

<p style="text-align: right;">Page 1</p> <p>1 2 JACKSONVILLE RANGE COMPLEX DRAFT ENVIRONMENTAL IMPACT 3 STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT 4 PUBLIC HEARING 5 6 7 Held on Thursday, July 31, 2008, commencing at 8 7:03 p.m., at the Hyatt Regency Jacksonville, 225 East 9 Coastline Drive, Jacksonville, Florida, before Melissa 10 Schroeder, Court Reporter and Notary Public. 11 12 13 Reported by MELISSA SCHROEDER, Court Reporter 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 2</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>1 2 JUDGE BEAL: Good evening, ladies and gentlemen. 3 May I have your attention, please? Welcome to the 4 public hearings on the Navy's Draft Environmental 5 Statement/Overseas Environmental Impact Statement, 6 otherwise known as DEIS and OEIS. This is on the 7 Navy's proposed action of evaluating the potential 8 environmental impacts over a ten-year planning horizon 9 associated with Navy Atlantic Fleet training; research, 10 development, testing and evaluation activities, 11 otherwise known as RDT&E; and the associated range 12 capabilities enhancements within the existing 13 Jacksonville Range Complex Operating area. 14 The purpose for this proposed action is to, one, 15 achieve and maintain Fleet readiness using the 16 Jacksonville Range Complex to support and conduct 17 current, emerging, and future training operations and 18 RDT&E operations; two, to expand warfare missions 19 supported by the Jacksonville Range complex, and, 20 three, upgrade and modernize existing range 21 capabilities to enhance and sustain Navy training in 22 RDT&E. 23 Let me begin by thanking each of you for your 24 attendance tonight. My name is Lieutenant Colonel 25 Beal, and my role is to serve as the hearing officer</p>
<p style="text-align: right;">Page 3</p> <p>1 for this pubic hearing. In order to ensure everyone 2 present can hear me and understand what is going on and 3 out of respect for your fellow citizens who will be 4 speaking tonight, I ask everyone to take a moment now 5 to ensure that your cell phone is in silent mode or 6 just turned off. 7 I'm am a Judge Advocate in the United States 8 Marine Corps, and I am the Circuit Judge of the 9 Southern Circuit for the Navy and Marine Corps Trial 10 Judiciary. I've been assigned to preside over this 11 hearing by the Chief Judge, Navy Marine Corps Trial 12 Judiciary. 13 I am not, and have never been, affiliated in any 14 way with the Department of the Navy's evaluation of the 15 potential and environmental effects associated with the 16 proposed action I previously described to you. 17 As a sitting military judge, I'm required to 18 remain neutral and to act impartially in all matters 19 under my cognizance, and that includes this hearing. 20 My job here tonight is simple. It is to ensure that we 21 have a fair, orderly and impartial hearing. Consistent 22 with the tenants of the National Environmental Policy 23 Act, or NEPA, all who wish to provide comments will 24 have the opportunity to do so. 25 I expect that there may be a number of comments</p>	<p style="text-align: right;">Page 4</p> <p>1 expressed this evening, and I ask that we treat each 2 other with courtesy and respect. Throughout this 3 hearing, I ask that you keep in mind this is not an 4 arena for debate. It is not a popularity vote on the 5 DEIS or the OEIS, hereinafter referred to as the 6 document, and the alternatives described therein, nor 7 is it a hearing in a question and answer format. 8 This public hearing provides an opportunity for 9 you to express your views on the adequacy or inadequacy 10 of the document and to have those comments made part of 11 the official record. This hearing is part of the 12 official record. 13 In order to orient those attending who might not 14 be entirely familiar with the document, this public 15 hearing will begin with a brief introduction by two 16 Navy representatives, Mr. David Noble, U.S. Fleet 17 Forces Command, Norfolk, Virginia, and Commander Curtis 18 Stubbs, Commanding Officer of Fleet Area Control and 19 Surveillance Facility in Jacksonville, this gentleman 20 sitting to Mr. Noble's right here. 21 These gentlemen will present information 22 concerning the proposed -- concerning the purpose and 23 the need for the proposed action and the three 24 alternatives analyzed in the document. The briefing 25 takes about 15 minutes and is required by statute as</p>

<p style="text-align: right;">Page 5</p> <p>1 part of the National Environmental Policy Act process. 2 Following the introductory presentation, we will 3 begin hearing your comments on the document. This 4 hearing is being held in accordance with the provisions 5 of the National Environmental Policy Act, or NEPA, and 6 the regulations that are published by the Council on 7 Environmental Quality. 8 The purpose of this hearing is to provide a public 9 forum to summarize the results of the document, and, 10 more importantly, to receive your comments on the 11 documents. These comments will be part of the official 12 record and will be considered in preparation of the 13 Final EIS/OEIS. 14 Your comments and involvement in this hearing are 15 very important to the decision-making process. Your 16 input provides the decision makers with the benefit of 17 your knowledge of any environmental impacts that you 18 think might result from the proposed action. 19 This hearing is the venue that the Navy uses to 20 gather your concerns, whether they're through oral or 21 written comments, about the adequacy of the 22 environmental analysis and the environmental impacts 23 identified under the proposed action and the 24 alternatives. 25 We ask that you focus your comments on</p>	<p style="text-align: right;">Page 6</p> <p>1 environmental issues. Non-environmental issues will 2 take time away from those who came to comment on the 3 analysis of environmental concerns. And comments on 4 non-environmental issues will not add to the adequacy of 5 the analysis used in the Final EIS or OEIS. 6 As I said earlier, it's my job to ensure that each 7 of you has an equal opportunity to speak. The Navy 8 representatives will not be allowed to respond to your 9 comments, and that's important for you to know. This 10 is not a debate. This is a hearing, and it is your 11 opportunity to speak. 12 I will enforce the individual time limits 13 previously established of three minutes so that all who 14 wish to may have an opportunity to speak. Please do 15 not interrupt any speaker whether you agree or disagree 16 with that person. Interfering with the speakers will 17 simply reduce the amount of time available for all 18 those who desire to be heard. Similarly, applause or 19 other outbursts will take valuable time away from the 20 speakers and will hamper me in trying to afford 21 everyone a chance to speak. 22 This hearing is scheduled to adjourn at 9:00 p.m. 23 If necessary, I will not consider the time taken by the 24 Navy representatives for the presentation to count 25 against the full two-hour hearing time. I will add</p>
<p style="text-align: right;">Page 7</p> <p>1 that additional time to the period available for folks 2 to speak, if necessary. In other words, you will have 3 a full two-hour hearing time that is noted in the 4 Federal Register. 5 If after everyone who desires to speak has had an 6 opportunity to do so and if there's any time left, I'll 7 permit speakers to use the additional time to continue 8 to expand upon their earlier comments, again, observing 9 the three-minute time limit. 10 If you decide to speak, the stenographer will 11 record your comments. You're encouraged to continue 12 your comments, or elaborate on them, through a written 13 submission. If you do not wish to speak at this public 14 hearing, but you do have comments that you would like 15 to be made part of the public record, I encourage you 16 submit those comments. 17 There are a number of ways available for you to do 18 so, as indicated on the projection screen up here 19 behind me. First, you may submit your written comments 20 tonight at the comment table, or you may submit your 21 comments online via the website at 22 http://www.jacksonvillorangecomplexeis.com. As an 23 additional alternative, you may fax your comments to 24 1-757-322-4894. Again, that fax number is 25 1-757-322-4894.</p>	<p style="text-align: right;">Page 8</p> <p>1 And finally, if you prefer, you may mail 2 additional comments to: Naval Facilities Engineering 3 Command Atlantic, Attention: Code EV22CM, in 4 parenthesis, JAX EIS/OEIS, end parenthesis, 6505 5 Hampton Boulevard, Norfolk, Virginia 23508-1278. 6 Written comments will be accepted throughout the 7 comment period, which concludes on August 11th, 2008. 8 Comments made at all public hearings or provided in 9 writing any time during the public comment period or 10 post-marked by August 11th, 2008, will be given equal 11 consideration. All comments are part of the official 12 record. 13 Information is available at the comment table on 14 all the methods of submitting comments that I have 15 discussed. 16 When you came in tonight, you should have signed 17 in and received fact sheets. Also, you should have 18 been asked to indicate if you wished to speak. Those 19 who said they wish to speak signed speaker cards at the 20 registration table. Speaker cards will become part of 21 the official record. If anyone wishes to speak who has 22 not yet signed a speaker card, please raise your hand 23 and a member of the Navy staff will sign you up. And 24 I'll note that before we started this hearing, there 25 had been -- no one signed a speaker card, and I see</p>

<p style="text-align: right;">Page 9</p> <p>1 that there's no one sitting in the audience right now 2 that wishes to sign a speaker card. 3 If anyone desires to speak, we ask you that you 4 state your full name and spell it, so we can record it 5 correctly. In addition, please provide your state of 6 residence, but do not provide any personal information 7 in your comments, such as your home address, if you 8 don't want that information to be published in the 9 Final EIS. If you're representing someone or some 10 group other than yourself, please state that, as well, 11 and provide the address of the group or organization. 12 Each person will be allotted three minutes to 13 speak. This applies to everyone, public officials, 14 spokespersons and individuals. You do not have to 15 speak for the full three minutes; however, if you 16 choose to speak for the three minutes, a green card 17 will be raised when there's one minute remaining. The 18 yellow card will be raised when there's 30 seconds 19 remaining to give you the cue that you only have 30 20 seconds to wrap up your comments. When your three 21 minutes have ended, a red card will be raised. At that 22 point, please end your statement. 23 Out of respect for others who would like to make 24 comments, I ask that you please honor the time limit 25 and any request I may have for you to stop speaking</p>	<p style="text-align: right;">Page 10</p> <p>1 should you exceed the lime limit. 2 If you think that you have more comments than you 3 have time, I invite you to make the most of the time 4 allotted by citing your most important comments first. 5 Once again, as I stated earlier, you can follow up your 6 oral comments with written comments, and I encourage 7 you to do that. 8 If you had not had the opportunity to voice all of 9 your comments, you could, and should, submit them in 10 writing. I cannot overemphasize that fact. 11 I will now turn the floor over to the Navy 12 representative, Mr. David Noble, from the United States 13 Forces Command in Norfolk, Virginia. 14 MR. NOBLE: Thank you, sir. Good evening and 15 welcome to tonight's public hearing. My name is David 16 Noble, and I want to thank you on behalf of the United 17 States Navy for attending this hearing tonight. Again, 18 I would like to introduce Commander Curtis Stubbs, who 19 is the Commanding Officer for the Navy's Airspace and 20 Operating Area Coordination Facility at Naval Air 21 Station Jacksonville. Also, on my right is Paul 22 Kunicki, from National Marine Fisheries Services, who's 23 a cooperating agency on this document. 24 Here is an overview of tonight's presentation on 25 the Draft Environment Impact Statement/Overseas</p>
<p style="text-align: right;">Page 11</p> <p>1 Environmental Statement, and, as mentioned earlier, we 2 will just call this the document. 3 As part of a larger program where the Navy will 4 manage its training on broad geographic areas, this 5 document looks at all the training activities occurring 6 in the Charleston/Jacksonville Range Complexes. The 7 document does not propose major changes to operations 8 and training. Rather, the document covers small-scale, 9 but critical, enhancements. One element of this larger 10 program is environmental planning documentation, the 11 document we're discussing tonight. 12 This document has been prepared in accordance with 13 several environmental laws and regulations, some of 14 which are listed on this slide. I will now turn the 15 presentation over to Commander Stubbs, who will discuss 16 the purpose and need of the document. 17 COMMANDER STUBBS: Thank you. The JAX Range 18 Complex geographically encompasses offshore, 19 near-shore, and onshore OPAREAs, ranges, and special 20 use airspace adjacent to the coast off of North 21 Carolina, South Carolina, Georgia and Florida. The two 22 inland ranges covered in this document are Lake George 23 and Rodman Range. 24 The geographic scope of this document includes 25 areas beyond the JAX Range Complex. In addition to the</p>	<p style="text-align: right;">Page 12</p> <p>1 area described, it covers the area from the mean high 2 tide line, up to three nautical miles western boundary 3 of the OPAREA. 4 The nature of modern warfare and security 5 operations has become increasingly complex. Threats 6 are global, and the tactics, weapons and forces facing 7 the U.S military range from simple to extremely 8 sophisticated. 9 To effectively counter the wide range of threats, 10 naval forces bring together thousands of sailors and 11 marines, their equipment, vehicles, ships, and aircraft 12 and often other U.S. services or coalition partners, 13 all of which need to work together as a cohesive team 14 to achieve success. 15 Therefore, the purpose of this proposed action is 16 to: Train U.S. sailors, according to training 17 requirements, and allow them to maintain proficiency. 18 The Navy's need for training is found in Title 10 19 of the United States Code, Section 5062. The law 20 requires the Navy to be organized, trained and equipped 21 primarily for prompt and sustained combat incident to 22 operations at sea. 23 The proposed action is to support and conduct 24 current, emerging and future training operations. Some 25 examples of types of training that are conducted in the</p>

<p style="text-align: right;">Page 13</p> <p>1 JAX Range Complex are: Mine warfare, gunnery, bombing 2 and missile exercises, as well as air combat maneuvers 3 and vessel movement. 4 Three alternatives have been analyzed in this 5 document, each of which meets the Navy's purpose and 6 need. 7 I will now turn the remainder of the presentation 8 over to Dave Noble, who will discuss the alternatives 9 and results of the document. 10 MR. NOBLE: As Commander Stubbs stated, the Navy 11 examined three alternatives in this document. The No 12 Action Alternative, or the continuing action, provides 13 for current levels of operations. 14 Under Alternative 1, the Navy proposes to increase 15 training from current baseline levels by 10 percent for 16 most operations to accommodate national security 17 contingences and provide the flexibility needed for 18 major fleet training exercises. 19 This alternative, also, provides for the Expansion 20 of Warfare Missions. This means the Navy proposes to 21 use the JAX Range Complex for preparing new 22 configurations of surface ships, aircraft, special 23 forces and Marine Corps units for deployment. The 24 Global War on Terror has brought increased requests for 25 rapid short-term Navy support for contingencies, such</p>	<p style="text-align: right;">Page 14</p> <p>1 as anti-terrorism, maritime interception, homeland 2 defense, information operations and special operations. 3 Smaller groups can adequately respond to these 4 contingencies if properly configured and trained. 5 Alternative 2 is our preferred alternative. In 6 addition to the components of Alternative 1, the Navy 7 proposes to: Designate mine warfare training areas for 8 mine countermeasures and neutralization training during 9 major exercises. 10 Also, under Alternative 2, we propose to further 11 increase operations to cover activities that would 12 occur in these mine warfare training areas. And, most 13 significantly, we propose to eliminate live bombing 14 exercises in the OPAREA. 15 20 resources and issues were described and 16 analyzed in this document. Among others, these include 17 air quality, water quality, marine mammals, sea 18 turtles, fish, birds, and socioeconomics, including 19 recreational and commercial fishing. 20 The Navy used a screening process to identify and 21 evaluate aspects of the proposed action that could act 22 as stressors to these resource areas. These stressors 23 are listed on this slide. 24 The acoustic analysis focused on the potential 25 effects to marine animals, sea turtles and fish from</p>
<p style="text-align: right;">Page 15</p> <p>1 explosives. 2 The impact to fish were determined to be minimal. 3 Fish may exhibit a behavioral response, but the 4 response is likely to be short-term and biologically 5 insignificant. Furthermore, any effects from the use 6 of explosives would not result in a significant impact 7 to the population as a whole. 8 Based on the review of the literature and our 9 findings of potential effects to marine species, the 10 analysis focused on marine mammals, including whales, 11 dolphins and seals, as well as sea turtles. 12 The non-acoustic analysis mainly focused on 13 potential effects as a result of the expended training 14 materials and disruptions to commercial and civilian 15 activities from vessel movements. 16 The Navy concluded that there would be no 17 significant impact in territorial waters or 18 non-territorial waters from these stressors both under 19 the National Environmental Policy Act or under 20 Executive Order 12114 from these stressors. 21 Furthermore, the Navy also concluded that there would 22 be no adverse impact to Essential Fish Habitat. 23 The Navy is consulting with National Marine 24 Fisheries Service for anticipated harassment to marine 25 mammals. And we are currently in consultation with</p>	<p style="text-align: right;">Page 16</p> <p>1 National Marine Fisheries Service and the U.S. Fish and 2 Wildlife Service for species protected under the 3 federal Endangered Species Act. 4 In addition to elimination of live bombing 5 exercises, the Navy will also implement a mitigation 6 plan to further reduce the potential for harassment of 7 marine resources. 8 For example, the Navy will continue to use 9 lookouts before, during and after exercises using 10 explosives. Navy lookouts are highly trained in 11 spotting objects in the water, and also receive Marine 12 Species Awareness Training. This training addresses 13 both the lookout's role in environmental protection and 14 includes general observation information, including 15 more detailed instruction for spotting marine mammals. 16 This training has been reviewed by the National Marine 17 Fisheries Service and is considered suitable training. 18 During an exercise, if marine mammals or sea 19 turtles are seen, the exercise would be suspended or 20 relocated. 21 For the North Right Whales, the Navy vessels would 22 also practice increased vigilance to avoid vessel-whale 23 interactions during winter and spring months when they 24 are likely to be present. Vessels will not approach 25 whales head-on and will not approach within 500 yards.</p>

<p style="text-align: right;">Page 17</p> <p>1 The Navy will also report sightings and reduce speed in 2 the southeast critical habitat.</p> <p>3 The Navy is developing an Integrated Comprehensive 4 Monetary Program for marine species in order to assess 5 the effects of training activities on marine species 6 and investigate population trends in marine species 7 distribution and abundance in various ranges complexes 8 and geographic locations where the Navy training 9 occurs.</p> <p>10 The monitoring program will serve as the basis for 11 establishing Implementation Plans for training 12 activities. These exercise-specific Implementation 13 Plans will describe the most effective, logistically 14 and financially feasible means to monitor training 15 events.</p> <p>16 The primary tools available for monitoring are 17 listed here on the slide.</p> <p>18 The Navy has funded \$26 million in 2008 towards 19 marine mammal research. For the past several years, 20 the Navy has provided \$10 to \$14 million of this to 21 universities, research institutions, federal 22 laboratories, private companies and independent 23 researchers around the world to study marine mammals.</p> <p>24 The Navy sponsors approximately 70% of all U.S. 25 research concerning the effects of human-generated</p>	<p style="text-align: right;">Page 18</p> <p>1 sound on marine mammals and approximately 50% of such 2 research conducted worldwide.</p> <p>3 Major topics of Navy-supported research are 4 included on this slide.</p> <p>5 This slide concludes our presentation on the 6 information and analysis contained in the document. 7 Now I'd like to discuss the future steps in the process 8 related to the project.</p> <p>9 This slide outlines the schedule beyond the 10 release of the draft document, which you're hearing 11 about today. A key characteristic of the entire 12 process is the public's opportunity to comment.</p> <p>13 Four public hearings, including this one, are 14 being held throughout this week. Your comments on the 15 Draft EIS/OEIS will be addressed in the Final EIS/OEIS. 16 The final step is the decision phase. A decision will 17 not be made until at least 30 days after distribution 18 of the Final EIS/OEIS. This decision will be 19 summarized and published as a Record of Decision in the 20 Federal Register in April of 2009.</p> <p>21 In addition to providing oral comments tonight, 22 you may also make your comments in writing, if you wish 23 to. There are three ways to do that. One, you may 24 submit prepared written comments to the person at the 25 registration table outside or place them in the basket</p>
<p style="text-align: right;">Page 19</p> <p>1 provided on the comment table. Blank comment sheets 2 are also available for use at the comment table.</p> <p>3 Secondly, you can submit written comments online 4 throughout the project website. Or, as a third option, 5 you may mail or fax written comments using the 6 information presented on this slide. Whichever option 7 you choose, your written comments will be entered into 8 the formal record and they will receive the same 9 consideration as oral comments provided tonight.</p> <p>10 If you choose to submit comments at a later time, 11 please be sure to send them by August 11th, 2008, which 12 is the closing date for the comment period. With that, 13 I will now turn the hearing back over to Lieutenant 14 Colonel Beal.</p> <p>15 JUDGE BEAL: Thank you, Mr. Noble.</p> <p>16 I'll note that I have not yet been presented with 17 any speaker cards, so let me ask: Is there any member 18 of the audience here who desires to make a comment? 19 And that is a negative response from all persons in 20 attendance.</p> <p>21 Ladies and gentlemen, I am going to place this 22 hearing in recess until such time if someone comes 23 forward with a desire to make a comment on the 24 document. And if no one comes forward in the allotted 25 two hours, then I will reopen the hearing at 2100 and</p>	<p style="text-align: right;">Page 20</p> <p>1 formally close the proceeding. This hearing is in 2 recess.</p> <p>3 (Whereupon, a recess was taken from 7:27 p.m. to 4 9:02 p.m.)</p> <p>5 JUDGE BEAL: This hearing will come to order. The 6 time on deck is 2100. Since this hearing went -- last 7 recessed, no one has come forward to make any comments, 8 and now we have reached the designated ending time. 9 This hearing is officially closed.</p> <p>10 (Whereupon, the proceedings concluded at 9:03 11 p.m..)</p> <p>12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

<p>1 CERTIFICATE OF REPORTER 2 3 STATE OF FLORIDA) 4) 5 COUNTY OF VOLUSIA) 6 I, Melissa Schroeder, Court Reporter, certify that 7 I was authorized to and did stenographically report the 8 foregoing proceedings; and that the transcript is a true and 9 complete record of my stenographic notes. 10 I further certify that I am not a relative, 11 employee, attorney, or counsel of any of the parties, nor am 12 I a relative or employee of any of the parties' attorney or 13 counsel connected with the action, nor am I financially 14 interested in the action. 15 DATED this 11th day of August, 2008, in Volusia 16 County, Florida. 17 18 _____ 19 Melissa Schroeder 20 Court Reporter 21 22 23 24 25</p>	