will conduct
8 searches for marine mammals before we begin our
9 training events. We will listen for whales and
10 dolphins using passive sonar, when available,
11 before going active. We only use active sonar to
12 meet valid training requirements.

13 I will now turn this over to Jene who
14 will go over the proposed action in a little more
15 detail.

16 MR. NISSEN: The proposed action is to
17 construct an instrumented undersea warfare training
18 range in a suitable location for the Atlantic
19 Fleet. To provide the realistic conditions needed,
20 the Navy identified a requirement for a range 500
21 square nautical miles in size encompassing water
22 depths of approximately 120 to 900 feet.

23 The range itself is a system of
24 underwater nodes connected to each other by cables
25 similar to those used in fiber optics. The cable

1 connecting the instrumented range to the shore will
2 be buried in the seafloor. A small building on
3 shore will be the point for receiving range data
4 and transmitting it via microwave to the range
5 operations center in Virginia Beach.

6 Construction of the range will take
7 place in one to three phases over a three- to
8 nine-year period, approximately three years per
9 phase. The Navy would begin training on the range
10 once the first increment was completed.

11 To review some of the points Commander
12 Stubbs raised, anti-submarine warfare training
13 involves submarines, surface ships, and aircraft.
14 To assist in evaluating the environmental impacts,
15 the Draft EIS describes four scenarios to represent
16 the yearly training on the range. Note that USWTR
17 would primarily be used for individual or "one on
18 one" exercises to ensure each crew has an
19 opportunity to practice their skills. The USWTR
20 also would be used to support two or more vessels
21 and aircraft learning to work together as a
22 coordinated force.

23 Real submarines or mechanical
24 surrogates that simulate the operations of an
25 actual submarine would serve as targets. Both

1 active and passive sonar would be used to detect
2 these submarines or targets.

3 In addition to detecting submarines,
4 sailors would practice launching torpedoes from
5 surface ships, submarines, or aircraft. Only
6 non-explosive exercise torpedoes would be used on
7 the USWTR, and these would be recovered and used
8 again.

9 In order to identify suitable locations
10 for the proposed USWTR, the Navy conducted a
11 thorough siting study up and down the East Coast
12 and in the Gulf of Mexico. The first step in this
13 process was to define the characteristics that make
14 an effective range. Generally, the Navy needs an
15 area that is large enough to conduct the training,
16 specifically an area approximately 500 square
17 nautical miles in size, with water depths
18 encompassing 120 to 900 feet, and close to the
19 Fleet's primary homeport and training areas. Broad
20 areas that met these requirements were initially
21 identified. Areas in the Gulf of Mexico were
22 eliminated based on the distance from several Fleet
23 homeports.

24 Next, five specific sites within these
25 broad areas were identified, and each of these

1 sites was then evaluated with respect to several
2 operational factors, including coastal air station
3 proximity, weather conditions, and availability of
4 shore landing sites and infrastructure.

5 Through this site selection process,
6 the Navy identified four potential locations for
7 the USWTR: Alternative A, offshore of Florida;
8 Alternative B, offshore South Carolina; Alternative
9 C, offshore of North Carolina; and Alternative D,
10 offshore of Virginia. The water depth requirement
11 puts each of these potential sites out on the outer
12 continental shelf towards the continental shelf
13 break, roughly 60 miles offshore to the center of
14 the range. These four alternatives are all located
15 within existing military operating areas, which are
16 areas where the Navy currently conducts training.
17 The operating areas are outlined on this slide with
18 the black boundary, and the four proposed range
19 sites are the small boxes within these areas.

20 Alternative A is the operationally
21 preferred site. Site A closely replicates the
22 potential threat environment the Navy must train to
23 and is closest to the primary users of the range,
24 ASW aircraft. Sites B, C, and D meet all the
25 operational criteria and remain viable alternatives

1 to support the Navy requirements.

2 The EIS also evaluates the No Action
3 alternative, which would be to not build a USWTR.
4 The No Action alternative, however, would not meet
5 the Navy's emergent training need.

6 The environmental analysis for the
7 Draft EIS falls primarily into the two parts:
8 Potential effects on the marine environment and
9 potential effects on the landside environment. The
10 DEIS provides a thorough description of the science
11 and research Navy used to develop a new, rigorous
12 approach to determine the effects on marine
13 mammals.

14 In addition, shipping and fishing
15 activity in the vicinity of each proposed site was
16 studied to determine if the USWTR might have an
17 economic impact or affect marine recreation.
18 Similarly, we looked at whether historic shipwrecks
19 or other cultural resources would be impacted.

20 With respect to the landside
21 environment, the Draft EIS evaluates the
22 construction of the small cable termination
23 facility and the installation of the trunk cable to
24 determine if these activities might affect
25 land-based natural resources or state coastal zone

1 resources.

2 Based on the reviews presented in the
3 DEIS, minimal effects are expected to the physical
4 and ecological environment associated with range
5 installation, and the use and expenditure of
6 various support equipment and sensors during
7 training, and from the movement of vessels on the
8 range sites.

9 Recreational and commercial fishing are
10 important activities offshore of Virginia and North
11 Carolina, South Carolina, and Florida. For the
12 Draft EIS, we compared the relative commercial
13 fishing traffic density, looked at landings data
14 and fishing effort, identified known fishing
15 hotspots in or near the proposed sites, and
16 evaluated the potential for gear interaction with
17 the bottom-mounted range instrumentation.

18 To reduce potential effects on fishing
19 access, shipping and recreational boating, the Navy
20 will issue advanced notice to Mariners 72 hours
21 prior to a training event that requires a portion
22 of the range to be clear of vessels for safety
23 purposes. If vessels are present, the Navy may
24 delay or alter its operations on the range.

25 We also evaluated the potential for

1 interactions between the bottom-mounted range
2 instrumentation and fishing gear or anchoring. The
3 range nodes generally have a low profile above the
4 ocean floor, and there is little potential for
5 interaction or effect on fishing gear in the water
6 column. The trunk cable to shore will be buried.
7 To reduce the potential for interaction where
8 bottom trawl fishing occurs, lower profile sensor
9 nodes can be used, and the interconnecting cables
10 can be buried.

11 Landside impacts are minor and are
12 associated with construction of a small 400 square
13 foot cable termination building and installation of
14 the trunk cable to this building. The facility
15 would be sited to avoid impacts to wetlands and
16 other protected resources, and approval from the
17 Army Corps of Engineers would be obtained prior to
18 construction. The Navy also will consult with the
19 US Fish and Wildlife Service if needed to ensure
20 that appropriate conservation measures are followed
21 for the protection of protected species on land.

22 The purpose of the acoustic analysis
23 was to evaluate the potential for sound associated
24 with training on the range to affect marine
25 mammals. The potential effects depend on the

1 characteristics of the sound, how close the animal
2 is to the sound source, and the duration of the
3 animal's exposure to the sound.

4 To model these effects, we had to know
5 what types of sonar we were using, how often they
6 were used, the locations of the proposed ranges,
7 and how many marine mammals are expected to be in
8 each range area during different times of the year.

9 We also had to know what level of sound
10 would affect marine mammals and whether these
11 effects would be considered harassment under the
12 Marine Mammal Protection Act, or MMPA. The MMPA
13 specifies two levels of harassment: Level A is
14 injury, and level B is disruption of the behavioral
15 patterns. The NMFS established effects criteria
16 and thresholds based on scientific research that
17 best correlates to these regulatory harassment
18 definitions.

19 For the rest of the presentation, I
20 will focus on the acoustic analysis and potential
21 acoustic effects which focused on fish, sea birds,
22 marine mammals, marine invertebrates, and sea
23 turtles. To assist in our analysis, we consulted
24 the peer-reviewed published literature, scientific
25 research, and agency reports. Analytical reports

1 indicate that there will be no significant impact
2 on plankton, invertebrates, diving sea birds, and
3 sea turtles since they are not capable to detect
4 mid-frequency sound sources. Also, manatees and
5 pinnipeds, such as seals, are not expected to be
6 present in the vicinity of the proposed range
7 sites.

8 Some fish species are expected to be
9 able to detect the lower ranges of the
10 mid-frequency sonars used on the USWTR. And
11 Experiments have shown that exposure to certain
12 high levels of sound can result in some temporary
13 hearing loss in certain fish, but the effect on the
14 fish is expected to be negligible.

15 Based on the review of the literature
16 and our findings of potential effects to marine
17 species, the remaining acoustic analysis presented
18 in the Draft EIS focuses on whales and dolphins,
19 both of which are capable of hearing in the
20 mid-frequency range and are present in the
21 geographic areas of the four proposed USWTR sites.

22 Here are the results of the acoustic
23 modeling for active sonar. These are the total
24 annual sonar acoustic exposures of the
25 physiological and behavioral effects. The analysis

1 that we conducted shows there will be no injury to
2 marine mammals.

3 One important note regarding these
4 estimates, these numbers are conservative for a
5 number of reasons. Specifically, the modeling
6 results are conservative since acoustic exposures
7 do not reflect implementation of mitigation
8 measures, such as reducing sonar source levels when
9 marine mammals are present. Acoustic footprints
10 for sonar sources are added independently, and,
11 therefore, do not account for overlap they would
12 have on other sonar systems used during the same
13 active sonar activity. As a consequence, the
14 calculated acoustic footprint is larger than the
15 actual acoustic footprint. In this analysis, the
16 acoustic footprint is assumed to extend from the
17 water surface to the ocean bottom. In reality, the
18 acoustic footprint radiates from the source like a
19 bubble, and a marine animal may be outside this
20 region. Marine mammal densities were averaged
21 across specific active sonar activity areas and are
22 therefore distributed evenly without consideration
23 for animal grouping or patchiness. When density
24 information wasn't available for certain species
25 due to lack of sightings, they were overestimated

1 because they were projected from areas of higher
2 densities. And the model that we used is based on
3 the latest science that is available. And as new
4 science becomes available, the model will
5 continually be refined.

6 The Navy is consulting under the
7 Endangered Species Act and seeking a letter of
8 authorization from National Marine Fisheries
9 Service, or NMFS, for incidental harassment under
10 the Marine Mammal Protection Act. The MMPA Letter
11 of Authorization rules would cover a five-year
12 period; therefore, the Navy will reapply for an
13 MMPA authorization every five years.

14 To reiterate, the vast majority of the
15 authorization request is for harassment by
16 behavioral disturbance, and no long-term impacts to
17 species or stocks are anticipated.

18 The MMPA authorization is a rulemaking
19 process and includes an opportunity for public
20 comment. So in addition to commenting on this
21 Draft EIS, you will have an opportunity to comment
22 on the rulemaking when it is proposed by NMFS.

23 The Navy plans to implement a
24 mitigation plan to reduce the potential for
25 harassment of marine mammals.

1 For example, the Navy will continue to
2 use lookouts during active sonar training. Navy
3 lookouts are highly trained in spotting objects in
4 the water, as well as receiving Marine Species
5 Awareness Training. The training addresses the
6 lookout's role in environmental protection and
7 includes general observation information, including
8 more detailed instruction for spotting marine
9 mammals. The Marine Species Awareness Training has
10 been reviewed by the National Marine Fisheries
11 Service and is considered suitable training.

12 If marine mammals are seen during our
13 training, sonar power levels are reduced or even
14 secured to minimize potential effects.

15 For the North Atlantic Right Whale,
16 Navy vessels would also practice increased
17 vigilance to avoid vessel-whale interactions along
18 the along the mid-Atlantic coast during winter and
19 spring months. Vessels will not approach whales
20 head-on and will not approach within 500 yards.
21 The Navy will also report sightings and reduce
22 speed in the southeast critical habitat.

23 The Navy also plans to conduct
24 long-term monitoring of marine species on and in
25 the vicinity of the USWTR. The monitoring plan has

1 been designed by expert scientists from Duke,
2 University of North Carolina Wilmington, University
3 of St. Andrews, and the NMFS Northeast Science
4 Center. We will continue to work with expert
5 scientists and NMFS to ensure that a comprehensive
6 monitoring program is in place as part of the
7 Navy's MMPA authorization. The primary tools
8 available for monitoring are listed on this slide.

9 The Navy has programmed approximately
10 \$24 million to \$26 million per year over the next
11 several years towards research. For the past
12 several years, the Navy has provided \$18 million to
13 \$24 million per year to universities, research
14 institutions, federal laboratories, private
15 companies, and independent researchers around the
16 world to study marine mammals. In addition, the
17 Navy sponsors approximately 70 percent of all U.S.
18 research concerning the effects of human-generated
19 sound on marine mammals and approximately 50
20 percent of such research conducted worldwide.

21 Major topics of Navy-supported research
22 are shown on this slide.

23 This research is directly applicable to
24 Atlantic Fleet training activities, particularly
25 with respect to the investigations of the potential

1 effects of underwater noise sources on marine
2 mammals and other protected species.

3 This slide concludes our presentation
4 on the information and analysis contained in the
5 Draft EIS.

6 LT.COL. BEAL: Thank you, Mr. Nissen.
7 I'm sorry.

8 MR. NISSEN: Now I'd like to discuss
9 the future steps in the process related to the
10 USWTR project. This slide outlines the schedule
11 beyond the release of the Draft document. A key
12 characteristic of the entire process is the
13 public's opportunity to comment.

14 The Draft EIS, which summarizes the
15 comprehensive analysis of the effects from Undersea
16 Warfare Training Range was released on September
17 12th. Four public hearings, including this one,
18 are being held 29 September through the 7th of
19 October.

20 Your comments on the Draft EIS will be
21 addressed in the Final EIS. The final step is a
22 decision phase. A decision will not be made until
23 at least 30 days after the distribution of the
24 Final EIS.

25 I hope you've all had a chance to view

1 the exhibits and pick up the handouts, and I want
2 to thank you again for joining us this evening. We
3 look forward to your comments. And, Your Honor,
4 I'll now turn the hearing over to you.

5 LT.COL. BEAL: Thank you, Mr. Nissen.
6 I'll now call the individuals who signed up to make
7 comments. I'll call these individuals as I
8 received their names.

9 Mr. Larry Carter, will you please come
10 forward and approach the microphone? Mr. Larry
11 Carter. We'll get to Mr. Carter in a minute.

12 Ms. Sue Edward, do you have some
13 comments you'd like to make?

14 MS. EDWARD: Yes.

15 LT.COL. BEAL: Please approach the
16 microphone, ma'am. Again, when you have one minute
17 remaining, I'll hold up the green card. When you
18 have 30 seconds, I'll hold up the yellow card.
19 When your time has elapsed, I'll hold the red card
20 up.

21 MS. EDWARD: Hi, my name is Sue Edward,
22 E-D-W-A-R-D, and I live in Charleston. And I don't
23 think I've seen enough -- I don't think you guys
24 can say with enough certainty that you are not
25 going to harm the marine life, specifically the

1 Northern White Whales. The sites you are proposing
2 is in their habitat and in their migration path.
3 The southern point, your favored location A, is
4 their calving area. And there is a number of
5 documented cases where whales have beached
6 themselves following Naval exercises. There is
7 less than 400 of these animals left, and harming
8 even one of them is totally unacceptable. So I'm
9 in favor of the no build option. Thank you.

10 LT.COL. BEAL: Mr. Eugene Platt. You
11 have five minutes, sir.

12 MR. PLATT: Eugene Platt. I live on
13 James Island. First of all, I'd like to assure you
14 that I understand this is a military project, and I
15 am not anti-military. I enlisted in the Army right
16 after high school. I enlisted. I was not drafted,
17 enlisted, volunteered for infantry. The recruiter
18 told me I was the only man that walked through this
19 door voluntarily for infantry.

20 But after a few months, I decided that
21 I could serve my country better with a college
22 education. So to continue my honorable service, I
23 entered the University of South Carolina and
24 enrolled in the Air Force ROTC. The officers
25 conducting the program liked me, and I was an

1 outstanding freshman cadet. At the end of my
2 sophomore year, all the cadets were bussed to Shaw
3 Air Force Base for a physical to see if they were
4 eligible for advanced ROTC. I still remember that
5 spring afternoon going to Shaw Air Force Base and
6 starting the physical. I sailed through most of it
7 and then went into the audio chamber to check
8 hearing. And when he came out, he said, "I'm
9 sorry, but you failed."

10 Well, it was established later that I
11 had experienced acoustic trauma in my service. I
12 was not in combat; but the units I was serving
13 with, the Infantry Division and the Airborne
14 Division, were training under combat conditions
15 much of the year. So I understand personally the
16 damage that can be done to a living organism's
17 hearing through excessive sound. And I remember
18 sometimes after being on firing ranges, my ears
19 would ring for days. I can imagine the effect that
20 these really intense low-frequency sonar waves
21 would have on marine mammals. I feel it even with
22 my hearing impairment sometimes when a car will
23 drive beside me or, at a stoplight, will pull up
24 behind me with a boom box going, and those
25 low-frequency waves are just piercing.

1 I wonder, you know, what is the, you
2 know, the risk or the perceived danger that would
3 motivate the Department of the Navy by extension of
4 the Department of Defense to do something, propose
5 something that is considerable risk. I understand
6 that the risks are minimized. But, still, there is
7 considerable risk. And it seems to me that the
8 risks are not warranted by any threat known to the
9 general public. Perhaps if the Department of the
10 Navy would share something with us without
11 divulging any top secrets with us. But I don't
12 know, maybe Russia is building up a submarine fleet
13 again. I've heard that. But we're not being told
14 anything that warrants what you're proposing. So
15 we'd hope that you rethink it and come up with
16 other ways to keep our country secure. Thank you.

17 LT.COL. BEAL: Before we continue, I'll
18 note there is another event going on in the
19 adjacent room. Is that preventing anybody from
20 hearing anything in the room? If so, please raise
21 your hand. Negative response from the members out
22 in the audience.

23 Mr. Tyler Neal, would you please come
24 forward and make your comments via microphone?

25 MR. NEAL: Yes. My name is Tyler Neal,

1 N-E-A-L. I am a fisherman, and I speak for the
2 fishermen and the fishing -- recreational fishing
3 community around Charleston, which Charleston is
4 the largest recreational fishing community in South
5 Carolina.

6 I noticed that your proposed site
7 includes three of the main offshore fishing areas
8 for South Carolina, and not just for fishing, but
9 the fish that migrate through that area because it
10 does include the ledge, the continental shelf
11 drop-off. That's the main area that fish migrate,
12 and they feed.

13 I heard you say earlier that they've
14 been known to temporarily lose hearing. These fish
15 rely heavily on hearing to find the food that they
16 need. The bait, what it does is it gets in bait
17 balls, and they can hear that, and they're
18 attracted to that. That's the way they feed. I
19 fear if they can't hear and they can't find their
20 food, you know, it might not kill them, but they're
21 go to different places, and they may not show up
22 here.

23 And we've just now really started
24 seeing our fishing get a lot better. You know,
25 back in the '80s, it was unheard of to catch a

1 billfish. That was almost unheard of. It was a
2 big deal. Now we're starting to catch billfish.
3 This is because some of the commercial fishing that
4 was being detrimental to the environment has been
5 shut down.

6 But now this may pose another threat,
7 and it could cause the billfish, which are some of
8 the main fish that should feed on these bait balls
9 to go somewhere else or to no longer show up
10 anymore. The recreational fishing here, like I
11 said, it's already, you know, on thin ice. It
12 doesn't take much to make a fish go somewhere else,
13 you know, find somewhere else.

14 Also, with the dolphins, there are more
15 dolphins out there than you can imagine. Every
16 time you go offshore, you see them all day long. I
17 find it really hard to believe that you're going to
18 stop any exercises if they're in the area, because
19 there are so many of them all over the place.

20 And I do believe you will take into
21 consideration the whales and whatnot and try to not
22 affect them. I just find it really hard -- you
23 know, it's going to be really hard to not affect
24 them. Maybe not the whales, because there is not
25 so many of them, while they are affected mainly by

1 hearing, because that's their main way of
2 communication. It's going to be tough to keep from
3 affecting dolphins, because there are so many of
4 them all over the place, and the fish.

5 That's my main concern is what it's
6 going to do to the fish that rely on their hearing
7 to find food and what it's going to do to the
8 recreational fishing community and the income that
9 it brings to Charleston with all the tackle shops,
10 all the charter boats. Charleston relies heavily
11 on that income from the fishing industry. And I
12 fear if we affect the way the fish feed or affect
13 their migration, you know, what it's going to do to
14 the economy in the area. That's my main concern.

15 LT.COL. BEAL: And Mr. Larry Carter,
16 would you please approach the microphone?

17 MR. CARTER: The cameras are gone.
18 Well, I'm very surprised that we don't have some
19 scientists here today. But I'm not surprised that
20 the United States Navy wants to dump its problems
21 right here at Charleston.

22 Our nation has not been at war for --
23 well, since 1945. We've had these little problems
24 around the planet that we go over and defend and
25 responded to. But we just haven't had an active

1 enemy invading our waters, sinking our ships, since
2 1945.

3 So the United States Navy is not to be
4 trusted. The United States Navy is not to be
5 believed. My brother has got one leg left from
6 Viet Nam because Agent Orange was something which
7 the United States Navy said, well, it's no big
8 deal, you know, just offload it, get it off the
9 plane, you know, put it on that ship, you know, put
10 it on swift boats.

11 So where are the scientists here?
12 We've had one fisherman talk so far.

13 I'm not at all supportive of this
14 project at all. You've got a tremendous amount of
15 construction that you barely detailed in your
16 presentation here.

17 If we're going to be prepared for any
18 real threat in the future, we should not be
19 sacrificing our ecology, our marine wildlife in a
20 preparation for a future threat.

21 We know that there is a terrorist
22 threat, and they want to go after New York City.
23 They already did. They want to go after
24 Washington, D.C. They already did. US Navy is not
25 preparing to defend those two locations. They're

1 coming down here to a politically safe location
2 here to invest in their infrastructure and their
3 bloated Pentagon budgets in this area.

4 You're not on the west coast. Los
5 Angeles is target number three. We've caught
6 terrorists trying to go after Los Angeles. Target
7 number four, Seattle. We've caught terrorists
8 going after Seattle. So you're not defending
9 America by coming here to Charleston.

10 So I'm not too happy, again, that the
11 military seems to think that they've got a lot of
12 money to throw at these training exercises. If you
13 want to train people, train them out at Pearl.
14 There's some better coastal issues out at Pearl.
15 My uncle is buried in Pearl. Pearl Harbor, last
16 time our nation was really attacked.

17 We've got a lot of crazy people on this
18 planet. But if we're going to defend our nation,
19 we're not going to do it with this heavy, heavy
20 technology and heavy, heavy, infested, big-bloated
21 Pentagon budgets for big billion-dollar programs.

22 So I want you to take your message from
23 me back to the so-called Commander in Chief and
24 so-called CNO and get our priorities in order.
25 This is not a good site location. It's not time to

1 go out and disturb our marine environment when,
2 believe it or not, our United States Navy decided
3 to take lots of World War I, World War II
4 ordinales, mustard gas, all kind of poisonous
5 ordinales, and just steam out an hour or two or
6 three out in the harbor and just dump it out there.
7 It's out there, and we don't even know. The United
8 States Navy won't even tell us where it is. They
9 didn't keep records. So we've got all this stuff
10 out there that maybe offshore oil drilling might
11 disturb or maybe finally will decompose those
12 55-gallon oil drums that they put them in there,
13 and we're going to have that stuff rolling out to
14 sea, rolling into these harbors, and poisoning our
15 environment even more.

16 So the Navy is not to be trusted. This
17 is not a good program. This is not a good
18 location, not in Jacksonville, not in Norfolk, not
19 in South Carolina, and rethink your whole program.

20 LT.COL. BEAL: Thank you, Mr. Carter.
21 At this time, that concludes all the number of
22 people that signed up to speak. Is there anybody
23 else in the audience that wishes to make some
24 comments? If so, I ask you to contact the Naval
25 staff.

1 And there is no response from anyone in
2 the audience. Folks, this is supposed to be a
3 two-hour hearing. What I'm going to do now is call
4 a recess. Before I call a recess, anybody that
5 made comments earlier, if you'd like to continue
6 your comments, I call upon you to do so now. And
7 of those four speakers, Mr. Edward, do you have
8 anything to add?

9 MR. EDWARD: No.

10 LT.COL. BEAL: Mr. Platt, do you have
11 anything to add? Do you have any additional
12 comments you wanted to make?

13 MR. PLATT: I was not expecting this
14 opportunity.

15 LT.COL. BEAL: I'll let you think on
16 it, sir, and we'll get back to you. Okay?

17 MR. PLATT: Okay.

18 LT.COL. BEAL: Mr. Neal, did you have
19 anything you wanted to add to your comments?

20 MR. NEAL: No.

21 LT.COL. BEAL: Very well. And,
22 Mr. Carter, would you like to add anything?

23 MR. CARTER: Sure.

24 LT.COL. BEAL: Okay.

25 MR. CARTER: Twenty, 25 people here.

1 The kinds of things, the decisions that are going
2 to be made based on this kind of hearing and a few
3 other hearings, this is serious business. This is
4 lots and lots of money. We're talking about a
5 nine-year construction program. Talking about
6 training mission to fully prepare for a real
7 possible threat. You don't do it by making our
8 environment less safe for our own nation to live
9 and have a harmonious relationship with nature.
10 It's just not going to happen that way.

11 It's going to happen when you go to
12 locations that won't disturb the existing
13 environment. And then when you have real active
14 duty activity, you've got to do it then. But you
15 don't have to do it in training. So go ahead and
16 find a place, like I say, out of Pearl or some
17 other environment that is not a coastal waters
18 environment that is so fragile that has been
19 seriously harmed in the past and continuously been
20 harmed, because we've not been paying attention.
21 We've been glossing over all these good laws that
22 we passed in the '60s and '70s and '80s.

23 So just because we've got someone in
24 the White House now that's trying to shove it down
25 our throat with Lindsay Graham, you know, saying go

1 ahead, go ahead and do it, is not good enough. So
2 there are lots of people here that are going to
3 speak out, and it is not a time for the Army and
4 the Navy and the Air Force and Marine Corps and the
5 Coast Guard to say we got away with it here in
6 Charleston.

7 We need to protect our environment.
8 That's priority one. Just because we might catch
9 an enemy doesn't mean we have defended our shores
10 when we have polluted the living space that we
11 have.

12 Admiral Zumwalt is dead. His son is
13 dead. Dow Chemical told us to trust us with Agent
14 Orange in Viet Nam. The Navy is not to be trusted.
15 The Army is not to be trusted. The Marine Corps is
16 not to be trusted, because there has been way too
17 much money thrown at the problem telling us, trust
18 us, corporations are to be trusted. They're not to
19 be trusted.

20 We've got trillions of dollars being
21 stolen from the Pentagon and the Treasury right
22 now, and I'm getting a little tired of our
23 government saying, go to Charleston, it's a good,
24 easy place to run your program next. Many billions
25 of dollars are going to be spent on this program.

1 It don't need to be spent on coastal waters from
2 Norfolk to Jacksonville.

3 Find a good place, a safe place, out at
4 Pearl where it is not coastal waters. There is not
5 a lot of vulnerable habitat where people need to
6 grow their own food and harvest their own fish.
7 You're talking about screwing up a fragile eco
8 system here. I haven't seen word one about where
9 is it going to be a good place. You think you can
10 get away with it here. Rethink the whole program.

11 LT.COL. BEAL: Thank you, Mr. Carter.
12 Mr. Platt, did you have any additional comments
13 you'd like to make?

14 MR. PLATT: Just as a footnote with
15 regards to one point I was trying to make, that
16 there are probably better ways to spend the
17 military's budget than undersea defenses.

18 I'm under the impression that our
19 country has a nuclear stockpile which would be
20 sufficient to annihilate any adversary, which would
21 be suicide just to attack us. And there has been
22 some talk, of course, about nuclear disarmament.
23 But regardless of the agreements that we've made,
24 I'm as sure as I can be, without actually being
25 privy to facts and secrets that you may be, that we

1 still have such a stockpile, and we will continue
2 to have such a stockpile in perpetuity, nuclear
3 weaponry that would be sufficient to defend
4 ourselves and, if necessary, to make a preemptory
5 strike, which I don't advocate necessarily. But it
6 would be there. So, therefore, I think our
7 resources would be better directed.

8 I speak, by the way, not on behalf of
9 the Green Party. I just happen to be a member of
10 the Green Party, a relatively new member, a former
11 Democrat, who feels that the country more and more
12 is seeking fresh ways of looking at things. So
13 I'll leave you with that. Thank you very much for
14 hearing us.

15 LT.COL. BEAL: Thank you, Mr. Platt.
16 Is there anybody else in the audience -- Mr. Perry,
17 would you like to continue your comments? Excuse
18 me, Mr. Neal. I'm sorry.

19 MR. NEAL: I did want to say one more
20 thing built on something he said. It is that there
21 aren't that many people here tonight, and I feel
22 like there is a lot more people in the Charleston
23 area that would have some comments or concerns
24 about this program. You guys have been very
25 informative, have answered all my questions. But

1 the only reason I'm here tonight is, actually, I
2 just stumbled across it on the Internet. And I
3 said, wow, I need to go to this as a representative
4 of the fishing industry here in Charleston.

5 I'm really surprised I'm the only
6 fisherman here -- well, not the only fisherman, but
7 the only representative of the fishing community
8 here in Charleston. I just wish you guys would
9 have advertised it a little more, you know, made it
10 more known that the hearing was going to be
11 tonight, and I feel like some more people that were
12 more educated on the topic than I am would have
13 been here to put in their valuable inputs.

14 LT.COL. BEAL: Thank you, Mr. Neal. Do
15 any other speakers wish to continue their comments?
16 Are there any other members of the audience that
17 would like to make comments? Negative response.

18 Ladies and Gentlemen, I'm going to call
19 a recess in this hearing. We'll hold this hearing
20 in recess until such time as someone wants to come
21 forward to make some comments, at which time I'll
22 reopen the hearing, and those who wish to make
23 comments, it will also be a matter of record. If
24 no one comes forward to make any comments, then at
25 2200, or 9 p.m., I will close this hearing. This

1 hearing is in recess.

2 (A recess transpired.)

3 LT.COL. BEAL: This hearing will come
4 to order. The time on deck is currently 2100. No
5 member of the public has come forward to make any
6 further comments on tonight's hearing, and as the
7 time has elapsed, this hearing is now closed.

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CERTIFICATE OF REPORTER

I, Janice N. Shepherd, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript, pages 1 through 50, is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 22nd day of October, 2008, at Charleston, Charleston County, South Carolina.

Janice N. Shepherd
Registered Professional
Reporter, CSR
My Commission Expires
October 11, 2014