

<p style="text-align: right;">Page 1</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 PUBLIC HEARING 16 17 JACKSONVILLE RANGE COMPLEX 18 19 ENVIRONMENTAL IMPACT STATEMENT/ 20 21 OVERSEAS ENVIRONMENTAL IMPACT STATEMENT 22 23 BEAUFORT, SOUTH CAROLINA 24 25 July 29, 2008</p>	<p style="text-align: right;">Page 2</p> <p>1 CAPTAIN HARTY: Good evening. Welcome to 2 the public hearing on the Navy's Draft Environmental 3 Impact Statement/Overseas Environmental Impact 4 Statement on the Navy's proposed action of evaluating 5 the potential environmental impacts over a ten-year 6 planning horizon associated with Navy Atlantic Fleet 7 training; research, development, testing, and 8 evaluation activities, which I will refer to as RDT&E 9 activities; and associated range capabilities 10 enhancements within the existing Jacksonville Range 11 Complex Operating Area. 12 The purpose of the proposed action is to, 13 one, achieve and maintain readiness using the 14 Jacksonville Range Complex to support and conduct 15 current, emerging, and future training operations and 16 RDT&E operations; two, expand warfare missions 17 supported by the Jacksonville Range Complex; and, 18 three, upgrade and modernize existing range 19 capabilities to enhance and sustain Navy training and 20 RDT&E. 21 I'm going to begin by thanking each of you 22 for your attendance this evening. I am Captain Jim 23 Harty and my role is to serve as the hearing officer 24 for this public hearing. 25 In order to ensure everyone present can</p>
<p style="text-align: right;">Page 3</p> <p>1 hear me and understand what is going on and out of 2 respect for the fellow citizens who will be speaking 3 tonight, I ask that everyone please take a moment to 4 make sure your cell phones are either turned off or 5 on silent mode. 6 I'm a member of the Judge Advocate 7 General's Corps of the United States Navy. I am a 8 general court-martial trial judge assigned to the 9 Southern Circuit of the U.S. Navy and Marine Corps 10 Trial Judiciary located in Jacksonville, Florida. 11 I have been assigned to preside over this 12 public hearing by the chief military judge, Navy 13 Marine Corps Trial Judiciary located at the 14 Washington Navy Yard, Washington, D.C. 15 I am not and have never been affiliated in 16 any way with the Department of the Navy's evaluation 17 of the potential environmental effects associated 18 with the proposed action I previously described to 19 you. 20 As a sitting military judge I am required 21 to remain neutral and to act impartially in all 22 matters under my cognizance, which includes this 23 hearing. 24 My job here tonight is simple. It is to 25 ensure that we have a fair, orderly, and impartial</p>	<p style="text-align: right;">Page 4</p> <p>1 hearing. 2 Consistent with the tenets of the National 3 Environmental Policy Act, all who wish to provide 4 comments will have the opportunity to do so. 5 I expect there may be a wide range of 6 comments expressed this evening and I ask that we 7 treat each other with courtesy and respect. 8 Throughout this hearing I ask that you 9 keep in mind that this is not an arena for debate. 10 It is not a popularity vote on the Draft 11 Environmental Impact Statement/Overseas Environmental 12 Impact Statement, hereinafter I will refer to this as 13 the document, and the alternatives described within 14 that document, nor is it a hearing in a question and 15 answer format. 16 This public hearing provides an 17 opportunity to express your views on the adequacy or 18 inadequacy of the document and to have those comments 19 made a part of the official record. This hearing is 20 part of the official record. 21 In order to orient those attending who 22 might not be entirely familiar with the document, 23 this public hearing will begin with a brief 24 introduction by two Navy representatives, Ms. Cheryl 25 McGarrity, a Naval facilities engineering command,</p>

<p style="text-align: right;">Page 5</p> <p>1 Atlantic, Norfolk, Virginia; and Commander Curtis 2 Stubbs, commanding officer of the fleet area control 3 and surveillance facility, Jacksonville. 4 These individuals will present information 5 concerning the purpose and need for the proposed 6 action and the three alternatives analyzed in the 7 document. 8 The briefing takes about 15 minutes and is 9 required by statute as part of the National 10 Environmental Policy Act process. 11 Following the introductory presentation, 12 we will begin hearing your comments on the document. 13 This hearing is being held in accordance 14 with the provisions of the National Environmental 15 Policy Act, or NEPA, and the regulations that are 16 published by the council on environmental quality. 17 The purpose of this hearing is to provide 18 a public forum to summarize the results of the 19 document and, more importantly, to receive your 20 comments on the document. 21 These comments will be part of the 22 official record and will be considered in preparation 23 of the final Environmental Impact Statement/Overseas 24 Environmental Impact Statement. 25 Your comments and involvement in this</p>	<p style="text-align: right;">Page 6</p> <p>1 hearing are very important to the decision-making 2 process. 3 Your input provides the decision makers 4 with the benefit of your knowledge of any 5 environmental impacts that you think might result 6 from the proposed action. 7 This hearing is the venue that the Navy 8 uses to gather your concerns, whether they are 9 through oral or written comments, about the adequacy 10 of the environmental analysis and the environmental 11 impacts identified under the proposed action and the 12 alternatives. 13 We ask that you focus your comments on the 14 environmental issues. Non-environmental issues will 15 take time away from those who came to comment on the 16 analysis of environmental concerns, and comments on 17 non-environmental issues will not add to the adequacy 18 of the analysis used in the final impact statements. 19 As I said earlier, it's my job to ensure 20 that each of you has an equal opportunity to speak. 21 The Navy representatives will not be allowed to 22 respond to your comments and that is important to 23 know because this is not a debate. This is a hearing 24 and it is your opportunity to speak. 25 I will enforce the individual time limits</p>
<p style="text-align: right;">Page 7</p> <p>1 previously established of three minutes so that all 2 who wish may have an opportunity to speak. Please do 3 not interrupt any speaker whether you agree or 4 disagree with them. 5 Interfering with the speakers will simply 6 reduce the amount of time available for all those who 7 desire to be heard. 8 Similarly applause or other interruptions 9 will take valuable time away from the speakers and 10 will hamper me in trying to afford everyone a chance 11 to speak. 12 This hearing is scheduled to adjourn at 13 9:00 p.m. If necessary, I will not consider the time 14 taken by the Navy representatives for the 15 presentation to count against the full two-hour 16 hearing time. 17 I will add that additional time to the 18 period available for folks to speak. In other words, 19 you'll have the full two-hour hearing noted in the 20 federal register. 21 If after everyone who desires to speak has 22 had an opportunity to do so and there is any time 23 left, I will allow speakers to use the additional 24 time to continue to expand upon their comments, again 25 observing the three-minute time limit.</p>	<p style="text-align: right;">Page 8</p> <p>1 If you decide to speak, the stenographer 2 will record your comments. You're also encouraged to 3 continue your comments or elaborate on them through a 4 written submission. 5 If you do not wish to speak at this public 6 hearing but you have comments that you would like to 7 be made part of the public record, I encourage you to 8 submit those comments. 9 There are a number of ways available for 10 you to do so as indicated on the projection screen to 11 my left. 12 First, you may submit written comments 13 tonight at the comment table which is set up next to 14 the pillar to my right or you may submit your 15 comments online via the website which is on the 16 projection screen but for the record it is 17 http://www.jacksonvillorangecomplexeis.com. 18 As an additional alternative you may fax 19 your comments to 1-757-322-4894. That is 20 1-757-322-4894. 21 Finally, if you prefer, you may mail 22 additional comments to Naval Facilities Engineering 23 Command Atlantic, Attention: Code EV22CM (JAX 24 EIS/OEIS PM), 6506 Hampton Boulevard, Norfolk, 25 Virginia, 23508-1278.</p>

<p style="text-align: right;">Page 9</p> <p>1 Written comments will be accepted 2 throughout the comment period which concludes on 3 August 11th, 2008. 4 Comments made at all public hearings or 5 provided in writing at any time during the comment 6 period or postmarked by August 11th, 2008, will be 7 given equal consideration. All comments are part of 8 the official record. 9 Information is available at the comment 10 table on all of the methods of submitting comments I 11 have just discussed. 12 When you came in tonight, you should have 13 signed in and received fact sheets. Also you should 14 have been asked to indicate if you wished to speak. 15 Those who said they wished to speak signed 16 speaker cards at the registration table. The speaker 17 cards will become part of the official record. 18 If anyone wishes to speak who has not yet 19 signed a speaker card, please raise your hand and a 20 member of the Navy staff will provide you a card so 21 that you can sign up. 22 I will call no more than five speakers at 23 a time to come forward. Elected officials who choose 24 to comment will be given an opportunity to speak 25 first, followed by officials representing government</p>	<p style="text-align: right;">Page 10</p> <p>1 organizations. Members of the public will then be 2 called up in the order in which they signed up to 3 speak. 4 When I ask for the first group of 5 speakers, that entire group should come forward and 6 take a seat in the speaker staging area in front of 7 the room. 8 The order in which I call speakers to the 9 speaker staging area will also determine the order in 10 which you'll provide your comments at this public 11 hearing. 12 At the conclusion of your comments please 13 return to your seat in the speaker staging area. 14 After the first five speakers have completed their 15 comments, I will ask them to please return to their 16 seats in the audience. I will then call the next 17 group of speakers to come up to the speaker staging 18 area. 19 It is important that you speak clearly and 20 slowly so the stenographer can do her job. Please 21 face the stenographer, and this is very important 22 because she is taking down everything that you say. 23 We're going to ask that you state your 24 full name and spell it so that we can record it 25 correctly.</p>
<p style="text-align: right;">Page 11</p> <p>1 In addition please provide your state of 2 residence but do not provide any personal information 3 in your comments such as your home address if you do 4 not want that information to be published in the 5 final Environmental Impact Statement. 6 If you are representing someone or some 7 group other than yourself, please state that as well 8 and provide the address of the group or organization. 9 Each person will be allotted three minutes 10 to speak. This applies to everyone, public 11 officials, spokespersons, and individuals. 12 You do not have to speak for the full 13 three minutes, however, if you choose to speak for 14 the three minutes, a green card will be raised when 15 there is one minute remaining. 16 A yellow card will be raised when there is 17 30 seconds remaining, and a red card will be raised 18 when your three minutes has ended. At that point 19 please end your statement. 20 Out of respect for others who would like 21 to make comments, I ask that you please honor the 22 time limit and any request I might have for you to 23 stop should you exceed your time limit. 24 If you think you will have more comments 25 than you have time, I invite you to make the most of</p>	<p style="text-align: right;">Page 12</p> <p>1 your time allotted by citing your most important 2 comments first. 3 Once again, you can follow up your oral 4 comments with written comments and I encourage you to 5 do that. 6 If you do not have the opportunity to 7 voice all of your comments, you could and should 8 submit them in writing. 9 I will now turn the floor over to the Navy 10 representatives, beginning with Ms. McGarrity. 11 MS. MCGARRITY: Good evening and welcome 12 to tonight's public hearing. My name is Cheryl 13 McGarrity and I want to thank you on behalf of the 14 United States Navy for attending the hearing tonight. 15 I'd like to introduce Commander Stubbs who 16 is the commanding officer for the Navy's airspace and 17 operating area coordination facility at Naval Air 18 Station, Jacksonville, and on my right is Shane Guan 19 from the National Marine Fisheries Service, a 20 cooperating agency on this document. 21 Here is an overview of tonight's 22 presentation on the draft Environmental Impact 23 Statement/Overseas Environmental Impact Statement. 24 For now on I'm going to refer to this as the 25 document.</p>

<p style="text-align: right;">Page 13</p> <p>1 As part of a larger program where the Navy 2 will manage its training on broad geographic areas, 3 this document looks at all the training activities 4 occurring in the Charleston/Jacksonville Range 5 Complexes. 6 The document does not propose major 7 changes to operations and training. Rather the 8 document covers small scale but critical enhancement. 9 One element of this larger program is 10 environmental planning documentation, the document 11 we're discussing tonight. 12 This document has been prepared in 13 accordance with several environmental laws and 14 regulations, some of which are listed on this slide. 15 I will now turn the presentation over to 16 Commander Stubbs who will discuss the purpose and 17 need of the document. 18 COMMANDER STUBBS: The Jax Range Complex 19 geographically encompasses offshore, near-shore, and 20 onshore OPAREAs, ranges, and special use airspace 21 adjacent to the coasts of North Carolina, South 22 Carolina, Georgia, and Florida. The two inland 23 ranges covered in this document are Lake George and 24 Rodman Ranges. 25 The geographic scope of this document</p>	<p style="text-align: right;">Page 14</p> <p>1 includes areas beyond the Jax Range Complex. In 2 addition to the area described, it covers the area 3 from the mean high tide line up to three nautical 4 miles western boundary of the OPAREA. 5 The nature of modern warfare and security 6 operations has become increasingly complex. Threats 7 are global, and the tactics, weapons, and forces 8 facing the U.S. military range from simple to 9 extremely sophisticated. 10 To effectively counter the wide range of 11 threats, Naval forces bring together thousands of 12 sailors and Marines, their equipment, vehicles, 13 ships, aircraft, and often other U.S. services or 14 coalition partners, all of which need to work 15 together as a cohesive team to achieve success. 16 Therefore, the purpose for the proposed 17 action is to train U.S. Navy sailors according to 18 training requirements and allow them to maintain 19 proficiency. 20 The Navy's need for training is found to 21 be in Title 10 of the United States Code, Section 22 5062. This law requires the Navy to be organized, 23 trained, and equipped primarily for prompt and 24 sustained combat incident to operations at sea. 25 The proposed action is to support and</p>
<p style="text-align: right;">Page 15</p> <p>1 conduct current, emerging, and future training 2 operations. 3 Some examples of types of training that 4 are conducted in the Jacksonville Range Complex are 5 mine warfare, gunnery, bombing, and missile exercises 6 as well as air combat maneuvers and vessel movement. 7 Three alternatives have been analyzed in 8 this document, each of which meets the Navy's purpose 9 and need. 10 I will now turn the remainder of this 11 presentation back to Ms. McGarrity who will discuss 12 the alternatives and results of the document. 13 MS. MCGARRITY: As Commander Stubbs 14 stated, the Navy examined three alternatives in the 15 document. The no action alternative, or the 16 continuing action, provides for current levels of 17 operations. 18 Under Alternative 1, the Navy proposes to 19 increase training from current baseline levels by 10 20 percent for most operations to accommodate national 21 security contingencies and provide the flexibility 22 needed for major fleet training exercises. 23 This alternative also provides for the 24 expansion of warfare missions. This means the Navy 25 proposed to use the Jax Range Complex for preparing</p>	<p style="text-align: right;">Page 16</p> <p>1 new configurations of surface ships, aircraft, 2 special forces, and Marine Corps units for 3 deployment. 4 The global war on terror has brought 5 increased requests for rapid short-term Navy support 6 for contingencies such as anti-terrorism, maritime 7 interception, homeland defense, information 8 operations, and special operations. Smaller groups 9 can adequately respond to these contingencies if 10 properly configured and trained. 11 Alternative 2 is our preferred 12 alternative. In addition to the components of 13 Alternative 1, the Navy proposes to designate mine 14 warfare training areas for mine countermeasures and 15 neutralization training during major exercises. 16 Alternative 2 also proposes to further 17 increase operations to cover activities that would 18 occur in those mine warfare training areas, and most 19 significantly Alternative 2 proposes to eliminate 20 live bombing exercises in the operating area. 21 Twenty resources and issues were described 22 and analyzed in this document, among others, these 23 include air quality, water quality, marine mammals, 24 sea turtles, fish, birds, and socioeconomics 25 including recreational and commercial fishing.</p>

<p style="text-align: right;">Page 17</p> <p>1 The Navy used a screening process to 2 identify and evaluate aspects of the proposed action 3 that could act as stressors to these resource areas. 4 These stressors are listed on the slide. 5 The acoustic analysis focused on potential 6 effects to marine mammals, sea turtles, and fish from 7 explosives. 8 The impact to fish were determined to be 9 minimal. Fish may exhibit a behavioral response, but 10 the response is likely to be short-term and 11 biologically insignificant. 12 Furthermore, any effects from the use of 13 explosives would not result in a significant impact 14 to the population as a whole. 15 Based on the review of literature and our 16 findings of potential effects to marine species, the 17 analysis focused on marine mammals, including whales, 18 dolphins, and seals, as well as sea turtles. 19 The non-acoustic analysis focused mainly 20 on the potential effects as a result of expended 21 training materials and disruptions to commercial and 22 civilian activities from vessel movements. 23 The Navy concluded that there would be no 24 significant impact in territorial waters or 25 non-territorial waters from these stressors both</p>	<p style="text-align: right;">Page 18</p> <p>1 under the National Environmental Policy Act or under 2 Executive Order 12114 from these stressors. 3 Furthermore, the Navy also concluded that 4 there would be no adverse impact to essential fish 5 habitat. 6 The Navy is consulting with the National 7 Marine Fisheries Service for anticipated harassment 8 to marine mammals, and we're also under consultation 9 with National Marine Fisheries Service and U.S. Fish 10 and Wildlife Service for species protected under the 11 federal Endangered Species Act. 12 In addition to the elimination of live 13 bombing exercises, the Navy will also implement a 14 mitigation plan to further reduce the potential for 15 harassment of marine resources. 16 For example, the Navy will continue to use 17 lookouts during, before, and after exercises using 18 explosives. The Navy lookouts are highly trained in 19 spotting objects in the water and also receive marine 20 species awareness training. 21 This training addresses the lookout's role 22 in environmental protection and includes general 23 observation information, including more detailed 24 instruction for spotting marine mammals. It has been 25 reviewed by the National Marine Fisheries Service and</p>
<p style="text-align: right;">Page 19</p> <p>1 is considered suitable training. 2 If marine mammals or sea turtles are seen, 3 the exercise would be suspended or relocated. 4 For the north Atlantic right whale, Navy 5 vessels would also practice increased vigilance to 6 avoid vessel-whale interactions during winter and 7 spring months when they are likely to be present in 8 the range complex. 9 Vessels will not approach whales head on 10 and will not approach within 500 yards. The Navy 11 will also report sightings and reduce speed in the 12 southeast critical habitat. 13 The Navy is developing an integrated 14 comprehensive monitoring program for marine species 15 in order to assess the effects of training activities 16 on marine species and investigate population trends 17 in marine species distribution and abundance in 18 various range complexes and geographic locations 19 where the Navy training occurs. 20 The monitoring program will serve as the 21 basis for establishing implementation plans for 22 training activities. 23 These exercise-specific implementation 24 plans will describe the most effective, logistically 25 and financially feasible means to monitor training</p>	<p style="text-align: right;">Page 20</p> <p>1 events. The primary tools available for monitoring 2 are listed here. 3 The Navy has funded 26 million in 2008 4 towards marine mammal research. For the past several 5 years the Navy has provided ten to fourteen million 6 of this to universities, research institutions, 7 federal laboratories, private companies, and 8 independent researchers around the world to study 9 marine mammals. 10 The Navy sponsors approximately 70 percent 11 of all U.S. research concerning the effects of 12 human-generated sound on marine mammals and 13 approximately 50 percent of such research conducted 14 worldwide. 15 Major topics of Navy-supported research 16 are included on this slide. This slide concludes our 17 presentation on the information and analysis 18 contained in this document. 19 Now I'd like to discuss the future steps 20 in the process related to the project. This slide 21 outlines the schedule beyond the release of the draft 22 document which you are hearing about today. 23 The key characteristic of the entire 24 process is the public's opportunity to comment. Four 25 public hearings, including this one, are being held</p>

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1 throughout this week.
 2 Your comments on the draft document will
 3 be addressed in the final document. The final step
 4 is the decision phase.
 5 A decision will not be made until at least
 6 30 days after distribution of the final EIS/OEIS.
 7 This decision will be summarized and published as a
 8 record of decision in the federal register in April
 9 2009.
 10 In addition to providing oral comments
 11 tonight, you may also make your comments in writing
 12 if you wish to. There are three ways to do that.
 13 You may submit a prepared written comment
 14 to the person at the registration table outside or
 15 place them in the box provided on the comment table.
 16 Blank comment sheets are also available for your use
 17 at the comment table.
 18 You can submit written comments online
 19 through the project website or you may mail or fax
 20 written comments using the information presented on
 21 the slide.
 22 Whichever option you choose, your written
 23 comments will be entered into the formal record and
 24 they will receive the same consideration as oral
 25 comments provided tonight.

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1 I would like to remind you that written
 2 comments may be submitted and will continue to be
 3 accepted and made part of the public record until
 4 August 11, 2008.
 5 Thank you very much for your courtesy and
 6 for your participation this evening. We are
 7 adjourned.
 8 (Hearing adjourned at 9:01 p.m.)
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1 If you choose to submit comments at a
 2 later time, please be sure to send them by August 11,
 3 2008, which is the closing date for the comment
 4 period.
 5 With that, I will now turn the hearing
 6 back over to Captain Harty.
 7 CAPTAIN HARTY: Thank you. At this time
 8 we will take comments. Are there any elected
 9 officials here who wish to make comment?
 10 Seeing none, are there any officials from
 11 government organizations who wish to make comment?
 12 Seeing none, are there any individuals who
 13 wish to make comment on the document?
 14 Seeing none, we will in a moment take a
 15 recess; however, we will remain here and available to
 16 receive comment until 9:00 p.m.
 17 In the event anyone arrives who signs a
 18 card and wishes to make comment, we will reconvene in
 19 this room.
 20 At this point seeing there are no
 21 speakers, we stand in recess.
 22 (Recess from 7:26 p.m. to 9:00 p.m.)
 23 CAPTAIN HARTY: Ladies and gentlemen, it
 24 is now 9:00 p.m. eastern time and time has now
 25 expired. This public hearing is closed.

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1 C E R T I F I C A T E
 2
 3 STATE OF GEORGIA:
 4 COUNTY OF CHATHAM:
 5
 6 I hereby certify that the foregoing
 7 transcript was taken down, as stated in the
 8 caption, and the questions and answers thereto
 9 were reduced to typewriting under my direction;
 10 that the foregoing pages 1 through 23 represent
 11 a true, complete, and correct transcript of the
 12 evidence given upon said hearing, and I further
 13 certify that I am not of kin or counsel to the
 14 parties in the case; am not in the regular
 15 employ of counsel for any of said parties; nor
 16 am I in anywise interested in the result of said
 17 case.
 18 This, the 5th day of August, 2008.
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 21 MYNJUAN P. JONES, CCR-B-1422
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COURT REPORTER DISCLOSURE

Pursuant to Article 8.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia which states: "Each court reporter shall tender a disclosure form at the time of the taking of the deposition stating the arrangements made for the reporting services of the certified court reporter, by the certified court reporter, the court reporter's employer, or the referral source for the deposition, with any party to the litigation, counsel to the parties or other entity. Such form shall be attached to the deposition transcript." I make the following disclosure:

I am a Georgia Certified Court Reporter. I am here as a representative of Depobook Reporting. Depobook Reporting was contacted to provide court reporting services for the deposition. Depobook Reporting will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37(a) and (b).

Depobook Reporting has no contract/agreement to provide reporting services with any party to the case, any counsel in the case, or any reporter or reporting agency from whom a referral might have been made to cover this deposition. Depobook Reporting will charge its usual and customary rates to all parties in the case, and a financial discount will not be given to any party to this litigation.

MYNJUAN P. JONES, CCR-B-1422