

1 be addressed in the Final EIS/OEIS. The final step
2 is the decision phase. A decision will not be made
3 until at least 30 days after distribution of the
4 FEIS/OEIS. This decision will be summarized and
5 published in the Federal Register in the winter of
6 '08, '09.

7 Thank you.

8 COMMANDER BOOKER: Thank you, Mr. Nissen.

9 I'm going to turn off the screen now,
10 because we're going to have speakers come up and
11 speak in front.

12 Once again, when you come up to speak, give
13 us your name, tell us what state you're from. If
14 you are a spokesman for any particular organization,
15 please say that. And, once again, I'll be sitting
16 there holding up time cards. Please observe the
17 time cards.

18 With that in mind, Mr. Rossiter, you have
19 the floor.

20 MR. ROSSITER: Do you have a start card,
21 sir?

22 COMMANDER BOOKER: No start card.

23 MR. ROSSITER: [My name is William Rossiter.
24 I'm president of the Cetacean Society International. ✓

1 We are co-plaintiffs with NRDC in all of the
2 sonar-related lawsuits against the United States
3 Navy. I'm also one of the advisors of the
4 Provincetown Center for Coastal Studies, but I'm not
5 speaking on their behalf. I was hoping a
6 representative would be here tonight. I cannot see
7 if anyone is here.]

8 [I'm deferring all of my comments on the
9 EIS to a final written comment on the 31st, because
10 my average is 12 pages for a lot of the EISes I've
11 responded to. I'm going to take my three minutes to
12 enter into the record a specific request that may
13 not be associated particularly but can come out of
14 this EIS.]

15 [Simply put, the prime failure of the EIS,
16 of the whole process, is demonstrated with the
17 sentence that says that there is not enough data on
18 what whales, real whales, do with real sonars.
19 There are a lot of efforts to find out, but they all
20 come short of really telling us what the sonars
21 really do that causes whales harm.]

22 [There is a way around that, and it's called
23 a CEE, a controlled exposure experiment, but those
24 are extremely controversial. And the reason they're

1 controversial is because it's expected that the
2 research would insonify a whale or a dolphin and
3 perhaps cause harm.

4 I represent an animal welfare organization,
5 and we support the need for controlled exposure
6 experiments under extreme caveats. I have dealt
7 with a lot of researchers that I have known for a
8 very long time; and, by the way, I started with this
9 process in 1996 when the LFAs first surfaced, and I
10 have been to some 40 meetings and conferences and
11 workshops and hearings ever since.

12 The fundamental of a controlled exposure
13 experiment is to enable someone to put something on
14 the whale to make the whale respond and study their
15 response. We can get around all of the MMPA
16 limitations, get around all of the bad press and all
17 of the scare about harming the whale by using the
18 hundreds of events that the Navy has happen every
19 single year when you test or you train or you
20 operate, just turn on any active sonars.

21 The process would be to allow researchers
22 the Navy would designate to be told where and when
23 to go to be on the scene, so that when an event
24 occurs, they can locate cetaceans, and they monitor

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(cont'd)

1 them before, during and after the event, and then
2 generate the documents we all want.

3 This can be done only if the Navy tells
4 people where the event is going to occur. And so
5 far, I've talked to several flag officers that
6 refuse to do that. The Navy will not tell
7 scientists where these events occur for science.

8 The purpose of my request is to ask the
9 Navy to reconsider, to find a group of scientists
10 that they can trust, with security clearances,
11 protocols, to enable them to be told where to go to
12 do the research we all need. Thank you.]

13 COMMANDER BOOKER: Thank you, sir.

14 Mr. Warach.

15 MR. WARACH: Hello, my name is Jeffrey
16 Warach, W-a-r-a-c-h. I reside at Boston. I'm a
17 student at BU.

18 I just want to thank you guys for allowing
19 me to speak tonight and holding this public hearing.
20 I'm here by coincidence. Directly before this
21 hearing, ironically, I had my marine biology exam in
22 this very classroom, conference room. My interest
23 in this hearing was instantly piqued as I walked
24 out, due to the fact that I closely followed the

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(cont'd)

1 do and to have it done properly. Thank you.

2 COMMANDER BOOKER: Thank you, Ms.

3 Darrell-Kemp.

4 Is there anyone else who would like to be
5 heard in the first round of speaking? (No response)

6 Apparently not.

7 Mr. Rossiter, would you care to add
8 anything to your previous comment?

9 MR. ROSSITER: [Yes, sir, if I may. First,
10 I share your disappointment at the turn-out. I
11 don't quite understand why. This young lady has
12 pointed out that the hearing notices weren't
13 adequate, but I know it was in the Federal Register
14 and several other places. There are several
15 organizations, particularly in the Massachusetts
16 area, that should have been here tonight -- I have a
17 six-hour round trip to get here -- and I'm sorry for
18 that, because I know there is a great deal of
19 interest in it.

20 There is also however a concurrent EIS
21 process in Hawaii right now that's taking a lot of
22 attention from NGOs, and there's a meeting in London
23 about how to kill whales that is absorbing our time.
24 So this may have conflicted.

1 In fact, the Navy has given the impression
2 that they package EISes over holidays or in groups,
3 and that's an unfortunate impression, as well as the
4 comments that you made when you introduced all of
5 the conclusions the Navy was saying about the EIS
6 and the way they were saying there were no problems
7 here.] and they didn't find any problems there.

8 [Most scientists that will review your EIS
9 will find flaws. There are specific areas that
10 you've continued to ignore. There is a boilerplate
11 aspect to some of the portions that were written. I
12 don't know quite why. It could be modified by now.]

13 [As a specific, you fail to reference
14 Balcomb at all concerning beached whales.] [Robert
15 Brownell was not referenced properly as far as his
16 data concerning beached whales in Japan.] [A third
17 one would be all of the stranding data that was
18 presented, the events that were discussed, were
19 biased to an extraordinary degree. Where the
20 particulars were pulled away, the science wasn't
21 presented or understood properly, and the events
22 were reported in a very Navy-neutral way.] [That bias
23 feeds through the whole EIS and weakens the process.
24 It's not a strong document. It will not survive the

1 review process unless it's repaired.]

2 [I feel the Navy is making an adjustment and
3 trying very hard to mitigate the effect of sonar.
4 I've been involved with this since '96, and I sense
5 a change, and that's a very positive thing to me.
6 But I still feel the contract people that are
7 writing the EIS are not getting the word that they
8 have to get more real with their words. Simple.
9 Thank you.]

10 COMMANDER BOOKER: Thank you, sir.

11 Mr. Warach, do you care to add anything to
12 your earlier comments?

13 MR. WARACH: Before, I was speaking with
14 Jene, and he was telling me about the Title 10
15 5062 -- I'm sorry, I forget the exact number, but
16 that it was reviewed annually and how the Armed
17 Forces need to be prepared and ready.

18 And before, you talked about the adequacies
19 or inadequacies of the current plan when you were
20 speaking before. I think one very important thing
21 is to -- more important is threat assessment right
22 now in terms of China. Being attacked by China is,
23 I think, a very low possibility right now, versus
24 Iran. So focusing more in areas like that and