

<p style="text-align: right;">Page 1</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 JACKSONVILLE RANGE COMPLEX 13 DRAFT ENVIRONMENTAL IMPACT STATEMENT/OVERSEAS 14 ENVIRONMENTAL IMPACT STATEMENT (EIS/OEIS) 15 PUBLIC HEARING 16 17 Held on the 28th day of July, 2008, 18 commencing at 7:00 p.m., at Doubletree Guest Suites, 19 181 Church Street, Charleston, South Carolina, before 20 Helen L. Rose, CSR, RPR, and Notary Public in and for 21 the State of South Carolina. 22 23 24 25</p>	<p style="text-align: right;">Page 2</p> <p>1 PRESENTING PANEL: 2 3 Captain James D. Harty, JAGC, U.S. Navy 4 5 Curtis D. Stubbs, U.S. Navy Commanding Officer 6 7 Cheryl McGarrity, Project Manager 8 9 10 Shane Guan, National Marine Fisheries Service 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 P-R-O-C-E-E-D-I-N-G-S 2 CAPTAIN HARTY: Good evening, ladies and 3 gentlemen. Welcome to the public hearings on the 4 Navy's Draft Environmental Impact Statement, Overseas 5 Environment Impact Statement on the Navy's proposed 6 action of evaluating the potential environmental 7 impacts over a ten-year planning horizon associated 8 with Navy Atlantic Fleet training; research, 9 development, testing, and evaluation, which I will 10 refer to as RDT&E activities; and associated range 11 capabilities enhancements within the existing 12 Jacksonville Range Complex Operating Area. The purpose 13 for the proposed action is to: 14 One, achieve and maintain fleet 15 readiness using the Jacksonville Range Complex to 16 support and conduct current, emerging and future 17 training operations and RDT&E operations; 18 Second, expand warfare missions 19 supported by the Jacksonville Range Complex; and, 20 Third, upgrade and modernize existing 21 range capabilities to enhance and sustain Navy training 22 and RDT&E. 23 Let me begin by thanking each of you for 24 your attendance tonight. I am Captain Jim Harty, and 25 my role is to serve as the hearing officer for this</p>	<p style="text-align: right;">Page 4</p> <p>1 public hearing. In order to ensure everyone present 2 can hear me and to understand what is going on and out 3 of respect for your fellow citizens who will be 4 speaking tonight, I ask everyone to take a moment at 5 this time to make sure your cell phones are either on 6 silent mode or completely turned off. 7 I am a member of the Judge Advocate 8 Generals Corps of the United States Navy, and I am a 9 general court-martial trial judge assigned to the 10 southern judicial circuit for the Navy Marine Corps 11 Trial Judiciary. I have been assigned to preside over 12 this public hearing by the Chief Judge Navy Marine 13 Corps Trial Judiciary in Washington, D.C. 14 I am not and I have never been 15 affiliated in any way with the Department of the Navy's 16 evaluation of the potential environmental effects 17 associated with the proposed action I previously 18 described. As a sitting military judge, I am required 19 to remain neutral and to act impartially in all matters 20 under my cognizance, which includes this hearing. 21 My job here tonight is simple. It is to 22 ensure that we have a fair, orderly and impartial 23 hearing consistent with the tenets of the NEPA. All 24 who wish to provide comments will have the opportunity 25 to do so. There may be a wide range of comments</p>

<p style="text-align: right;">Page 5</p> <p>1 expressed this evening, and I ask that we treat each 2 other with courtesy and respect.</p> <p>3 Throughout this hearing I ask that you 4 keep in mind that this is not an arena for debate. It 5 is not a popularity vote on the Draft Environmental 6 Impact Statement, Overseas Environmental Impact 7 Statement -- hereinafter I will refer to this as the 8 document -- and the alternatives described within that 9 document; nor is it a hearing in a question and answer 10 format. This public hearing provides an opportunity to 11 express your views on the adequacy or inadequacy of the 12 document and to have those comments made a part of the 13 official record. This hearing is part of the official 14 record.</p> <p>15 In order to orient those attending who 16 might not be entirely familiar with the documents, this 17 public hearing will begin with a brief introduction by 18 two Navy representatives. To my right, Ms. Cheryl 19 McGarrity, the Naval Facilities Engineering Command, 20 Atlantic, in Norfolk, Virginia, and Commander Curtis 21 Stubbs, Commanding Officer of Fleet Area Control and 22 Surveillance Facility, Jacksonville. These individuals 23 will present information concerning the purpose and 24 need for the proposed action and the three alternatives 25 analyzed in the document.</p>	<p style="text-align: right;">Page 6</p> <p>1 The briefing takes about 15 minutes and 2 is required by statute as part of the National 3 Environmental Policy Act process. Following the 4 introductory presentation, we will begin hearing your 5 comments on the document. This hearing is being held 6 in accordance with the provisions of the National 7 Environmental Policy Act and the regulations that are 8 published by the Council on Environmental Quality.</p> <p>9 The purpose of this hearing is to 10 provide a public forum to summarize the results of the 11 document, and more importantly to receive your comments 12 on the document. These comments will be part of the 13 official record and will be considered in preparation 14 of the final Environmental Impact Statement, Overseas 15 Environmental Impact Statement.</p> <p>16 Your comments and involvement in this 17 hearing are very important to the decision-making 18 process. Your input provides the decision-makers with 19 the benefit of your knowledge of any environmental 20 impacts that you think might result from the proposed 21 action. This hearing is the venue that the Navy uses 22 to gather your comments and your concerns, whether they 23 are through oral or written comments, about the 24 adequacy of the environmental analysis and the 25 environmental impacts identified under the proposed</p>
<p style="text-align: right;">Page 7</p> <p>1 action and the alternatives.</p> <p>2 We ask that you focus your comments on 3 environmental issues. Non-environmental issues will 4 take away from those who came to comment on the 5 analysis of environmental concerns, and comments on 6 non-environmental issues will not add to the adequacy 7 of the analysis used in the final impact statements.</p> <p>8 As I said earlier, it's my job to ensure 9 that each of you has an equal opportunity to speak. 10 The Navy representatives will not be allowed to respond 11 to your comments. And that is important to know 12 because this is not a debate. This is a hearing, and 13 it is your opportunity to speak.</p> <p>14 I will enforce the individual time 15 limits established of three minutes so that all who 16 wish to may have an opportunity to speak. Please do 17 not interrupt any speaker, whether you agree or 18 disagree with them. Interfering with the speakers will 19 simply reduce the amount of time available for all 20 those who desire to be heard. Similarly, applause or 21 other outbursts will take valuable time away from the 22 speakers and will hamper me in trying to afford 23 everyone the chance to speak.</p> <p>24 This hearing is scheduled to adjourn at 25 9:00 p.m. If necessary, I will not consider the time</p>	<p style="text-align: right;">Page 8</p> <p>1 taken by the Navy representatives for the presentation 2 to count against the full two-hour hearing time. I 3 will add that additional time to the period available 4 for people to speak. In other words, you will have the 5 full two-hour hearing time that was noted in the 6 Federal Register.</p> <p>7 If after everyone who desires to speak 8 has had an opportunity to do so and there is any time 9 left, I will permit speakers to use the additional time 10 to continue to expand upon their earlier comments, 11 again observing the three-minute time limit.</p> <p>12 If you decide to speak, the stenographer 13 will record your comments. You are also encouraged to 14 continue the comments or elaborate on them through a 15 written submission. If you do not wish to speak at 16 this public hearing but you have comments that you 17 would like to be made a part of the public record, I 18 encourage to you submit those comments.</p> <p>19 There are a number of ways available for 20 you to do so, as indicated on the projection screen to 21 my left or your right. First, you may submit your 22 written comments tonight at the comment table, or you 23 may submit comments online via the web site as it 24 appears on the screen. Just in case you wish to write 25 it down at this time, it's</p>

<p style="text-align: right;">Page 9</p> <p>1 http://www.jacksonvillerrangecomplexeis.com. As an 2 additional alternative you may fax your comments to 3 1-757-322-4894. And that number is also on the screen. 4 Finally, if you prefer, you may mail additional 5 comments to Naval Facilities Engineering Command 6 Atlantic, Attention Code EV22CM(JAX EIS/OEIS PM), 6506 7 Hampton Boulevard, Norfolk Virginia, 23508-1278. That 8 is also on the screen. 9 Written comments will be accepted 10 throughout the comment period, which concludes on 11 August 11, 2008. Comments made at all the public 12 hearings or provided in writing any time during the 13 public comment period or postmarked by August 11, 2008 14 will be given equal consideration. All the comments 15 are part of the official record. 16 Information is available at the comment 17 table on all the methods of submitting comments I have 18 just discussed. When you came in tonight you should 19 have signed in and received fact sheets. Also you 20 should have been asked to indicate whether or not you 21 wish to speak. 22 Those who said they wished to speak 23 signed speaker cards at the registration table. The 24 speaker cards will become part of the official record. 25 If anyone wishes to speak who has not yet signed a</p>	<p style="text-align: right;">Page 10</p> <p>1 speaker card, please raise your hand and a member of 2 the Navy staff will sign you up. 3 I will call five speakers at a time to 4 come forward, if we have five speakers. Elected 5 officials who choose to comment will be given an 6 opportunity to speak first followed by officials 7 representing government organizations. Members of the 8 public will then be called up in the order in which 9 they signed up to speak. 10 When I ask for the first five speakers, 11 all five should come forward and take a seat in the 12 speaking staging area at the front of the room. The 13 order in which I call speakers to the speaker staging 14 area will also determine the order in which you will 15 provide comments at this public hearing. At the 16 conclusion of your comments, please return to your seat 17 in the speaker staging area. After the first five 18 speakers have completed their comments, I will ask them 19 to please return to their seats in the audience. I 20 will then call the next five speakers to come to the 21 staging area. 22 It is important that you speak clearly 23 and slowly so the stenographer can do her job. Please 24 face the stenographer, which is very important because 25 the stenographer is taking down everything that you</p>
<p style="text-align: right;">Page 11</p> <p>1 say. We are also going to ask that you state your full 2 name and spell it so we can record it correctly. In 3 addition, please provide your state of residence, but 4 do not provide any personal information in your 5 comments such as your home address if you do not want 6 that information to be published in the final impact 7 statement. 8 If you are representing someone or some 9 group other than yourself, please state that as well 10 and provide the address of the group or organization. 11 Each person will be allotted three minutes to speak. 12 This applies to everybody, public officials, 13 spokespersons, and individuals. You do not have to 14 speak for the full three minutes. However, if you do 15 choose to speak for the three minutes, a green card 16 will be raised when there is one minute remaining. A 17 yellow card raised when 30 seconds remaining to give 18 you a cue that you only have 30 seconds to wrap up your 19 comments. When your three minutes has ended, a red 20 card will be raised. At that point please end your 21 statement. 22 Out of respect for others who would like 23 to make comments, I ask that you please honor the time 24 limit and any request that I might have for you to stop 25 speaking should you exceed the time limit. If you</p>	<p style="text-align: right;">Page 12</p> <p>1 think you will have more comments than you have time, I 2 invite you to make the most of the time allotted by 3 citing your most important comments first. 4 Once again, as I stated, you can follow 5 up your oral comments with written comments, and I 6 encourage you to do that. If you do not have the 7 opportunity to voice all of your comments, you could 8 and should submit them in writing. That cannot be 9 overemphasized. 10 I will now turn the floor over to the 11 Navy representative, Ms. McGarrity, from the Naval 12 Facilities Engineering Command, Norfolk, Virginia. 13 MS. MCGARRITY: Good evening and welcome to 14 tonight's public hearing on the Jacksonville Range 15 Complex Draft Environmental Impact Statement/Overseas 16 Environmental Impact Statement. My name is Cheryl 17 McGarrity, and I want to thank you on behalf of the 18 United States Navy for attending this hearing tonight. 19 I would like to introduce Commander 20 Stubbs, who is commanding officer for the Navy's 21 Airspace and Operating Area Coordination Facility at 22 Naval Air Station, Jacksonville. Also on my right is 23 Shane Guan from the National Marine Fisheries Service, 24 a cooperating agency on this document. 25 Here is an overview of tonight's</p>

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

<p style="text-align: right;">Page 17</p> <p>1 were determined to be minimal. Fish may exhibit a 2 behavioral response, but the response is likely to be 3 short-term and biologically insignificant. 4 Furthermore, any effects from use of the explosives 5 would not result in a significant impact to the 6 population as a whole. 7 Based on the review of literature and 8 our findings of potential effects to marine species, 9 the analysis focused on marine mammals, including 10 whales, dolphins and seals and also sea turtles. The 11 non-acoustic analysis focused on potential effects as a 12 result of expended training materials and disruption to 13 commercial and civilian activities from vessel 14 movements. 15 The Navy concluded that there would be 16 no significant impact in territorial waters or 17 nonterritorial waters from these stressors, both under 18 the National Environmental Policy Act and under 19 Executive Order 12114 from these stressors. The Navy 20 also concluded that there would be no adverse impact to 21 essential fish habitat. The Navy is consulting with 22 National Marine Fisheries Service for anticipated 23 harassment to marine mammals. We're also under 24 consultation with National Marine Fisheries Service and 25 U.S. Fish and Wildlife Service for species protected</p>	<p style="text-align: right;">Page 18</p> <p>1 under the Federal Endangered Species Act. 2 In addition to elimination of live 3 bombing exercises, the Navy will also implement a 4 mitigation plan to further reduce the potential for 5 harassment to marine resources. For example, the Navy 6 will continue to use lookouts before, during, and after 7 exercises using explosives. Navy lookouts are highly 8 trained in spotting objects in the water and also 9 receive marine species awareness training. This 10 training addresses a lookout's role in environmental 11 protection and includes general observation information 12 including more detailed instruction for spotting marine 13 mammals. It has been reviewed by the National Marine 14 Fisheries Service and is considered suitable training. 15 If marine mammals or sea turtles are seen, the exercise 16 will be suspended or relocated. 17 For the North Atlantic Right Whale, Navy 18 vessels would also practice increased vigilance to 19 avoid vessel-whale interactions during winter and 20 spring months when they are likely to be present. 21 Vessels will not approach whales head-on and will not 22 approach within 500 yards. The Navy will also report 23 sightings and reduce speed in the southeast critical 24 habitat. 25 The Navy is developing an integrated</p>
<p style="text-align: right;">Page 19</p> <p>1 comprehensive monitoring program for marine species in 2 order to address the effects of training activities on 3 marine species and investigate population trends in 4 marine species distribution and abundance in various 5 range complexes and geographic locations where the Navy 6 training is. 7 The monitoring program will serve as the 8 basis for establishing implementation plans for 9 training activities. These exercise specific 10 implementation plans will describe the most effective, 11 logistically and financially feasible means to monitor 12 training events. Primary tools for monitoring are 13 listed here. 14 The Navy has funded 26 million in 2008 15 towards marine mammal research. For the past several 16 years the Navy has provided 10 to 14 million of this to 17 universities, research institutions, Federal 18 laboratories, private companies and independent 19 researchers around the world to study marine mammals. 20 The Navy sponsors approximately 70 percent of all U.S. 21 research concerning the effects of human-generated 22 sound on marine mammals and approximately 50 percent of 23 such research conducted worldwide. Major topics of 24 Navy supported research are included on this slide. 25 This slide concludes our presentation on</p>	<p style="text-align: right;">Page 20</p> <p>1 the information and analysis contained in this 2 document. Now I'd like to discuss the future steps in 3 the process related to the project. This slide 4 outlines the schedule beyond the release of the draft 5 document, which you are hearing about today. 6 A key characteristic of the entire 7 process is the public's opportunity to comment. Four 8 public hearings, including this one, are being held 9 throughout this week. The comments on the draft 10 document will be addressed in the final document. The 11 final step is the decision phase. A decision will not 12 be made until at least 30 days after the distribution 13 of the final EIS/OEIS. This decision will be 14 summarized and published as a record of decision in the 15 Federal Register in April 2009. 16 In addition to providing your oral 17 comments tonight, you may also make your comments in 18 writing if you wish to. You can prepare written 19 comments here tonight, submit them online, mail or fax 20 them, using the information presented on this slide. 21 Whichever option you choose, your written comments will 22 be entered into the formal record, and they will 23 receive the same consideration as oral comments 24 provided tonight. If you choose to submit your 25 comments at a later time, please be sure to send them</p>

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1 by August 11, 2008, which is the closing date for the
 2 comment period.
 3 With that, I will now turn the hearing
 4 over to Captain Harty.
 5 CAPTAIN HARTY: Thank you.
 6 At this time are there any elected
 7 officials who would like to speak?
 8 Seeing none, are there any officials
 9 from governmental organizations who wish to speak?
 10 Seeing none, are there any individuals
 11 who wish to speak?
 12 Seeing none, by statute we must keep the
 13 hearing open until 9:00 p.m. this evening. In a moment
 14 we will recess this hearing until 9:00 p.m. or until a
 15 speaker arrives who wishes to present comments on the
 16 record, whichever occurs first.
 17 So at this point we stand in recess
 18 until the earlier of those two events.
 19 (Recess taken.)
 20 CAPTAIN HARTY: Ladies and gentlemen, it is
 21 9:00 p.m. Eastern standard time and the time has now
 22 expired. This public hearing is closed. I would like
 23 to remind you that written comments may be submitted
 24 and will continue to be accepted and made part of the
 25 public record until August 11, 2008.

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1 Thank you very much for your courtesy
 2 and for your participation this evening.
 3 (Whereupon, the public hearing was
 4 adjourned.)
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1 STATE OF SOUTH CAROLINA)
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 2 COUNTY OF CHARLESTON)
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 4
 5 I, Helen L. Rose, being first duly sworn on oath,
 6 says that she is a Certified Shorthand Reporter,
 7 Registered Professional Reporter, and Notary Public for
 8 the State of South Carolina at Large, that she reported
 9 in shorthand the proceedings given at the taking of
 10 said hearing, and that the foregoing is a true and
 11 correct transcript of her shorthand notes so taken as
 12 aforesaid and contains all the proceedings that were
 13 had at said hearing.
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 Helen L. Rose
 CSR, RPR
 My Commission expires
 December 8, 2016.
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