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UNITED STATES NAVY

IN THE MATTER OF:

NOTICE OF AVAILABILITY AND PUBLIC HEARING ON THE DRAFT OVERSEAS ENVIRONMENTAL IMPACT STATEMENT (OEIS)/ENVIRONMENTAL STATEMENT (EIS) FOR THE UNDERSEA WARFARE TRAINING RANGE

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Proceedings in the Matter of Notice of Availability and Public hearing on the Draft Overseas Environmental Impact Statement (OEIS)/Environmental Impact Statement (EIS) for the Undersea Warfare Training Range.

October 7, 2008
7:00 p.m. - 9:00 p.m.

The UNF University Center
12000 Alumni Drive
Jacksonville, Florida 32224-2678

Sherry Brazier, Court Reporter

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APPEARANCES

LIEUTENANT COLONEL RAYMOND BEAL, U.S. MARINE CORPS

JENE NISSEN, ENVIRONMENTAL PROGRAM ACOUSTIC ANALYST

COMMANDER CURTIS STUBBS, U.S. NAVY COMMANDING OFFICER OF FLEET AREA CONTROL AND SURVEILLANCE FACILITY
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Proceedings in the Matter of Notice of Availability and Public hearing on the Draft Overseas Environmental Impact Statement (OEIS)/Environmental Impact Statement (EIS) for the Undersea Warfare Training Range.

October 7, 2008

THE HEARING OFFICER: This hearing will come to order. Good evening, ladies and gentlemen. Welcome to the public hearings on the Navy's Draft Environmental Impact Statement, DEIS, and the Overseas Environmental Impact Statement, OEIS. This is regarding the Navy's proposed action of evaluating the potential environmental impacts of the construction and operation of an undersea Warfare Training Range, USWTR, otherwise referred to as USWTR, and that's associated with the Navy Atlantic Fleet training activities. The construction of the proposed USWTR would entail the instrumentation of a 500-square mile area on the sea floor with undersea cables and sensor nodes connected to the shore via a single trunk line.

The purpose for this proposed action is to enable the U.S. Navy to train effectively in a shallow water environment ranging from 120 to 900

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feet in depth at a suitable location for Atlantic Fleet Anti-Submarine Warfare capable units. The need for the proposed action is to provide range capabilities for training and equipping combat-capable naval forces ready to deploy worldwide.

Let me begin by thanking each of you for your attendance tonight. My name is Lieutenant Colonel Raymond Beal, U.S. Marine Corps. My role is to preside over this public hearing. In order to ensure that everyone present can hear me and understand what is going on and out of respect for your fellow citizens who will be speaking tonight I ask everybody to take a moment now to turn off your cell phones or put them in silent mode until after the conclusion of the proceedings. Thank you.

I am a Marine Corps Judge Advocate and I am the Circuit Military Judge of the Southern Judicial Circuit for the Navy Marine Corps Trial Judiciary. I have been assigned to preside over this public hearing by the Chief Judge, Navy Marine Corps Trial Judiciary.

I am not and have never been affiliated in any way with the Department of the Navy's

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evaluation of the potential environmental effects associated with the proposed action that I previously described to you.

As a sitting military judge I am required to remain neutral and to act impartially in all matters under my cognizance, which includes this hearing.

My job here tonight is simple. It is to ensure that we have a fair, orderly, and impartial hearing. Consistent with the tenants of the National Environmental Policy Act, or NEPA, all who wish to provide comments will have the opportunity to do so.

I expect that there will be a wide range of comments expressed this evening, and I ask that we treat each other with courtesy and respect.

Throughout this hearing I ask that you keep in mind that this is not an arena for debate. It is not a popularity vote on the DEIS or the OEIS, hereinafter referred to as the document, and the alternatives described therein, nor is it a hearing in a question and answer format.

This public hearing provides you an opportunity to express your views of the adequacy or the inadequacy of the document and to have

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those comments made part of the official record. This hearing is part of the official record.

In order to orient those attending who might not be entirely familiar with the document, this public hearing will begin with a brief introduction by two Navy representatives, Mr. Jene Nissen from the U.S. Fleet Forces Command, Norfolk, Virginia, and Commander Curtis Stubbs, U.S. Navy Commanding Officer of Fleet Area Control and Surveillance Facility in Jacksonville. These gentlemen will present information -- excuse me. These gentlemen will present information concerning the purpose and need for the proposed action and the five alternatives analyzed in the document.

The briefing will take about 15 to 20 minutes and is required by statute as part of the National Environmental Policy Act process.

Following the introductory presentation we will begin by hearing your comments on the document. This hearing is being held in accordance with the provisions of the National Environmental Policy Act, otherwise known as NEPA, and the regulations that are published by the Council on Environmental Quality.

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The purpose of the hearing is to provide a public forum to summarize the results of the document and more importantly to receive your comments on that document. These comments will be part of the official record and will be considered in preparation of the final EIS/OEIS.

Your comments and involvement in this hearing are very important to the decision-making process. Your input provides the decision makers with the benefit of your knowledge of any environmental impacts that you think might result from the proposed action.

This hearing is the venue the Navy uses to gather your concerns, whether they are through oral or written comments, about the adequacy of the environmental analysis and the environmental impacts identified under the proposed action and the alternatives.

We ask that you focus your comments on the environmental issues. Non-environmental issues

will take time away from those who came to comment on the analysis of environmental concerns and comments on the non-environmental issues will not add to the adequacy of the analysis used in the final EIS/OEIS.

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As I said earlier, it's my job to ensure that each of you have an equal opportunity to speak. The Navy representatives will not be allowed to respond to comments and that is important for you to know. Again, this is not a debate, this is a hearing and it's your opportunity to be heard.

I will enforce the individual time limits that have been previously established of five minutes per speaker so that all who wish to may have an opportunity to speak. Please do not interrupt any speaker, whether you disagree or whether you agree with them. Interfering with the speakers will simply reduce the amount of time available for all of those who desire to be heard tonight. Similarly, applause or other outbursts will take valuable time away from the speakers and will hamper me in trying to afford everyone a chance to speak.

This hearing is scheduled to adjourn at 9 p.m. If necessary I will not consider the time taken by the Navy representatives for the presentation to count against that full two-hour hearing time. I will add that additional time to the period available for folks to speak. In

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other words, you will have the full two-hour hearing time that is noted in the Federal register.

If after everyone who desires to speak has had an opportunity to do so and there's any time left I will permit speakers to use the additional time to continue to expand upon their earlier comments, again, observing the five-minute time limit.

If you decide to speak, the stenographer sitting here to my left will record your comments. You're also encouraged to continue your comments or elaborate on them through a written submission.

If you do not wish to speak at this public hearing but you do have comments that you would like to be made part of the public record, I encourage you to submit those comments, and there's a number of ways available for you to do so and they're listed up here on the slide.

First you may submit your written comments tonight at the comment table or you may submit your comments on-line via Web site at the -- the Wed site address is http://projects.earthtech.com/uswtr/. An

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additional method, you may fax your comments to the 1-804-200-5568. Again, that fax number is 1-804-200-5568.

And, finally, if you prefer, you may mail additional comments in to the following address, that's Naval Facilities Engineering Command Atlantic, Attention: Code EV22LL, which is the USWTR OES -- OEIS/EIS PM, and that's located at 6506 Hampton Boulevard, Norfolk, Virginia 23508-1278.

Written comments will be accepted throughout the comment period, which will conclude on October 27th, 2008. Comments made at all the public hearings or provided in writing anytime during the public comment period or postmarked by October 27th, 2008, will be given equal consideration. All comments are made part of the official record.

Information is available at the comment table on all of the methods of submitting comments that I've just discussed.

Now, when you came in tonight you should have signed in and received some fact sheets. Also you should have been asked to indicate if you wished to speak. For those of you who said

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you -- that you wished to speak, you may have filled out a card or someone may have filled out a card for you that looks like one of these cards that I'm holding up here.

The speaker cards will become part of the official record. If anyone wishes to speak who has not yet signed a speaker card, please raise your hand and a member of the Navy staff will

sign you up.

Now, when it comes time to call for comments -- thanks folks, you can keep your hands up until a Navy representative gets to you and we'll get you signed up.

Now, when it comes time to start receiving comments, I'm going to call you up one at a time in the order that I've received these cards. We're going to start off hearing from local government officials and then we've got some representatives of some organizations, then finally, I'll ask individual citizens who desire to make a comment to come forward.

Now, when you make your comments, it's important that you speak clearly and slowly so that the stenographer can do her job. Please face the stenographer, which is very important,

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because she's taking down everything you have to say, and we'll also have a microphone brought forward here in the center of the aisle that you can use to speak.

We're going to ask that you state your full name, that you spell it so that we can record it correctly, and additionally, please provide your state of residence, but do not provide any personal information in your comments, such as your home address if you don't want that information to be published in the final EIS.

If you are representing someone or some group other than yourself, please state that as well and provide the address of the group or the organization.

Now, as I stated, each person will be allotted five minutes to speak and this applies to everyone, public officials, spokespersons and individuals alike.

You don't have to speak for five minutes, however, if you do choose to speak for the full five minutes a green card will be raised when there is one minute remaining. I'll raise a yellow card when there's only 30 seconds remaining and when your time is up I'll raise a

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red card to indicate that your time has expired and at that point would you please end your

statement.
Out of respect for others who would like to make comments, I ask that you please honor the time limits that have been set -- established here and any request that I might make of you to stop speaking should you exceed that time limit.
Now, if you think that you've got more comments than you have time, then I invite you to make the most of the time that you have allotted by citing your most important comments first. Once again, as I stated, you can follow up your oral comments with written comments and I encourage you to do that.
If you do not have the opportunity to voice all of your comments, you can and you should submit them in writing, I can't overemphasize that fact enough.
I'll now turn the floor over to the Navy representative, Mr. Gene Nissen, from the United States Fleet Forces Command in Norfolk, Virginia.
Mr. Nissen.
MR. NISSEN: Thank you. Good evening and welcome to tonight's public hearing on the

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Undersea Warfare Training Range or USWTR. I am Jene Nissen from the U.S. Fleet Forces Command and I want to thank you on behalf of the United States Navy for attending this hearing tonight.
There are three purposes for today's meeting. First, we will attempt to summarize the Draft Environmental Impact Statement so that you understand a little more of what we are proposing. Second, we will summarize a few of the things we have learned from this study, but the most important reason we are here is to listen to you, to record your comments and concerns so that we can move forward with a better product.
Here is the agenda for tonight's meeting. First we will provide a brief overview of the Draft EIS/OEIS including the proposed action, purpose and need, and the results from the analysis. The Navy has issued this completely revised DEIS due to the new marine mammal effects criteria developed by the National Marine Fishery Service, inclusion of the fourth site off South

Carolina for analysis, and revision of the operationally preferred alternative.

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

At the conclusions of the presentation, the floor will be open to receive comments from you on the Draft EIS. This comment period is very important because you will have the opportunity to provide your feedback on the document.

I'd now like to introduce Commander Curtis Stubbs.

MR. STUBBS: Good evening. I'm Commander Curtis Stubbs and you may wonder what qualifies me to speak on behalf of this project. First of all, my command, FACSFAC Jacksonville, located at Naval Air Station Jacksonville, is responsible for controlling all of the air space off the coast from Charleston, South Carolina, to Port Canaveral, Florida. We've been doing this for the past 31 years. During this time we also began controlling all of the sea space or surface space where our ships conduct unit level training and major fleet exercises. What I'm most proud of is our Northern Right Whale efforts. For the past ten years my sailors have engaged in tracking and identifying the Northern Right Whales as they migrate south.

With this locating data we notify commercial shipping and naval units of locations of these whales so they can maneuver around their location. It is not uncommon to move an entire exercise away from areas where these whales are transiting. We've been part of the solution for the Northern Right Whale.

Secondly, I was born and raised in Jacksonville and have watched every type of P-3, S-3 and helicopter that the Navy has made all flying around this great town.

When you drive through the gate of NAS Jacksonville, you will see the sign Master ASW Base. This is the Master ASW Base of the world. Nobody can do ASW like our U.S. Navy.

I've been involved with anti-submarine

warfare for over 27 years. I've been a student, an instructor. I have detected and tracked submarines in every environment and ocean. I will tell you just how difficult it is and why we need to build this shallow water training range off our coast.

First, I need to point out that a hundred years after they were invented, submarines still pose a threat. The oceans are no more

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transparent today than they were a hundred years ago. This means that submarines remain stealthy and remain a threat to all maritime forces, both military and civilian.

Second, even today, in 2008, more than 90 percent of our joint military equipment including Army and Marine Corps tanks, trucks, food and ammunition still flow by sea. Clearly, recent history has shown that the United States possesses a dominant military force and if we arrive in theater, we will win. So if you happen to be someone who wishes to challenge the United States overseas, then recent events will likely cause you to conclude that if our military arrives intact to a point of conflict, we will prevail. Hence, if you wish to challenge us then your best bet -- hope might be to prevent our equipment from arriving. One way you do this would be to sink the ships that carry that hardware, and history has shown the best way to sink shipping is to use submarines. Hence, anti-submarine warfare is a critical aspect of our ability to protect American interests oversees. This is not merely a Navy problem, it is a national security problem. People sometimes

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say that anti-submarine warfare is unimportant in a world where terrorism is the principal threat. That we won't need ASW because al-Qaida doesn't have a submarine force. While I may be willing to admit that al-Qaida doesn't have a submarine force, neither do they have an Air Force, yet they still found a way to use aircraft as a weapon in their war against us. So we can't rule out the possibility that they may find a way to use undersea weapons as well.

With that as background I need to point out how operational environments have changed.

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

Second, where we operate has changed. Post-Cold War naval operations frequently require us to operate relatively close to shore, less

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than a hundred miles off an enemy's coastline. If this is where our military must operate then the threat is certain to follow. But this area of the ocean is much more complex than open ocean we typically found ourselves in during the Cold War and these complexities are very difficult to model in a computer program.

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

For example, the art of interpreting sonar display is no easier today than it was 50 years ago. There's a lot of science behind the processing that goes into your sonar systems, but the interpretations of those sonar -- sonar displays is still predominantly an art and it's a very complex art.

We have been trying for over 20 years to develop the computer program that you see in the movies, the one where the submarine is simply represented by a red dot on a scene. That computer program does not exist because submarines change their nature, they change their characteristics, and it still, therefore, takes a highly trained human to understand what is and

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what is not a submarine, and the only way to develop highly trained people is to train them.

We try the best we can to use synthetic methods in our training program. We try to use

computer simulation. We try to do things short of putting active sonar in the water to do our training, but the truth is, just like meteorologists have a hard time telling us where a particular hurricane's going to land because the atmosphere is too complex to model with any great fidelity, nor can we design a computer model that perfectly emulates the actual ocean environment, because the actual ocean environment is too complex. That's why we still have to train in the real ocean.

So while we would love to conduct all of our training in computer simulators, the reality is oceans are a very complex environment and we have to go to sea and train in the real ocean both to improve our quality of training and to validate whether our computer simulations are correct. Realistic -- realistic training conditions are critical to effective training.

The Navy must use passive and active sonar. As most of you know, passive sonar involves

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listening for noises that the submarines make. But as submarines become quieter, passive sonar becomes less and less effective. Today it's extremely difficult to detect a submarine using passive means because the submarine is close enough to conduct attack.

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

This slide demonstrates the differences in passive and active detection ranges against very quiet diesel submarines.

The inner circle represents the area where a warship can detect the submarine using passive sonar by listening for the noise of the -- noise that the submarine made. As you can see, the passive detection range is very short. In fact, the submarine can close well within his torpedo firing range before the American warship could have detected him using passive means.

Now, in contrast, the outer circle is the area where this same American warship could detect the submarine using active sonar by pinging. Using active sonar the warship can detect the submarine before the submarine closed to conduct a torpedo attack, so using active sonar the surface ship is able to detect the submarine and defend itself. Using only passive sonar, the surface ship would be defenseless against this submarine. You can understand why the Navy thinks active sonar is extremely important.

What I'm telling you is we need to train on an undersea training range that is less than a hundred miles from land. We need to train -- use training -- we need to train using active sonar and we need to do so in an environmental -- environmentally responsible manner.

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

I will now turn this over to Jene Nissen who will go over the proposed action in more detail.

MR. NISSEN: The proposed action is to construct an instrumental undersea warfare training range in a suitable location for the

Atlantic fleet. To provide the realistic conditions needed the Navy identified a requirement for a range 500 square nautical miles in size encompassing water depths of approximately 120 to 900 feet.

The range itself is a system of underwater nodes connected to each other by cables similar

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to those used in fiber optics. The cable connecting the instrumented range to the shore will be buried in the sea floor. A small building on shore will be the point for receiving range data and transmitting it via microwave to the range operations center in Virginia Beach, Virginia.

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

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

Real submarines or mechanical surrogates

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that simulate the operations of an actual submarine would serve as targets. Both active and passive sonar would be used to detect these submarines or targets.

In addition to detecting submarines, sailors would practice launching torpedoes from surface ships, submarines or aircraft. The only non-explosive exercise torpedoes would be used on the USWTR and these would be recovered and used again.

In order to identify suitable locations for the proposed USWTR the Navy conducted a thorough

siting study up and down the East Coast and in the Gulf of Mexico. The first step in this process was to define the characteristics that make an effective range. Generally, the Navy needs an area that is large enough to conduct the training, specifically an area approximately 500 square nautical miles in size with water depths encompassing 120 to 900 feet, and close to the Fleet's primary homeport and training areas. Broad areas that met these requirements were initially identified. Areas in the Gulf of Mexico were eliminated based on the distance from several fleet homeports.

Next, five specific sites within these broad areas were identified and each of these sites was then evaluated with respect to several operational factors, including coastal air station proximity, weather conditions, and availability of shore landing sites and infrastructure.

Through this site selection process, the Navy identified four potential locations for the USWTR, alternative A, offshore of Florida; alternative B, offshore of South Carolina, alternative C, offshore of North Carolina; and alternative D, offshore of Virginia. The water depth requirement puts each of these potential sites out on the outer continental shelf toward the continental shelf break, roughly 60 miles offshore to the center of the range. These four alternatives are all located within existing military operating areas, which are the areas the Navy currently conducts training. The operating areas are outlined on this slide with the black boundary, and the four proposed range sites are the small boxes within those areas.

Alternative A is the operationally preferred site. Site A closely replicates the potential

threat environment the Navy must train to and is closest to the primary users of the range, ASW aircraft. Sites B, C, and D meet all of the operational criteria and remain viable alternatives to support the Navy's requirement.

The EIS also evaluates the no action

alternative, which would be to not build a USWTR. The no action alternative, however, would not meet the Navy's emergent training need.

The environmental analysis for the Draft EIS falls primarily into two parts, potential effects on the marine environment and potential effects on the landside environment. The DEIS provides a thorough description of the science research Navy used to develop a new, rigorous approach to determine effects on marine mammals.

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

With respect to the landside environment, the Draft EIS evaluates the construction of the

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small cable termination facility and the installation of the trunk cable to determine if these activities might affect land-based natural resources or coastal zone resources.

Based on the reviews presented in the DEIS, minimal effects are expected to the physical and ecological environmental -- environment associated with range installation, the use and expenditure of various support equipment and sensors during training and from the movement of vessels on the range sites.

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

To reduce potential effects on fishing access, shipping and recreational boating, the Navy will issue advanced notice to mariners 72 hours prior to a training event that requires a portion of the range to be clear of vessels for

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safety purposes. If vessels are present, the Navy may delay or alter its operations on the range.

We also have evaluated the potential for interactions between the bottom-mounted range instrumentation and fishing gear or anchoring. The range nodes generally have a low profile above the ocean floor and there's little potential for interaction or effect on fishing gear in the water column. The trunk cable to shore will be buried. To reduce the potential for interaction where bottom trawl fishing occurs, lower profile sensor nodes can be used and the interconnecting cables can be buried.

Landside impacts are minor and are associated with construction of a small 400-square-foot cable termination building and installation of the trunk -- trunk cable to this building. The facility would be sited to avoid impacts to wetlands and other protected resources, and approval from the Army Corps of Engineers would be obtained prior to construction. The Navy also will consult with the U.S. Fish and Wildlife Service if need be to ensure that appropriate conservation measures are

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followed for the protection of protected species on land.

The purpose of the acoustics analysis was to evaluate the potential for sound associated with training on the range to affect marine species. The potential effects depend on the characteristics of the sound, how close the animal is to the sound source and the duration of the animal's exposure to the sound.

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

We also had to know what level of sound would affect marine mammals and whether these effects would be considered harassment under the Marine Mammal Protection Act or MMPA. The MMPA specifies two levels of harassment, level A is

injury and level B is disruption of behavioral patterns. The NMFS established effects criteria and thresholds are based on scientific research that best correlates to these regulatory harassment definitions.

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For the rest of the presentation I will focus on the acoustics analysis and potential acoustics effects which focussed on fish, sea birds, marine mammals, marine invertebrates and sea turtles. To assist in our analysis we consulted peer-reviewed published literature, scientific research and agency reports. Analytical results indicate that there will be no significant impact on plankton, invertebrates, diving sea birds, and see turtles since they are not capable to detect the mid-frequent sound sources. Also, manatees and pinnipeds, such as seals, are not expected to be present in the vicinity of the proposed range sites.

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

Based on the review of the literature and our findings of potential effects to marine species, the remaining acoustics analysis presented in the Draft EIS focuses on whales and

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dolphins, both of which are capable of hearing in the mid-frequency range and are present in the geographic areas of the four proposed USWTR sites.

The total annual sonar exposures from our modeling both physiological and behavioral response are shown in this table. The analysis shows that there will be no injurious effects caused by the training activities on USWTR.

One important note regarding these estimates, these numbers are conservative for a number of reasons. Specifically the modeling results are conservative since acoustic exposures do not reflect implementation of mitigation

measures such as reducing sonar source levels when marine mammals are present. Acoustics footprints for sonar sources are added independently and, therefore, do not account for overlap they would have with other sonar systems used during the same active sonar activity. As a consequence, the calculated acoustic footprint is larger than the actual acoustic footprint. In this analysis, the acoustic footprint is assumed to extend from the water surface to the ocean bottom. In reality, the acoustic footprint

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radiates from the source like a bubble and a marine animal may be outside this region. Marine mammals densities were averaged across specific active sonar activity areas are there- -- and are, therefore, distributed evenly without consideration for animal grouping or patchiness. When density information wasn't available for certain species due to lack of sightings, they were overestimated based on -- because they were projected from areas of higher densities, and I'd like to point out that the model that we use to model the effects to marine mammals is based on the current -- the best current available science. As that science improves it will be incorporated to improve the model.

The Navy is consulting under the Endangered Species Act and seeking a letter of authorization from NMFS for incidental harassment under the Marine Mammal Protection Act. The MMPA letter of authorization rules would cover a five-year period, therefore, Navy will reapply for an MMPA authorization every five years.

To reiterate, the vast majority of the authorization request is for harassment by behavioral disturbance and no long-term impacts

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to species or stocks are anticipated.

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

The Navy plans to implement a mitigation

plan to reduce the potential for harassment of marine mammals.

For example, the Navy will continue to use lookouts during active sonar training. Navy lookouts are highly trained in spotting objects in the water as well as receiving marine species awareness training. This training addresses the lookout's role in environmental protection and includes general observation information including more detailed instruction for spotting marine mammals. The marine species awareness training has been reviewed by the National Marine Fisheries Service and is considered suitable training.

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

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

The Navy also plans to conduct long-term monitoring of marine species on and in the vicinity of the USWTR. The monitoring plan has been designed by expert scientists from Duke, the University of North Carolina Wilmington, the University of St. Andrews, and the NMFS Northeast Science Center. We will continue to work with expert scientists and NMFS to ensure that a comprehensive monitoring program is in place as part of the Navy's MMPA authorization. The primary tools available for monitoring are listed on this slide.

The Navy has programmed approximately 24- to $26,000,000 pre year over the next several years towards research. For the past several years the Navy has provided between 18- to $24,000,000 per year to universities, research institutions,

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federal laboratories, private companies and independent researchers around the world to study

marine mammals. In addition, the Navy sponsors approximately 70 percent of all U.S. research concerning the effects of human-generated sound on marine mammals and approximately 50 percent of such research conducted worldwide.

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

This research is directly applicable to Atlantic Fleet Training Activities, particularly with respect to the investigations of the potential effects of underwater noise sources on marine mammals and other protected species.

I hope that you had a chance to view the exhibits and pick up the handouts and I again want to thank you for joining us this evening.

I'm a little ahead of myself.

Now, I'd like to discuss the future steps in the process related to USWTR project. This slide outlines the schedule beyond the release of the Draft document. A key characteristic of the entire process is the public's opportunity to comment.

The Draft EIS, which summarizes the

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comprehensive analysis of the effects from the Undersea Warfare Training Range, was released on September 12th. Four public hearings, including this one, are being held from the 19th of September through 7 October 2008.

Your comments on the Draft EIS will be addressed on the final EIS/OEIS. The final step is the decision phase. A decision will not be made until at least 30 days after the distribution of the final EIS.

We look forward to your comments this evening, and, Your Honor, I turn the hearing over to you.

THE HEARING OFFICER: Thank you, Mr. Nissen.

I'll note that the time now is 7:41 p.m., and we're going to open the hearing up to public comments as soon as we get the microphone positioned here in the center aisle.

And first off we have a representative from the local government, Mr. Dan McCarthy.

Sir.

MR. MCCARTHY: Good evening. We very much

appreciate the change to comment.
I looked around the room and there are a lot of people here that know an awful lot about some

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of these subjects, some perhaps more than I do and I certainly am anxious to hear their comments as well as my own.
Mayor Peyton would like to be here tonight. He's out of the country on City business, but he asked me to make very clear to the Navy board and to others reviewing this how he strongly supports new missions in the Jacksonville area.
It has been Mayor Peyton's role since he came in in 2003 to try and make -- make Jacksonville one of the most military friendly cities in the United States. We've done everything that we could over the last five and a half years to support the Navy in its endeavors and we look forward to the chance to stand and support this opportunity.
As to Mayport specifically, it is the City's position that they want to see the full utilization of Mayport. The Mayor would not try to the tell this board or others how they should utilize Mayport, just that it's a national asset and it should be fully utilized. This program that has been outlined tonight certainly seems to be one step further in taking advantage of all the great opportunities at Mayport.

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The next thing I -- I -- and I guess I neglected to say my name for the record. Let me do that. It's Julian D. McCarthy. I'm the director of military affairs for the City and I've been in that position for last five years and I work at City Hall, which is 117 West Duval Street, Jacksonville, Florida 32202.
In that position my second point would be that this decision needs to be made by looking at a series of events that have occurred really over the last five years and I think the culmination of that leads to this, the first would be in 2004 when Vieques closed and the training resource strategy moved off the coast of Jacksonville. As you may remember the basis for that was really that we have aviation training ranges in Florida

that allow the live dropping of ammunition for training purposes. Off the coast of Jacksonville has really become the training area for the East Coast Fleet, if you will, the Atlantic Fleet, and it seems only fitting that we would add one more component of the training plan.

Second, you have to look at BRAC 2005, and BRAC 2005 really transformed the Department of Defense. And one of the huge changes in BRAC

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2005 was bringing all of the P-3 or aviation aerial surveillance assets to Jacksonville. So I would think when you add it it's become a coordinated training area and now we're the sole component for the P-3s on the East Coast, those two things work very closely together.

Thirdly, if you look at the recent programs that are being reviewed, we have the P-8A, which is the new aircraft for the P-3, we have an EIS that's being completed now, which lists Jacksonville as the preferred alternative. We also have an EIS that's looking at the full utilization of Mayport, which we expect out shortly, and now we have this EIS. So really there are three EISes in the air as we do this and I would think that they should be looked at together. This is an investment in national defense and each of these decisions leads to the next decision.

As to the marine mammals I'm certainly not competent to sit and talk a whole lot about whales, but let me add one point. I am a fisherman off the coast of Jacksonville. I fish with the Navy commander, retired, who is one of the best fisherman in the area and has won the

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Kingfish Tournament.

I have actually seen right whales and their calves when we're out fishing in the December/January/February time frame. Every time I've ever seen a right whale, it's been close to the beach. I don't know that that's the only place they go, but those are the ones that I've seen. And at least what the fishing captain, Dennis Young, has told me is that's because the mother's trying to keep the calves as close to

the shore to keep them away from the great white sharks. And the only time we have great white sharks in this area are December, January, February and they're here potentially to try and prey on the right whale calves, so I think that that might be something to look at as you review this.

As to the turtles, the only thing I do know from this area is that this area is a strong supporter of the sea turtles and their ability to use our beaches to reproduce. Many of the people in the military actually serve on the turtle patrols and are complete supporters of the continued ability of using these beaches for turtles nesting.

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I guess in summary what I would like to try and leave you with as you ponder this decision is that you want to place this in a city that's a very strong supporter of the military, that is Jacksonville.

As you may know the two bases at Jacksonville were actually purchased and donated by the citizens of Jacksonville and we have just an amazing 60-year career record of supporting the military. The -- we even give a property rebate to sailors here. We do a number of the things that are unlike -- in fact, this weekend we have the Navy birthday celebration. I could go on and on and on, but the City of Jacksonville is well-known for its great support of the military community.

Secondly, we are the right location on the East Coast, and finally, national defense matters to the people that live in the city of Jacksonville. We want our men and women training and preparing themselves in the best possible location. Thank you.

THE HEARING OFFICER: Thank you, Mr. McCarthy.

We also have a number of representatives for

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organizations. The first is Vicki Cornish.

Ms. Cornish, would you please come forward. And I apologize for messing up my time, I'll try and do better this time.

MS. CORNISH: Thank you for the opportunity to speak tonight and for the information that was provided out in the court for us there.

My name is Vicki Cornish, V-i-c-k-i, C-o-r-n-i-s-h, just like the hen, and I'm here representing Ocean Conservancy. I live in Arlington, Virginia, and we have offices here in St. Petersburg, Florida, as well as up and down the East Coast; Portland, Maine, and on the West Coast.

I'm here on behalf of our 140,000 members. We will provide a few comments tonight, but we will submit our full comments for the record in writing.

We're here primarily because of the North Atlantic right whale. North Atlantic right whales are critically endangered marine mammals that are found on the East Coast of the United States. There are only about 400 remaining, because they've been decimated by whaling and they continue to be at risk from human

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activities.

The area off of Florida and Georgia is the only known calving area for right whales, North Atlantic right whales, and so it's a critical area that needs to be protected. We recognize that this may be a preferred site for this range from an operational perspective, but we really think that we couldn't have picked a worse site for -- for the whales. While this site -- this training range is located offshore, both vess- -- both vessel traffic and aerial traffic to and from the range could potentially increase the risk to whales from vessel strikes as well as harassment from aerial activity, and we would like you to take that into account in your selection of your final alternative. Mothers and calves are especially vulnerable on the calving grounds and activities in this area are only increasing as you -- you have heard.

The cumulative impacts from all of these combined activities have the potential of putting -- of putting this species at risk of extension when you consider the impact in the most critical area, the calving grounds.

As the Navy moves forward in your selection of a final alternative we strongly urge you to complete your surveys in this area as you have done in some of the other areas like Onslow Bay and make sure that you are fully informed about the marine mammal populations in this area and to consider the other alternative sites that may have less potential to harm wildlife, such as right whales. We also encourage you to consider operation modifications to your activities, such as a seasonal restriction of activities at times and in areas where right whales are at greatest risk, such as in the -- in wintertime, November through March.

I would just say that it appears that there's still quite a bit more data that needs to be collected based on the information that was presented today. And what I've seen, certainly there's been a lot of data and information collected on the operational aspects of this activity, but when we look at the environmental impact there's still a lot more that needs to be collected. So please use diligence in your selection of alternatives, collect a little bit more information, consider the impacts of this critical area and -- and take your time in making that selection. Thank you very much.

THE HEARING OFFICER: Thank you, Ms. Cornish.

Next we have Ms. Jessica Koelsch.

MS. KOELSCH: Good evening. Jessica Koelsch, J-e-s-s-i-c-a, K-o-e-l-s-c-h, not the way it's -- not the way it sounds.

THE HEARING OFFICER: I apologize.

MS. KOELSCH: No, it's okay. It's bad -- bad spelling.

Ocean Conservancy -- also from the Ocean Conservancy and I'm at the St. Petersburg office and Vickie Cornish has already expressed a lot of the comments that we'd like to make. I just want to reiterate a couple of points. There's not historical data on the area of the proposed -- of the proposed range on right whale sightings. And as she indicated, really urge you to get a

complete data set, you know, do the -- do the monitoring of the area. They say, oh, no right whales in that area far offshore, well, no one really knows because no one has really looked and you really need to look hard before you can make that determination.

She mentioned maybe consider suspending

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operational activities during the wintertime. I also wanted to mention this -- the gentleman from the City of Jacksonville mentioned the sea turtles, when it comes to construction consider the sea turtle nesting season. Construction activities are going to be impacting the nesting beaches during the sea turtle nesting season also should -- should be suspended. Thank you.

THE HEARING OFFICER: Thank you.

Next we have Mr. Tom Larson. Mr. Larson.

MR. LARSON: My name is Tom Larson. I live in Jacksonville Beach. I am here on behalf of the Sierra Club, and it's 33,000 members across Florida and 700-and-something-thousand members nationwide.

A lot of what the Ocean Conservancy opened with took some of the points off of my list, so I can save a little bit of time. I do need to say that whales have a different sense of sound than human beings do and we do know that there have been instances recorded of very heavy impact on whale behavior as well as physiology damage to them physiologically including blood coming out of their eyes and ears and their mouth.

Now, I know that the underwater topography

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has a lot to do with that kind of event and I'm not sure that those same kinds of experiences would be had here, but I do think we need to think about the 300-some North American right whale -- North Atlantic right whales that remain and that every calf we lose is one more nail that may be going into the coffin for that species.

Now, the Navy has reported over a two-year period that there have been exercises off southern California, that they would take 170,000 marine mammals -- now, taking is a legal term that encompasses a range of harm and you'll see

in the handouts it talks of that a bit relating to disturbance, to injury, and I must add, also to death.

Now, the Navy says that they will do no harm, yet its own numbers suggest that that's not necessarily true. The district court in other cases in other areas has really related it to near certainty of environmental harm and I do think that we need to be very careful in collecting the correct information and not trying to rationalize the decision that seems to have implications for the environment.

There are national security issues and I'm

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not trained as a sailor or -- or a soldier, so I can't really assess those very practically, but I do think that mitigation and -- and the training needs to happen. We need to do it in the absolute best location possible and we need to think very strictly about seasonal adjustments to the operating plan, maybe training here when the right whales aren't here, training somewhere else when this is critical to the right whales' future so their calves can have a healthy place to mature.

That's really the most of what I really want to add tonight. Thank you.

THE HEARING OFFICER: Thank you, Mr. Larson.

We're now prepared to receive comments from the public at large. The first on the list here is Mr. Rob Zinn.

MR. ZINN: Thank you. That's Rob Zinn, Z-i-n-n. And basically I just had three comments. I appreciate all the help with the information, the gentleman and women out front, it's very helpful in understanding the issue. I think my three points are not insurmountable issues, they're really about how this will take place, how this system will be deployed, because

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I think it's interesting to note that these sonar pings are going on whether or not this thing is being built, so really to me it's about how it's done.

My first point is about the 100 meter level A harassment zone, which I think is a critical

part of this system. That harassments -- level A harassments are not really an acceptable side effect of this system and I know the Navy wants to avoid them, so I'm interested in ways that the Navy can mitigate those events by -- one suggestion was ramping up sonic -- sonic events to full level to give mammals time to get out of the area, another idea was to have the array itself emit low level disturbances to help clear the area of marine life, so I urge you to consider those options.

My second was that the visual scouting aspects of the preemptive measures is sort of a half measure at this point and I would encourage the Navy to look into further measures that more adequately assess whether or not mammals are in the area. Obviously it's hard to determine whether subsurface aquatic mammals are in the area if they're not right on the surface, so this

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may actually benefit some of the agencies involved here that are interested in whale patterns and migratory patterns by having some kind of tagging system that can yield data that helps both agencies.

My last point was just that -- the behavioral disturbance on the level B harassments, that's kind of outside of the 300 meter radius where the data seems to get a bit fuzzy is also a concern because -- although mammals aren't reacting negatively to that level of exposure there may be more complex side effects that are unanticipated and this is how ecosystems similar to how the underwater environment works. It's very complex, and we may find down the road that one glitch in the ecosystem has vast impacts on the whole region of the aquatic ecosystem, so to really look at filling out that data and making -- taking measures to look at things as subtle as migratory patterns. Birds, for example, have trouble finding mates and procreating in noisy environments and this is not inconceivable that something similar might be happening in aquatic environments and could lead to a drop of species

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population. Thank you.
THE HEARING OFFICER: Thank you, Mr. Zinn. Next we have Mr. Dave Van Saum. I apologize if I got that wrong.
MR. VAN SAUM: You did very well, Judge.
My name is David Van Saum and I've lived here in Jacksonville for 18 years. I'm a retired Navy captain, and through the '90s I had three major commands right here in Mayport. I was CO of the base. I was the DESRON 24 commander and the deputy commander of the Western Hemisphere group, now Naval Southern Command.
My point of saying that is that I have been tracking and dealing with right whales for my entire career here in Mayport and I'm very familiar with where they operate and we have been tracking, we the Navy, by air, by surface ship. We've been tracking those whales for the last 20-plus years. We know where they operate, we know where they are, we know when they're here and we stay away from them and that's what we do, and that's what we have always done. We will continue to do it and as this range is built the range itself will give us the capability to further track any mammals that operate out 50

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miles to sea, but I can tell you firsthand knowledge, personal knowledge, that right whales off of this coast calf here. They calf in shallow water. They move on after the calving season. They're only here for those three months and even then they're close to shore.
I have also operated in San Diego and I can tell you that the marine mammals in San Diego, totally different environment, totally different quantities and different types. Many more off San Diego and the Pacific than there are here off the Jacksonville area. I have personally operated there, personally driven ships through all of those areas from my total of 30 years in the Navy.
I was also the trainer, head of the whole afloat training group in the Atlantic based in Norfolk, Virginia. Based on that experience I can tell you firsthand that if we don't get this ASW shallow water range put in somewhere, the

threat to us is increasing, not decreasing and it's a national security item that this brings. The reason is just like a pilot, like the commander here, you can't fly an airplane by simulation, you've got to actually fly it in the

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air. In submarine ASW -- and oh, by the way, I am a certified ASW expert over my whole career in the surface world. My -- I can tell you firsthand that if you don't operate sonars and passive devices against real submarines in real water you can't do the training that's necessary to take out negative, bad submarines that are going to be hunting for our forces.

I can also tell you I was on the Navy's strategic planning group that looked out 20 years to the future. We identified terrorists as the worst problem we had in the future. We also identified other third-world countries that now operate state of the art quiet submarines that are a threat, and where we operate in the future is in shallow water. If we don't train in shallow water as this range represents, the threat to our ships, our crews, our people, our very security is at risk.

In summary the Navy is very careful in dealing around mammals, we always have been. We have been my whole career in this area. I have also operated off of Norfolk, off of San Diego, off Hawaii and I'm very familiar with those operating areas. This is the safest, best area

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where we can do this range. Thank you.

THE HEARING OFFICER: Thank you, Mr. Van Saum.

The next comment is from Mr. Norm Turnboll, Jr.

MR. TURNBOLL: Good evening. I'm just here as a -- just a regular citizen. I have property within two miles of Mayport and also close to the Naval station river. I believe after going through the displays out in the hallway that the Navy has taken extreme measures to protect sea life. I was very impressed with the -- the way that they plan to use the sonar, both instead of doing it on the bus, to direct it at their

targets when they can and I was somewhat struck by the -- I'd say this more respectively, but I don't know the person's name, but it was the third person that spoke here. She had mentioned that we don't know where the right whales are, we don't know if they're out in that training area, but by extension we don't know where they are all up and down the Eastern Seaboard. So I too believe this is really a very safe area to conduct this training and would respectfully request that the Navy do so. Thank you.

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THE HEARING OFFICER: Thank you, Mr. Turnboll.

Next we're going to hear from Ms. Brenda Shields.

MS. SHIELDS: Hi. My name is Brenda Shields, that's B-r-e-n-d-a, S-h-i-e-l-d-s, and I live at 315 18th Street North, Jacksonville Beach, Florida, and I'm here just as a citizen too. And I did also appreciate the information that I learned by the displays and I think you did a wonderful job, but I'm here as a citizen and still concerned about some things. I typed in -- well, first of all, when I read the message here, you know, about this I typed in -- I didn't even know it was sonar for a while because it didn't say sonar and I started looking around to see what it was all about and found out it was sonar so I just typed on the Internet sonar, and whales and it was just a plethora of information which gave me my idea for coming here and presenting this to you, so hopefully it'll help you make a decision.

And one of the things that makes our coastal community so desirable is all the recreational fishing off our shores. Commercial fishing off

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our shores helps the -- recreational fishing -- commercial fishing off our shores helps provide economic wellness and job diversity as well as an abundance of fresh seafood. Northeast Florida coastal waters are a critical habitat for the endangered right whales as they over winter calf in these waters. It's a joy for boaters, and I am a big boater, to see the dolphins swimming and

playing in the waters when I go out there.
I am strongly opposed to the Navy's use of sonar in these waters unless sufficient research shows that marine mammals and other marine life will not be harmed. There have been too many instances where whales have beached themselves and died in waters where sonar was being used or near where sonar was being used. These have occurred in California, North Carolina, the Bahamas, the Canary Islands and Hawaii, just to name a few. The Navy has admitted that the use of sonar was -- or possibly was a factor in some of these beachings and deaths. Now, I don't know about the topography of the ocean floor and all of that and whether that makes a difference or not, but to me that's a relationship between whales dying and the use of sonar which concerns

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me.
I also understand that the Navy originally was looking at North Carolina as their shoreline as its preferred site for the training range, but is now looking off our coastline after hearing and collecting much public input from North Carolina, and I understand it was mostly negative, so I'm wondering, well, why now are you looking at us and you really liked North Carolina first?
Also I understand that 37 whales beached themselves and died along the North Carolina coast and whether or not that was related to sonar or not I don't know, but it was definitely at the same time that sonar operation was going on.
There are also currently lawsuits regarding this issue and this issue is going to be addressed by the Supreme Court this year, so to me that lets me know that there's some concern about this.
The North Florida public needs more time to familiarize themselves with this issue. Some of the notices in the newspaper does not even mention the word sonar in their description of

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the 500 square nautical mile area of the ocean where ships, submarines and aircraft would

perform anti-submarine warfare training. An ordinary person such as myself might not realize that this really meant the use of sonar, and if they did know it then they might be more concerned and they would be here tonight also.

I appreciate your listening to my concerns and hopefully you will reconsider such a training area off my coast. At least give the public of Northeast Florida more time for public input. I know that I do not want this mammal's future protection to be at the expense of any other mammal or any marine life. I am speaking for this marine life since the only way these animals can speak for themselves is by dying. Thank you.

THE HEARING OFFICER: Thank you, Ms. Shields.

Next we'll hear from Mr. Matt --

MR. TUOHY: Tuohy.

THE HEARING OFFICER: -- Tuohy.

MR. TUOHY: You thought Van Saum was hard.

Good evening. My name is Matthew with two Ts, W. Tuohy, T-u-o-h-y, and I too am a retired Navy captain. I'm here this evening to express

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my support for the potential proposal to build the instrumented anti-submarine underwater acoustic range off the coast here in Jacksonville. And I will apologize, us old guys refer to it as anti-submarine warfare as to undersea warfare, so I'm sure I will mix those terms.

A little bit of my background to tell you why I'm here. I retired after almost 27 years of service as a naval flight officer. I flew both the S-3A and S-3B Viking carrier-based ASW anti-surface warfare aircraft. I was the executive officer of the S-3P fleet training squadron at Cecil Field, the S-27, I then was XO and CO of the S-32, an operational S-3B squadron. After my squadron command I was the executive officer of the USS John F. Kennedy, the carrier here at Mayport, then had command of the Navy's mine countermeasure ship, USS Inchon, and finally I was the commanding officer of the USS Kitty Hawk, the aircraft carrier permanently deployed to Japan. Additionally I too am an ASW crew

subspecialist. My experience is I have flown on instrumented underwater ranges both training others and training myself and I've navigated

large ships through the transit passages to and from Naval Station Mayport.

We often hear that it's important that we train like we fight. I think this is true regardless of which arena you're discussing. I feel it's especially true in the anti-submarine warfare arena, whether that's from the ship side or the air side. Having the ability to get this accurate mission data back to the crews I think makes this even a more critical element in toning these ASW skills that are still so needed in today's uncertain world as we discussed.

In my humble opinion the location off of Mayport is absolutely perfect. It's perfect for a number of reasons, for the ease of access, for the airborne units, for the helicopters and fixed-wing from Jacksonville and Mayport, both those that are stationed here and those that will come and utilize the superb hosting capabilities, the location and the protected air space and our -- and our people that are flying it.

As far as ships goes, the quick and easy access to the open seas, departing a port -- Mayport has -- has probably one of the best in the world. It's a very quick and easy approach.

A ship can be on station within a couple of hours out at the proposed range site. And as they're going there, they're going to a warning area, which is basically free of major shipping lanes and interferences. I think this is tailor made for shipboard training and additionally its proximity to Kings Bay makes it -- makes it even that much better for the submarines as well.

Back in -- us old guys remember the instrument of ranges were down in the Caribbean requiring a long flight there and back to conduct the training or to send a detachment down to do their training from the squadron. Having a range off our coast will allow the squadrons to better utilize their flight funding to train rather than transit. I think that that -- providing the

state of art -- state of the art debrief facilities and the information back to the crews will also improve the quality of that training.

From the ship and submarine standpoint, steaming days are always an issue, as you know, and the same benefits of training without long transits will benefit them even more as the time on station is absolutely precious to the commanding officers of ASW who handle the ships.

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Now, as to the environmental issues that have been brought up here, some people will say that this is a less than perfect site. I won't say it's a bad site, but it may be less than perfect in someone's eyes. And I'm certainly -- and as stated, I'm not a marine scientist, I'm not an expert in any way, but again, my experience and my understanding is that what has been stated previously, that the right whales are closer in to what their definition of shallow water is. Our definition of shallow water may be a little deeper than whales for our training and also that the -- that the Navy has procedures in place to protect the endangered mammals.

Having lived here and worked out of -- out of Mayport both on Kennedy and when I brought Inchon here for the fleet training group I have -- I've worked with these restrictions and I feel confident that any transit issues will be dealt with in the same compassionate, professional manner that we've done before to protect these creatures.

Additionally being 30 miles away from the calving range I think will mitigate any of the actual sonar effects if there are any.

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In conclusion, I will say that many people have said in the past that ASW or anti-submarine warfare capability is -- the requirement has diminished. Having taken an aircraft carrier through the states almost twice, but there are anti-submarines in existence, I will say that it is still critically important. Thank you.

THE HEARING OFFICER: Thank you, Mr. Tuohy.

Next we'll hear from Mr. John Meserve.

MR. MESERVE: Almost close. John Meserve,

M-e-s-e-r-v-e. I'm also one of those retired Navy captains. I spent 28 years in anti-submarine warfare mostly as a helicopter pilot for both HS and HSL land squadrons and -- and surface ships, so I have seen the progression. And since I've been out of the Navy some 20 years it's interesting. We've gone from anti-submarine warfare, which was in World War II active pinging sonar off ships, and it was really a hit-or-miss thing, to passive -- as the nuclear submarines came in who were fast, could go deep and stayed in deep ocean because they felt that their ability almost in some cases go below our ability to hit them with a torpedo was their best security. Now back to passive, as third-world

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nations, but -- but not just third world, but as the new technology brings out lighter, faster diesel electric boats that are absolutely silent and -- and really make those nuclear submarines sound like tin cans, so we -- we've gone full circle in anti-submarine warfare, how we detect them. But -- but I want to talk about more of why -- why here and what we're doing and so -- my background is a Navy captain, anti-submarine warfare kind of guy, the Mayor of Atlantic Beach, which is a city which is next to the naval station at Mayport, so I want to talk a little bit about support and why put a range here from the perspective of the Chamber of Commerce, local communities support and those types of issues. Why here? Well, one, the ASW forces are here. The P-3s are all coming here out of Brunswick, Maine. They will be replaced by the P-8 aircraft, so you've got -- got all of those down here. The H-60 and all the variance, the Romeo will be -- is joining the fleet now, they're all down here and anti-submarine warfare ships are down here, so we've got all the forces, and Kings Bay is just up the road. So it's here. We ought to be here, we ought to train here, we've got to

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train in littoral waters, shallow waters, if we're going to be effective in a war scenario.

Weather. We can train basically 360 days a year. Weather is not an issue. If you go way up

north -- and I started out at Quonset Point, Rhode Island, and -- and was up in GIUK gap trying to do that thing against the Russians way back when, and I'll tell you what, that was a challenge. We've got to train and more training days and less transit time are important.

But let's talk about Navy support. Dan McCarthy talked about City support, but I'll talk about community support. If you look at what's happened around Mayport Naval Station over the last couple of years, you've got the Wonderwood Connector, a 300-plus-million-dollar connection road, which connects Mayport Naval Station to everything going west, including I-95. You've got flyovers that were built and new bridges that were built in the city of Atlantic Beach crossing the Intracoastal Waterway, major improvements to Mayport Road, which is the main connector road that comes out of the naval station. As a matter of fact, if you drive there tonight you will see a multi-million-dollar project which we commenced

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to a year ago to make that road more attractive and -- and just a better scene with raised medians and -- and new surface and new lights which will be going in over time, but it's more important than that. We've got community support for the Navy family and I think that that's important and I think that that bodes well for the future. The Navy is totally integrated in the community fabric of life. They're part of our school system, they are the leaders and -- and the local community appreciates that and I think that that ought to go in the mix.

The only thing I would end up with saying is that I spent three years as a commanding officer of a helicopter squadron in Hawaii, so I was at the Barking Sands Range all the time because they did major commanding officer training on -- on our nuclear submarines.

I also spent several years going down the AUTEC range, which is another undersea range, which is down in the Bahamas, and I'm going to tell you, since I was a diver and a fisherman back in those days they are the greatest fishing areas almost known to mankind and they were in

the heart of undersea ranges which were fully
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instrumented and had active sonar from submarines, from aviation aircraft and from surface ships pinging all the time, so I think we can handle that end of it. Thank you.

THE HEARING OFFICER: Thank you, sir. Next we're going to hear from Mr. Ed Froehlich. Mr. Ed Froehlich.

MR. FROEHLICH: Actually you were right, Froehlich is the pronunciation.

THE HEARING OFFICER: Well, thanks, sir.

MR. FROEHLICH: That's it, Froehlich, F-r-o-e-h-l-i-c-h. And I speak from various realms. I hate to even mention that I'm a retired captain also, but it's part of the resume. I'm also speaking on behalf of the Jacksonville Area Ship Repair Association in which I'm the executive director, but -- and I would like to pass on to the Navy our complete support of the 50 various industrial companies that I represent. That support does not come on just saying, hey, if the Navy is for it we are too. We feel like we are part of the national defense as much as anti-submarine warfare units or anything else and we view the idea of training military units of the highest priority.
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One of the things that all captains here have -- have talked about is the need to train as we fight. Well, I was involved -- I am one of those ASW subspecialist also and I found the one factor in dealing with finding a submarine, neutralizing them, or anything else was there's no single unit, whether it be surface, subsurface or air on their own is seemingly effective. The synergism of all three working in coordination, P-3s, helos, the HSLs, the HSes and the surface ships, once they work in concert become effective. If they cannot train in that scenario and receive immediate feedback, evaluation of their tactics, whether it be active, passive or combinations of which, the training really is much wasted and also the return from the training is not as effective. That's the reason that Mayport with the HSL squadrons are all homeported

here. The HS squadrons and P-3 squadrons at NAS Jax and the surface combatants here along with the subsurface units in Kings Bay provide the scenario to get effective training in anti-submarine warfare or undersea warfare training as we call it today.

The one problem I see as -- as one of the old hands around is we do not feel that ASW has been given either a priority and that I am concerned with the overall readiness especially since I see our fleets operating in the literal waters of whether it be the Caribbean, in the waters off of North Korea, off the Indian Ocean, encroaches into the Arabian Sea or wherever, they are at risk today. They're at risk today because we do not have a proper training facility.

Now, I am -- why I am very sensitive to the environment and the marine environment, because I was also CO at the Naval Station Mayport and I know from firsthand knowledge that we are committed, the Navy, who's committed to protecting our marine environment. I was part of that effort. I see that we have some trade-offs to make, but I'm happy to hear that many of the units here are very concerned about mammal safety and all of that and the Navy are trying to reach accommodations from mitigation and other things. All these things need to be considered in the events, but we also need to consider what are the national defense issues and the safety of our sailors. Thank you.

THE HEARING OFFICER: Thank you, Mr. Froehlich.

Next we have Mr. John Haley.

MR. HALEY: Thank you very much. I appreciate the opportunity to be here. I represent the Jacksonville Chamber of Commerce and I have a couple of observations to make from different perspectives. From the Chamber's standpoint we support the Navy's presence in Jacksonville. It's been here for well over 60 years and it's a very important part of our economic community. The Mayport Naval Station we think is a national asset. Over 70 percent of

all of the sailors and the ships in the units that were used to train range will come out of the Jacksonville area, so from a business perspective we're looking at it from the standpoint of saving the taxpayers money. We think it's very important in that respect.

I also speak to it from a perspective as also a retired Navy officer as well, head command of an undersea warfare unit and knowing from experience that it's very difficult to -- to detect with the -- with the shallow water environment you've got, you don't think the clear signals that you may have running through

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the water. So it's very important to train like you would be operating, so that's the standpoint from a Navy experience.

I also am an observer of the right whale too. I live on Neptune Beach and I'm able to, in the winter months, look out over the patio and see -- on various occasions to see the right whales as they're coming through, so I -- it's very important to us and I think that it's a -- it's a natural asset that we have, but I also feel from what I have heard and what I have read that their calving grounds are much closer than this range would be. So I think that the -- there's adequate protection. I do have faith in the Navy's ability to determine what that risk is and I would feel that that would be fine with us. Thank you very much.

THE HEARING OFFICER: Thank you, Mr. Haley. The next speaker is Mr. Ed Kauskis.

MR. KAUSKIS: Kauskis.

THE HEARING OFFICER: Kauskis.

MR. KAUSKIS: Kauskis, right. My name is Ed Kauskis. I'm from Jacksonville, Florida, been a resident here over 30-something years, having a vested interest in the marine habitat. I've been

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a volunteer for the Jacksonville Offshore Sports Fishing Club for over 30 years putting reefs offshore of Jacksonville, artificial reefs. I'm looking at the proposal 50 miles out and I'm kind of concerned about if you permit that area, which I'm familiar with the permitting process through

the Corps of Engineers, that you would be taking habitat away from Jacksonville, the potential to have an artificial reef in that area. Do you -- take the Oriskany, which was sunk off the Gulf Coast recently, the depth of water required by the Navy and by the Corps to have clearance over the vessel, you have to have a certain depth. And knowing the impact that artificial reefs have on the community as far as billions of dollars to the State of Florida has a -- an impact on me for -- I've been doing this for 30 years, watching what's going on.

I also have a concern about the cable you're going to lay out there. Your charts outside show all our artifical reefs that we put out over the 40-something years we've been doing it and looking at that chart and looking at the potential of where you may lay your cable, it may go across one of our natural bottoms or

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artificial reefs bottom. I'd encourage you -- and this is the basic encouragement I have. I believe in national security. I believe we need to have it, but also understand the balance of the environment offshore, it's very critical.

I just got through serving a year in Iraq, before that in Afghanistan, before that two and a half years in Vietnam, so I'm kind of familiar with security, understanding that, how important it is to us, but I also understand the bottom offshore Jacksonville is a very -- a very sensitive habitat. We only have a few outcroppings of live bottom.

The artificial reef program was started so we could have places to go fishing, you know. So if you permit this area you may be taking some of that habitat away from us. And according to your letter here, you say that the boats go only a few miles offshore, it's not true anymore. The boats are venturing into what they call the roll down, that's right where your area is. That would have an impact on us too, because as an artificial reef builder, as a volunteer we work with volunteer money. The Navy's been generous enough to donate their time and invest some of their old

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vessels to us. So we're an opportunist. We get -- we get freebies, as we call them. And as it -- as -- as we have to put these reefs out, we have to come up with some dollars for fuel, for cost and things like this, and if you put that out in that area I'm kind of concerned that I'm going to have to start looking for other areas to put stuff. It's going to cost us a lot more money if we have to direct our energies down south, up north or -- instead of straight out and I -- these are my concerns. But also the environment. This area of the roll down is heavily fished. I mean, these people are going out there fishing for a reason, because there's fish there. There's something on the bottom and that's just why I encourage you to do your data collecting and your surveys and find out exactly what's going on off our coastline, off the coast of Jacksonville before you start putting anything out. Because I noticed the data that -- most of the data we get comes from south Florida.

I went to a South Marine Fishery Council meeting several weeks ago and the information was gotten from southern Florida. Nobody's up here collecting data from the fishermen or the divers

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saying what are they doing and how long -- or where are they going and what are they catching. And I appreciate, you know, your sensitivity on this matter. Thank you.

THE HEARING OFFICER: Thank you, sir.

I've gone through my list of speakers. Is there anybody else in the audience who desires to make any comments at this time? If so, please raise your hand, one of the Navy staff will assist you in getting registered.

We have someone who wants to make a comment back here.

While she's filling out that card we have some time remaining. Any of the individuals who spoke before wish to take another five minutes to continue their comments?

That's a negative response from members of the audience.

Just standby here, we'll get the next speaker lined up.

Next we'll hear from Ms. Alison Tracy.
MS. TRACY: Hi. My name is Alison Tracy and I'm a resident of Duval. Sorry. I'm not very good at public speaking, so I hope this isn't on the record, but I'm going to get a little fast

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and red if I a haven't begun, but I am in the industry of risk management and every day I go to work and work from eight to five studying where to go in our industry. Because the way that the laws are and the way things are regulated it's very hard to make one step forward without having to consider several different ways that you would be violating people's rights and et cetera.

At any rate, when it comes to the environment I think that risk management is sometimes not the best way to look at things. Obviously there's going to be some degree of risk management in any move. But when it comes to things like people have already addressed, our marine mammals -- which you can't just look at them as numbers obviously because, you know, we've -- we've gone from 300 to 400 in this discussion and you know that's a pretty slim number for a species.

Aside from that, there's also the ecological concerns on fishing, which is very essential to our commercial trade. There's also several ecological concerns that are tied in with it. Sonar is essential and I think that we as a Navy and we as a military force should be as

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technologically advanced as we can be to compete with other people, obviously because sometimes alliances don't always stay, but I also believe that things aren't as researched thoroughly as they should be before some plans are employed and I believe that no matter how many people you have doing this job and how many technologies you have employed to survey the ocean and survey the land, you're just not going to be able to save every single animal that's in the ocean or every single animal that's going to be affected, whether it be on shore or offshore. And I think that even if you disregard the mammals that may be affected, even if you disregard the sea life that may be

affected, you are going to affect something in some way that someone did not predict and I think that the only way to predict every possible outcome is to do more research, and I just don't see that much displayed tonight that makes me feel that this research was adequately done or done extensively enough to prevent any sort of ecological repercussions. That's all I have to say.

THE HEARING OFFICER: Thank you, Ms. Tracy. Is there anybody else in the audience that

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would like to make some comments for the public record?

And that's a negative response from members of the audience.

Again, I'll extend the opportunity for anybody who has already spoken to continue their comments.

Again, a negative response from the audience.

Ladies and gentlemen, the time now is 8:35 p.m. I'm going to call this hearing into recess until such time as someone comes forward and desires to make a comment. If by 9 p.m. no one has come forward I am going to reopen this hearing and then close it.

This hearing is in recess.

(Recess from 8:35 to 9 p.m.)

THE HEARING OFFICER: This meeting will come to order. Since the recess no one has come forward to make any comments and the time is now 9 p.m. This meeting is closed.

(Proceedings concluded at 9 p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA
COUNTY OF DUVAL

I, Sherry Brazier, Court Reporter and

Notary Public, certify that I was authorized to and did stenographically report the proceedings; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action,

Dated this 20th day of October, 2008.

Sherry Brazier, Court Reporter