

1 sign-up cards. In addition, comments will be  
2 recorded and a transcript will be prepared of  
3 tonight's hearing.

4 With that, I would like to turn it  
5 back over to the judge.

6 THE HEARING OFFICER: Thank you, Mr.  
7 Nissen.

8 We have four people who have signed  
9 up to speak. I think rather than have them stage  
10 themselves here, I'll just call them up one by  
11 one. It's 7:40 now. I told you I exclude all the  
12 time that I took up and that the presentation took  
13 up, so we can go as late as 9:40 to hear what you  
14 have to say. And with that in mind, I'll start  
15 with you, Mr. James.

16 While he is making his way up  
17 here -- I'm sorry. One more thing. For the  
18 latecomers who came in, please silence your cell  
19 phones, pagers, other noise-making devices.

20 Go ahead, Mr. James.

21 MR. JAMES: [ Thank you, Judge Booker.  
22 I appreciate your patience. I would like to  
23 indicate clearly my name is Ellis James. I'm from  
24 the Norfolk area and I've lived here all my life.  
25 I'm a young fellow from a Navy town.]

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✓ [ The alternative that I'd like to focus attention on is number three. It is the preferred alternative for me at this stage. I happen to be a member of the Sierra Club, the Chesapeake Bay group. We have 1400 members here and we watch these things very closely. ]

269 [ The question of what the Navy intends to do is not a question of stopping the Navy from training. The question is do we significantly protect the marine mammals along the East Coast? ]  
269 [ And I would draw the staff's attention to the fact that we have sea turtles, we have porpoises and dolphins, and we have whales. And I will focus my attention on the right whales because that is an endangered species. ]

272 [ If we're going to have increased training, and by that I mean the increased intensity of sonar, then we've got to step up our ability to be able to protect the marine mammals. ]

✓ [ Your material that you have presented tonight is excellent material. I've got a packet of it and I have looked through it while I was waiting for you to begin, and if the Navy were to comply with all of these things, it would ease my mind and the minds of a lot of people. ]

1           274 [ In this particular situation I would  
2           hope that the operative action of the Navy will be  
3           commensurate with the ninth circuit court's  
4           opinion that it has just rendered in southern  
5           California, a sanctuary in Hawaii. The rules and  
6           regs are pretty clear now through that court  
7           decision, and I would hope that the Navy will  
8           follow that and comply with that so that we can  
9           have the same protections here on the East Coast. ]

10                           Thank you, Mr. Chairman.

11                           THE HEARING OFFICER: Thank you, Mr.  
12           James.

13                           Ms. Mosher.

14                           MS. MOSHER: Yes.

15                           THE HEARING OFFICER: Please.

16                           MS. MOSHER: Thank you for letting  
17           me speak tonight. I have great respect for the  
18           Navy. My husband was also in it. I realize the  
19           purpose of the Navy is to defend our country and  
20           through this operation I'm able to stand here  
21           freely and talk. I also want to say I was amazed  
22           when I walked in here and saw the information that  
23           you had for people such as myself. I feel that  
24           the information is very important when you want to  
25           speak on a subject that you feel very dear about.

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MR. JAMES: [ Thank you very much.

Judge, my name is Ellis James and I am from Norfolk. I appreciate the fact that you're adding some time. There are a number of issues and areas of concern in all of this information which need to be addressed. ]

276 [ One of the critical areas that I'm concerned about and a number of other people that I'm associated with is the question of are the parameters around which Navy ships are attempting to protect marine mammals, are those distances significant enough? ] [ 277

There seems to be a real question as to the distance at which sonar, especially mid- and high-intensity sonar impacts marine mammals and so we are in a difficult situation, especially when we are going up the coast or across the coastal water areas in order to try to do the training that you're talking about. ] [ 278

The migration routes and the patterns of activity of many of the marine mammals that we're discussing tonight are in those critical areas and the reason that I focused on alternative three was not because I was necessarily happy with all of it, but I would call to your attention the last sentence. Active sonar would not be conducted

1 within areas of increased awareness, and to me  
2 that is the most important aspect of what we're  
3 talking about. ]

4 279 [ We share this planet with some of  
5 the most magnificent creatures in the universe and  
6 there is a great need to protect our country and  
7 the economies of those coastal areas where so much  
8 activity takes place. ] [ 280  
9 This southeastern Virginia  
10 area and the Chesapeake Bay area and the mouth out  
11 into the Atlantic is one of the most important  
12 areas. Tourism drives a good chunk of the economy  
13 here in Virginia Beach and tourists love to come  
14 and learn about marine mammals. We know that for  
15 a fact. ]

16 281 [ And so we ask again that the Navy  
17 take every single precaution in any of these  
18 alternatives to make sure that we not shoot  
19 ourselves in the foot unnecessarily.

20 Thank you. ]

21 THE HEARING OFFICER: Thank you, Mr.  
22 James.

23 Ms. Mosher, anything further?

24 MS. MOSHER: No.

25 THE HEARING OFFICER: Very well.

Ms. Basco I believe has left.