

In The Matter Of:
Vista Park Remediation Project

May 10, 2016

*Legal Realtime Reporting
622 E. Washington Street
Suite 200
Orlando, Florida 32801*

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TRANSCRIPT FOR VISTA PARK REMEDIATION PROJECT

UPDATE MEETING

May 10, 2106

6:00 p.m. to 7:40 p.m.

Atonement Lutheran Church

8849 Passaic Parkway

Orlando, Florida 32829

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P R O C E E D I N G S

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3 MR. FARBES: Hello. Thank you for coming
4 this evening. As you all know, I just want to
5 let you know that we're waiting because we
6 published a time for the start of the panel
7 presentation, and I don't want to start early
8 and have some people come and not be able to
9 hear the whole presentation, so your patience
10 is appreciated. We will start at 6:30 on the
11 nose. Thank you.

12 MALE SPEAKER: You may have a problem with
13 number of people. We only got notification
14 yesterday afternoon, so a lot of people...

15 MALE SPEAKER: Not much integrity in the
16 process.

17 MALE SPEAKER: Very short notice.

18 MR. FARBES: I am sorry about that. We
19 mailed the notices on Tuesday of last week, so
20 we know that some people got them Wednesday or
21 Thursday.

22 MALE SPEAKER: I received mine Tuesday of
23 last week, but for some reason, the majority
24 did not get out.

25 MR. FARBES: We apologize for that, that

1 certainly isn't what we understood. We'll make
2 certain it won't happen again.

3 (Recess taken.)

4 MR. FARBES: Thank you for coming this
5 evening. As you all know, I think, already, we
6 are going to be talking about an update on
7 information respecting the Vista Park
8 Remediation site, and we are going to do that
9 with a series of slides and a series of
10 comments from the members of our panel,
11 including Dr. Mike Dennis, the president and
12 principal of Breedlove, Dennis & Associates.
13 He is an environmental consultant to the
14 project owner and has been practicing in his
15 field in Florida for 40 years.

16 A representative of the MEC contractor,
17 the explosives management specialist is Greg
18 Williams. As project manager of this
19 particular site, he succeeds in work activity
20 associated with clearance of historic munitions
21 waste for over 25 years, and he is a certified,
22 both civil engineer and demolition management
23 expert.

24 So let me summarize for you what we're
25 going to talk about this evening.

1 First of all, you all know the site, I
2 suspect. This map simply displays the various
3 sectors that Buffalo Restoration in its
4 remediation process will utilize -- sir, if you
5 don't mind, I would like to hold questions till
6 the end. We will be happy to answer all of
7 them.

8 MALE SPEAKER: Can you introduce yourself
9 so we know who you are?

10 MR. FARBES: I'm sorry. I should do that.
11 I'm Hubert Farbes. I am the attorney who
12 represents the owner of this site in the
13 process that we are describing here, so I have
14 been involved with the development of the
15 Voluntary Cleanup Order with the
16 representatives of Florida Department of
17 Environmental Protection, who are represented
18 in the audience, as well.

19 So these are the sectors --

20 MALE SPEAKER: Will you point out who they
21 are, please?

22 MR. FARBES: It's Lisa Frederick.

23 MALE SPEAKER: Lisa, is there just one?

24 MR. FARBES: Yes.

25 MALE SPEAKER: Thank you.

1 MR. FARBES: These sectors represent the
2 areas where Buffalo will focus its work, but
3 the work will be carried out sector by sector.

4 MALE SPEAKER: Would you go back to that
5 map and show us where we are right now on this
6 map.

7 MR. FARBES: Sure. There we are.

8 MALE SPEAKER: Is that the main entrance
9 to the project?

10 MR. FARBES: That is not the main entrance
11 to the project, but I will tell you about that
12 in just a second.

13 MALE SPEAKER: Good.

14 MR. FARBES: So the overview that I have
15 given here -- let's go to the next slide, and
16 the next slide involves the principal set of
17 issues here. We got here because that area
18 that's inside the yellow lines that I just
19 showed you is part of the former Pine Castle
20 Jeep Range. The Jeep Range was a munitions
21 training site in the late 1940s and early
22 1950s. There was a significant variety of
23 munitions utilized at the site. It was a
24 bombing range. It was a range utilized for
25 training on a variety of firearm discharge

1 processes.

2 You all may remember that -- or some of
3 you may remember that in 2007, there was a --
4 an activity process by the Army Corps of
5 Engineers; that process is different than the
6 one we are describing here because the Corps
7 reacted to the discovery of munitions near the
8 surface in this area, not inside Vista Park
9 primarily, but certainly inside and near to the
10 Odyssey Middle School, which is very close to
11 this location.

12 There was a study performed by the Corps,
13 but it has never committed to a full
14 remediation process. The owner of Vista Park
15 has sought the approval of FDEP for a process
16 to completely clear munitions from Vista Park,
17 and I would emphasize that that process will
18 not involve the Corps of Engineers. It will
19 involve consistent oversight by the State of
20 Florida through its Department of Environmental
21 Protection.

22 Now, what you can expect, and I would
23 emphasize this first point most strongly, is
24 that the owner has authorized its team -- and
25 we're part of the team here before you

1 tonight -- the owner has authorized the team to
2 establish a process whereby the neighborhood
3 will be continuously informed on the progress
4 of remediation, so what we're going to do with
5 you tonight is show you that process, the
6 process we intend to use on a periodic basis to
7 notify the neighborhood of how clearance is
8 occurring and how it is progressing at Vista
9 Park.

10 The State Government, as I said, will
11 continue to be the oversight agency. What the
12 neighbors should see is mostly what was seen
13 today. Some of you who were here in this
14 location, you may have seen some of Buffalo
15 Restoration's equipment being brought into the
16 site. That is most likely most of what you
17 will see or hear because the site is a fairly
18 large area, and the Buffalo representative is
19 going to talk to you about the varying
20 procedures that FDEP has required for the
21 mitigation of noise impacts and other impacts
22 to the neighborhood, so there will be future
23 meetings. We will give you a sense of when
24 those meetings will occur in the course of this
25 presentation tonight.

1 So at that point, let me stop and pass the
2 microphone to Dr. Dennis.

3 DR. DENNIS: Thank you all for being here
4 tonight. This is a process that's been
5 underway for sometime now, and it involves the
6 legal framework to prepare this Voluntary
7 Cleanup Order, the first one that's ever been
8 done in the State of Florida, and only the
9 third or fourth in the United States where a
10 private land owner has done a Voluntary Cleanup
11 Order.

12 MALE SPEAKER: Question real quick, you
13 keep referring to this as a Voluntary Cleanup
14 Order. The project is a mandated project
15 order --

16 DR. DENNIS: I'm sorry I didn't hear you.

17 MALE SPEAKER: The order to clean up this
18 project is mandatory. They have to do it
19 before they can move forward on this project;
20 is that correct?

21 DR. DENNIS: I think we need to define
22 project.

23 MALE SPEAKER: It is a mandatory cleanup
24 order, not a voluntary one.

25 DR. DENNIS: If I could sort of clear this

1 up in the beginning of the meeting, it will
2 help us all.

3 The project that we're talking about is
4 the Voluntary Cleanup Order and the removal,
5 safe removal, of all of the munitions that are
6 on here. I think what you are referring to, I
7 believe, is the City of Orlando project moving
8 forward with future proposed development on
9 this. My understanding, and we are not here to
10 talk about that, that's another time, another
11 meeting, and we can refer you to folks to talk
12 about that, but it's my understanding that the
13 project has to be cleaned and cleared of all of
14 these munitions and certified by Buffalo and by
15 DEP before anything else can happen in terms of
16 future development.

17 MALE SPEAKER: It is not voluntary. It's
18 mandatory.

19 DR. DENNIS: Well, let me clear that up.
20 The process of doing this is voluntary based on
21 the land owner doing it. Does it have to be
22 done to sell and develop the property? Yes.

23 MALE SPEAKER: Okay. So it's mandatory to
24 sell the property.

25 DR. DENNIS: The process -- the land owner

1 can leave the property here and not clean it
2 up.

3 MALE SPEAKER: That's right.

4 DR. DENNIS: So the cleanup is not
5 mandatory. The land owner has elected to do
6 that.

7 MALE SPEAKER: He is going to do anything
8 with this property whatsoever. The City is
9 demanding that it be cleared up; is that
10 correct?

11 DR. DENNIS: That's correct.

12 MALE SPEAKER: Okay. So it is a mandatory
13 order in order to do something on this project.
14 It's not voluntary.

15 MR. FARBES: Do you want me to take a shot
16 at it?

17 DR. DENNIS: I tried three times to
18 unsuccessfully explain it. Maybe you should.

19 MR. FARBES: I think the answer is you are
20 correct --

21 MALE SPEAKER: Thank you.

22 MR. FARBES: -- that it is mandatory that
23 the owner, in order to obtain a final approval
24 of its actions for unrestricted utilization of
25 this land, it is mandatory that the owner

1 comply with the terms of the VCO.

2 MALE SPEAKER: Now you just added
3 something else in there because it is not
4 unrestricted because there are other
5 restrictions in this project going forward.

6 MR. FARBES: Well, specifically the
7 language of the VCO prescribes that the Florida
8 Department of Environmental Protection, if it
9 determines that all requirements of the VCO
10 have been met, will issue what is called a
11 no-further-action determination.

12 MALE SPEAKER: And that no-further-action
13 determination is due to the ordinance; is that
14 correct?

15 MR. FARBES: The no-further-action
16 determination is the determination of FDEP that
17 this property requires no further MEC clearance
18 activity or related activity for unrestricted
19 use on the property.

20 Now, any owner that seeks to develop
21 property in the State of Florida has to comply
22 with a whole series of timely developments.
23 FDEP is not making that determination. But if
24 you look at the Order, which by the way, this
25 Order is a public record, so it's available for

1 anyone to look at, it is actually posted to the
2 Vista Park website, so you can read the terms
3 of the Order. But what they prescribe is, as
4 you described, if the project is going to be
5 utilized -- the project being this property
6 that we showed you on the screen -- if that
7 property is going to be utilized for any
8 purpose, it must be utilized for whatever
9 purpose in the future after it has been cleared
10 and this no-further-action determination has
11 been obtained.

12 MALE SPEAKER: To put it very simply, this
13 land is absolutely useless without any cleanup;
14 is that correct?

15 MR. FARBES: Oh, no, sir, I wouldn't say
16 it's useless. I would say it is contaminated,
17 and the contamination has to be dealt with, so
18 there is certainly going to be a very expensive
19 process undertaken, as you will see, to clean
20 the property.

21 MALE SPEAKER: I understand the particular
22 land owner is very charitable.

23 DR. DENNIS: That is probably a good
24 discussion to clear some of those points up.

25 So the process has got three elements. It

1 has got the legal framework that we are working
2 in. It has all of the munitions cleanup,
3 testing, all of those procedures, which Greg
4 will discuss, and then it has an environmental
5 component, which I am going to discuss with
6 you.

7 So, again, I am Mike Dennis with
8 Breedlove, Dennis, and we have been doing
9 environmental consulting in the Orlando area
10 for 35, 40 years, so we are -- we have been
11 here -- long-time residents.

12 There was -- again, as Hubert said, our
13 intent this evening is to bring you up to speed
14 on what has been done and what has been
15 accomplished and how the process will occur
16 moving forward, so what has been done to date
17 under the development of the cleanup order are
18 the various provisions or things that you see
19 listed there.

20 We -- we had to develop a whole series of
21 information, topo maps, identify the wetland
22 areas, GPS those, identify wildlife, identify
23 which of those wildlife species might be listed
24 species, habitats. We had to develop a whole
25 series of information to provide DEP so that

1 they would be adequately informed to actually
2 engage with the landowner and with our team in
3 developing the Voluntary Cleanup Order. So the
4 first step was months long in developing all
5 that baseline information and submitting it.
6 When that was all done, it is completed, and
7 that formed the basis of the Voluntary Cleanup
8 Order.

9 So the requirement of the Order had
10 certain things that had to be done site-wide
11 before anything else could be done, so we had
12 to present to the DEP the wetlands delineated
13 pursuant to State rule, those are all GPS, so
14 they are within accuracy of just a few feet,
15 and then DEP took that and came out and looked
16 at it and reviewed, and based on common action,
17 we all agreed on the wetland lines, so that has
18 all been done. That was one of the things that
19 had to be done.

20 There had to be baseline information done
21 on each wetland, the value of each weapon, and
22 the process in the State of Florida for
23 determining the functional value of wetland is
24 determined through what is called a Unified
25 Mitigation Assessment Methodology, UMAM for

1 short, so that is all done, so all the wetlands
2 onsite had to be identified and evaluated based
3 on the UMAM procedures and given a ranking, and
4 that had to be reviewed by DEP, and that has
5 all been done.

6 The other thing that had to be done before
7 we could begin any work was we had to make sure
8 that we had a source to provide wetland
9 mitigation for identified wetland impacts, so
10 the UMAM values were determined. We -- based
11 on regs, preliminary analysis, analysis today
12 where we think most of the munitions might be
13 found and what wetlands had to be altered and
14 what degree they had to be altered, that was
15 all formulated and put into an analysis of how
16 much wetland impact there would be, and that
17 was given a UMAM value, and then we had to go
18 to a Wetland Mitigation Bank that services
19 wetland impacts in this area and secure with
20 them a commitment that that mitigation property
21 wide would be available, so all of that had to
22 be done, and all that has been done to date.

23 There are a number of other things that
24 you see up there, which we will go over as we
25 go through the presentation, we have to do

1 gopher tortoise surveys. We have got to do
2 nesting bird surveys. I will go over those
3 segment by segment.

4 MALE SPEAKER: Did you already do the
5 tortoise DIR before you put your equipment in?

6 DR. DENNIS: Yes.

7 MALE SPEAKER: It has been done? You will
8 certify it has been done?

9 DR. DENNIS: Yes.

10 MALE SPEAKER: Two questions, how many
11 sectors are there?

12 DR. DENNIS: I think there are seven
13 sectors.

14 MALE SPEAKER: And it is my understanding
15 that certain wetlands are under federal
16 jurisdiction, and some are not, so are any
17 wetlands determined to be under the federal
18 jurisdiction and the responsibility falls on
19 the Corps, and where can I find that
20 information posted?

21 DR. DENNIS: This whole process is carried
22 out under the State's responsibility and
23 authorization to do this work, so all of the
24 wetland reviews are being done by the State and
25 mitigated through the State process.

1 MALE SPEAKER: This is interesting, but I
2 am not sure what that has to do with me. I
3 mean, it is a study, nobody showed up, you are
4 still going to do this, right?

5 DR. DENNIS: If nobody came tonight?

6 MALE SPEAKER: If nobody came tonight,
7 this will still be carried out?

8 DR. DENNIS: Yes, sir.

9 MALE SPEAKER: So my property butts up
10 against Pine Castle. Now, whatever you do out
11 there, is that going to impact my property?

12 DR. DENNIS: That -- I am the owner's
13 biologist, but let me give an answer because I
14 work in this area a lot, and I would believe
15 that cleaning this site up would only improve
16 the prospects and values of adjacent property
17 because anything that is here that would be of
18 concern will be totally cleaned up.

19 MALE SPEAKER: Well, I am talking about
20 the actual process out there. As you guys
21 clean up, is there anything other than
22 detonating issues out there --

23 DR. DENNIS: Good question, and I am going
24 to have you hold that for just a second.
25 Environmental will cover that in detail.

1 MALE SPEAKER: I have a few things to say
2 about that.

3 DR. DENNIS: Environmental will cover that
4 in detail in just one second.

5 So in terms of the process for these
6 meetings, what we try to do is share with
7 you -- or figure a way to share with you the
8 process that is specified in the VCO, so we
9 have three boards. You saw them out front.
10 The first board is this site-wide
11 pre-remediation work that has to be done, and
12 the first two items on there -- Hubert, do you
13 want to talk about it?

14 MR. FARBES: Well, what we're trying to do
15 with this board that shows the steps is to
16 demonstrate to you what is required under the
17 VCO and what has been accomplished of what has
18 been required, so the VCO obviously was issued.
19 It was issued in June. There has been a notice
20 by the owner, which is required under the VCO,
21 that the owner intends to comply, and the VCO,
22 as was -- as we discussed earlier, the
23 Voluntary Cleanup Order is voluntary in the
24 sense that the State is not financing this.
25 This is an undertaking for clearance at the

1 owner's expense, and the VCO expressly provides
2 if the owner decides not to continue to pay for
3 the cost for clearance, the owner can stop.
4 The owner has to ensure that the work that was
5 done beforehand doesn't create any risk, but
6 the owner is not being compelled to spend the
7 money. The expenditure is voluntary. If the
8 owner seeks to obtain clearance of the
9 property, it must comply with the VCO. In that
10 respect, the VCO has a mandatory component. So
11 we had to give notice that we actually intended
12 to start. We did that on November the 10th.
13 The owner had to submit a preliminary baseline
14 UMAM evaluation, and that's what Mike is going
15 to talk about.

16 DR. DENNIS: So the rest of this pre-site
17 information is what I mentioned a little bit
18 earlier. We submitted the preliminary baseline
19 UMAM evaluation with the DEP. They reviewed
20 it, and they approved it. That's been done.
21 It was done in January.

22 We conducted wetlands UMAM field
23 inspections; that was done in conjunction with
24 the UP in January. DEP had to approve baseline
25 UMAM scores; that was completed and done in

1 January. Then we had to submit the GPS
2 delineations of wetlands and surface water. We
3 had to add some surface waters to it; that was
4 done in January. Then we had to submit the
5 preliminary UMAM assessment for the anticipated
6 wetland impacts; that was done in February.
7 And then we had to get the mitigation
8 reservation I mentioned; that was done in
9 March, so all of this has been completed. So
10 the first board of the flow chart has all been
11 complete.

12 Then we went to a second board, and this
13 is a board that I hope you will come to this --
14 all the future meetings because this is the
15 board you are going to see in various forms
16 over and over again. This board is going to
17 inform you sector by sector what work has been
18 done. So what we try to do -- I don't know
19 about most of you all, but I am visual. I
20 can't do anything without looking at a map or a
21 piece of paper or something -- so we try to
22 make this visual. So the cleanup -- the
23 remediation that Greg will talk about will
24 happen sector by sector. There are seven
25 sectors. It won't be property wide all at

1 once. It will be sector by sector. So the VCO
2 specifies what has to be done for the cleanup
3 process sector by sector.

4 Over there are seven sectors, and the
5 first two sectors are A and B, they're along
6 the Beach Line at the bottom.

7 So back to the other board, what is
8 colored in -- and here is what we intend to do,
9 is we intend to color in by sector which of
10 these items have been accomplished. So on the
11 first board, it tells you about the Notice of
12 Commencement, and we have dates when all that
13 was done. We have sector A and sector B, the
14 bottom two sectors, so that's what has been
15 done on sector A and B on those three items
16 across the top.

17 And then four, you see that that is
18 partially colored in; that's the gopher
19 tortoise, you asked about the gopher tortoise
20 earlier. We can only do gopher tortoise
21 surveys sector by sector because the gopher
22 tortoise regulations only allow you to do a
23 survey -- it's only good for 90 days, and you
24 have a certain amount of time to do it, so any
25 gopher tortoises that are onsite that might be

1 in harm's way will be relocated. We already
2 have the Gaming Commission permit as of last
3 Friday to relocate any tortoises we need to do
4 in sectors A and B. Once we do those, we will
5 go to sector C and D, and we will get the
6 gopher tortoise permits there. So what you
7 will see -- so what you will see is the -- this
8 chart colored in as we go through the process
9 sector by sector. So every time you come to
10 one of these meetings, you will see more
11 colored in, and you will know exactly where we
12 are in the process sector by sector.

13 The next slide.

14 MALE SPEAKER: Can I ask a question? You
15 mentioned the UMAM scores. What are those
16 scores, and how do they relate to -- I am
17 guessing like a danger level?

18 MR. FARBES: Could you repeat the question
19 for the audience?

20 MALE SPEAKER: I am sorry, so I want to
21 know UMAM scores, what are they, and what is
22 the range, and what does that mean? Is it more
23 dangerous or less dangerous?

24 DR. DENNIS: The short answer is that the
25 UMAM group legislated to be adopted by State of

1 Florida statute and rules has three criteria,
2 three criteria -- three criterion, each one a
3 criterion, by which you evaluate the wetland:
4 Landscape, community structure, water in the
5 ground, and you go through, and you rank the
6 wetland based on those values on a scale of, in
7 essence, zero to one is the math involved, but
8 that's how it is, and you add them up, and so
9 it's, basically, a functional evaluation
10 process that's expressed in numerical numbers
11 where a wetland is, essentially, ranked on a
12 scale of one to ten based on how much
13 functional value it has. A really great level
14 is doing all the things a wetland is supposed
15 to do, you could get a seven, eight or nine,
16 maybe even a ten. If it's a wetland that's
17 very degraded and not performing so many
18 values, you might get a two or three.

19 MALE SPEAKER: What was the rating on the
20 wetland?

21 DR. DENNIS: They vary. The wetlands on
22 the site vary. Some were mid range, and some
23 were up as high as seven or eights.

24 FEMALE SPEAKER: The ones that are ranked
25 that high are required to keep as wetlands

1 then?

2 DR. DENNIS: What we are attempting to do
3 is not impact any wetlands that don't have to
4 be impacted by allowing the complete and total
5 remediation of the site, so that's the goal,
6 and only after Greg goes through his testing
7 will we know how that works.

8 MALE SPEAKER: Does each sector have its
9 own area for detonating munitions? Is each
10 area going to have their own place for
11 detonating munitions?

12 DR. DENNIS: Again, that's a -- that's a
13 question we are going to cover in detail. Just
14 hold that just a second. Maybe the
15 environmental part is not as interesting as the
16 other, but I want to give it to you. I am just
17 about done.

18 The last board -- the last flow chart is
19 this one, and this one will go over the
20 completion of the boards and how you get to the
21 final signoff in the whole process.

22 So as we go -- this meeting is important
23 to try to explain how the process works, how it
24 is reviewed and approved by DEP. So these flow
25 charts, these three boards explain that

1 process.

2 The next slide is the actual remediation
3 process, and that's where Greg is going to
4 answer your specific questions about the
5 process and how the remediation occurs.

6 Thank you all for listening.

7 MALE SPEAKER: You talked about the gopher
8 turtles being moved. You didn't say where they
9 would be moved to.

10 DR. DENNIS: No, the way the gopher
11 tortoise moving works is we follow the Game
12 Commission gopher tortoise protocol to the "T,"
13 just like it is with any other project, so we
14 are following those. We have the permits, and
15 what you are required to do is if a gopher
16 tortoise burrow is in an area that Greg would
17 identify has potential for harm, and we have to
18 relocate it, then that gopher tortoise is
19 trapped and marked and then removed to a gopher
20 tortoise recipient site, and you pay a fee per
21 tortoise to the Game Commission, and you pay a
22 fee to the recipient site who accepts those.
23 These sites have already been predetermined to
24 be acceptable by the Game Commission, and there
25 is land set aside in perpetuity for gopher

1 tortoises.

2 One last thing I should have mentioned,
3 there were two other requirement, they would do
4 nesting bird surveys, and we have done those on
5 the whole site. We looked at the whole site on
6 the ground and from the helicopter to make sure
7 we are okay on those, and we will have to
8 repeat all these, gopher tortoise, the wading
9 bird and wildlife surveys per section as we go
10 through.

11 MALE SPEAKER: What were the results of
12 the bird survey?

13 DR. DENNIS: We found no nesting Sandhill
14 Cranes, or -- we found none.

15 MALE SPEAKER: What about the eagles we
16 constantly see?

17 DR. DENNIS: We don't have -- we have seen
18 eagles flying over the site. If we encounter
19 any nesting eagles, we will follow the
20 protocols on those.

21 MALE SPEAKER: What about the ponds that
22 are located in here. Will they drain some of
23 them, is what we heard earlier on this thing?

24 DR. DENNIS: What?

25 MALE SPEAKER: There are ponds in this

1 area that need to be drained and relocated and
2 checked out thoroughly. Is this being taken
3 into effect now or not?

4 DR. DENNIS: There is a barrow pit on the
5 property, existing barrow pit. All the
6 wetlands and any ponds will be covered in
7 remediation.

8 This will be a good time for me to turn it
9 over to Greg and let him explain how that will
10 work.

11 Thank you very much for your patience.

12 MR. WILLIAMS: My name is Greg Williams.
13 You can tell from my accent I am from
14 Australia. I will slow down a little bit. I
15 know people find it hard to understand
16 sometimes.

17 I have been doing this work in the
18 U.S. for 20 years with Dave Crossley here, who
19 is the site manager. He's been doing this for
20 40 years.

21 I was a former Australian army engineer
22 officer, and I am also a civil engineer. I am
23 one of the only civil engineers (inaudible). I
24 am the only one I know of in the world; that's
25 why I do this work. (inaudible) to do chemical

1 weapons cleanup, and we had to work in the
2 town --

3 THE COURT REPORTER: I can't hear you.

4 MR. WILLIAMS: So, essentially, I've been
5 doing this 20 years. Mike and Hubert asked me
6 to talk tonight about the process we will
7 undergo.

8 So this is the project layout. The site
9 preparation, first thing we have done, see the
10 yellow boundary there, that's our boundary set
11 out by surveillance, so the top left is where
12 we are now, and the bottom left you can see
13 where the BP Gas Station is, we will be going
14 into the site there through the Central Florida
15 Expressway access road. At the last meeting,
16 we told you we will go in through another
17 side -- we have one of the vacant lots. Based
18 on feedback, we changed our approach.

19 So the first thing we are going to do is
20 we are going to have upwards of 40 people out
21 there. We are going to go through and do a
22 sweep of the surface and remove surface metal
23 and internal fences, things that will interfere
24 with our metal detection devices. We have
25 remote control vegetation clearance equipment.

1 Some areas are too dangerous to go in and
2 clear, go through and potentially hit a bomb,
3 we don't want unintentional detonations. We
4 don't want to kill people. We don't want
5 things to happen that are not planned.

6 Lastly, on the site preparation, we are
7 going to lay a grid down of
8 66-meter-by-66-meter, which is about one-acre
9 grids, and that's how we are going to address
10 the property.

11 How are we going to find the metal that's
12 under the ground that may be bombs? So we use
13 two different types of geophysical detection
14 equipment, which is really just, basically,
15 metal detectors. The first one will
16 (inaudible), and the second one is deep. We
17 produce subsurface maps, which have the
18 locations of subsurface metal. We then go
19 back, we have those locations. We mark them
20 with plastic (inaudible) waves. What we do now
21 is we carefully excavate, which leaves
22 locations, we don't know what that is. We know
23 it's metal. If it's a -- if it's an explodable
24 ordnance that requires detonation, in most
25 cases, we will go and remove it, only when it's

1 safe with very, very strict and detailed
2 requirements if we can move an item. We don't
3 want to blow it up anywhere near --

4 MALE SPEAKER: Back to the question, are
5 you going to pick one spot in each section to
6 detonate the munitions?

7 MR. WILLIAMS: Down at the southeast
8 corner of the property we will try to do a
9 detonation as far as possible from the houses
10 and from the school towards the intersection of
11 the 417 and the Beeline.

12 See where the pond is, the barrow pit
13 pond --

14 MALE SPEAKER: Point to me where you are
15 planning to detonate the munitions.

16 MR. WILLIAMS: To the right of the pond,
17 in here and a little to the right. We have to
18 have a certain distance away from the roads.
19 We are looking at being about an 8,000 foot
20 away from here and nearly a mile away from any
21 of the houses; now, this is for the items that
22 we can move. There are items we cannot move.
23 It is just not worth putting someone in danger
24 and killing somebody. We can manage it. In
25 those cases, we will blow it in place with the

1 appropriate mitigations.

2 MALE SPEAKER: Let me just give you little
3 by-the-way. The last time they went through
4 those detonations -- you and I both know in
5 detonating munitions, the ground has waves,
6 especially this soil is very loose -- so after
7 they got done with all that, the foundation in
8 my house had cracks in it. So if you guys
9 start detonating close to my house, we are
10 going to have a problem.

11 MR. WILLIAMS: And we don't plan to use --
12 I do not know why, and that last operation that
13 happened down here, they were using a very
14 large amount of explosives when it was not
15 required. I don't know why. Sometimes what
16 happens is they sign out a bunch of explosives
17 from a magazine. They can't take them back,
18 and they use them all. Now the case is that
19 because of time or something else, they are
20 consolidating their explosives and trying to
21 blow them all up at once because it is more
22 convenient. What we do is we try to do one at
23 a time. We can put safety delays on them, so
24 even though -- what we are trying to do is
25 minimize the blast-over pressure, which you

1 know as the volume, the sound, and the ground
2 vibration, inches per second, which is the
3 particle velocity in the ground, we are looking
4 at minimizing that for you.

5 Now, there are items we can move. There
6 are some exclusions, but I can tell you we are
7 not going to put five items together and put
8 20-pound explosives on them like what happened
9 there. We are not going to be having sand
10 blowing 100 feet in the air like we saw there.

11 MALE SPEAKER: The problem is that you
12 guys are out there blowing stuff up, and you
13 can't move it. You are destroying my property.
14 You are damaging the foundation slab. It
15 doesn't take movement too well, so the last
16 time they went in there and loaded munitions, I
17 had cracks in the foundation, and I couldn't
18 figure out who was doing it, but I know who is
19 doing it now, and it starts to happen more --

20 MR. WILLIAMS: Whereabouts are you --

21 MALE SPEAKER: The entire foundation.

22 MR. WILLIAMS: Okay. I understand that.
23 We do this (inaudible) the supervisor
24 (inaudible) he just came back from 12 months in
25 the Gaza Strip in Israel, and he has been

1 working with the UN detonating Israeli
2 hand-held (inaudible) munitions amongst houses,
3 and he's had to -- the Israeli ones are the
4 ones the Palestinians, they had issues with --

5 MALE SPEAKER: I understand that.

6 MR. WILLIAMS: -- we do work with this.

7 MALE SPEAKER: My point is that, you know,
8 I am not interested in what you have been
9 blowing up. All I know is that -- I know you
10 have been detonating munitions out there. If
11 it is going to be close, and my property is
12 going to shake again, then there is going to be
13 a problem.

14 MALE SPEAKER: I hear you, and we will be
15 doing everything we can to minimize the
16 effects.

17 Okay. And the other thing is what we are
18 going to -- we want to do, what are called,
19 planned detonations if we need them. The first
20 several months of the project we may not do any
21 detonations, especially because we are down at
22 the bottom. We might find some items, we may
23 not. As we get up more north, we definitely
24 are going to find items. We know where they
25 are. The farmer -- the ranchers can tell us

1 where they are. When we do do them, we are
2 going to do them on a Thursday at 12 clock,
3 that's when you hear the thump. You aren't
4 going to have what you had with the
5 (inaudible). We are going to have what is
6 called sand mitigation. Sand mitigation we
7 have various techniques that we use. We put
8 layers of sand over it, but we will let you
9 know. If on Thursday there is inclement
10 weather, we will do it on Friday, and we will
11 publish that in advance. We are not going to
12 do it late in the day, and the reason being,
13 with the storms that have been happening in the
14 afternoons, and the other reason is if we have
15 a misfire or something happens, we need time to
16 correct it and redo it.

17 MALE SPEAKER: One last question just for
18 my curiosity, how deep do you penetrate the
19 ground for munitions?

20 MR. WILLIAMS: As deep as we can take
21 them, so our first technology puts energy into
22 the ground, and it has limited depth because
23 it's detailed when it looks -- let's say three
24 to five feet, depends on the size of the item.
25 Second item is magnetometry. We have an array

1 of these magnetometers. It detects
2 disturbances in the earth's magnetic field,
3 which is from large ferrous objects. If it is
4 big enough to go deep, we'll take it, and we
5 will use an engineering solution to recover it.

6 MALE SPEAKER: Just curious when they
7 surveyed our property, they went down
8 18 inches, that's great for the small stuff.

9 MR. WILLIAMS: This is one of the problems
10 with the previous approach that was getting
11 into the groundwater table, which is 26 inches
12 and we stop. We will remove and go deep as
13 necessary to what we can take. What we can
14 take, we will remove.

15 MALE SPEAKER: About six weeks ago there
16 were some bangs on the property. It sounded
17 like detonation that we heard before. Did you
18 guys detonate anything?

19 MR. WILLIAMS: We have not detonated
20 anything.

21 MR. FARBES: It is turkey season.

22 MR. WILLIAMS: The permits we were
23 (inaudible) on the site this week. We were out
24 there last week, a few of us, and (inaudible)
25 started coming down. (inaudible) we can do

1 what we said we are going to do.

2 We have got the Vista Park website, we
3 will announce in e-mail and tell people when
4 things are going to happen. And on the bottom
5 there, we are going to minimize the ground
6 vibration and the noise. We have a different
7 approach. And again, I don't know why they did
8 what they did, and using as much explosives as
9 they did. From looking at those photographs,
10 it wasn't necessary, but I wasn't there.

11 MALE SPEAKER: Does your company have a
12 source, so if we have a problem, we will be
13 able to get a hold of somebody from your
14 company immediately? It should be well
15 published. So far we heard nothing about the
16 project, what took place last June almost a
17 year ago, and now suddenly the day before this
18 project starts we are getting this public
19 meeting turning this thing on. This is not
20 very good notice to us. Let's try to be good
21 neighbors, and let's get this information out.
22 If we have a complaint, we need to know who to
23 go to and when, and what procedures we have.

24 MR. WILLIAMS: On the Vista Park
25 website --

1 MALE SPEAKER: Not just the website, but
2 something that is easy for everybody because
3 everybody doesn't have access to this website.

4 MALE SPEAKER: I also live right next to
5 the fence or the wall. If you actually find
6 something you have to detonate that is close to
7 that -- I mean, what is a safe limit being next
8 to --

9 MR. WILLIAMS: State of Florida if you do
10 one pound, 670 feet is the minimum.

11 MALE SPEAKER: So what happens if you
12 can't move something, and my house is there?

13 MR. WILLIAMS: We have engineering
14 controls which we can bring, we can sand bag,
15 blast mats, we do a bunch of things.

16 From where that road was -- I don't know
17 what is out there, I don't know exactly where
18 everything is. It is less likely there are
19 things close to that road, but that was an
20 active road during the war, and we're not going
21 to blow things up. We have exclusion zones
22 with a 670-foot minimum.

23 MALE SPEAKER: So even if it is dangerous,
24 you have to move 670 feet away from the --

25 MR. CROSSLEY: First of all, 99 percent of

1 the stuff out there we will be able to move.
2 This is old-style ordnances that are pretty
3 safe for us to remove. In the event one or two
4 items do happen, we have like Greg said,
5 engineering controls, apply sand bags, etc.

6 MALE SPEAKER: For, you know, 100 feet
7 away do you evacuate?

8 MR. CROSSLEY: If it comes to that, yes,
9 we will evacuate the home, but I don't see that
10 happening, unless we find a bomb we can't move.
11 Even if we find a bomb we can move, we may
12 evacuate people just for the safety.

13 MALE SPEAKER: So the communication for
14 that --

15 MR. CROSSLEY: We will actually come
16 through the neighborhood and talk to you.

17 MR. WILLIAMS: We will have weeks of
18 notice and involve the State Fire Marshal and
19 involve the bomb squad.

20 MR. CROSSLEY: If I could just say
21 something, our whole plan here is to make this
22 as simple as possible for everybody and not to
23 make a noise, not to make vibrations. We have
24 been doing this a long time. All the
25 publications we use and everything are all

1 based on science and previous detonations that
2 they practice and have done over and over and
3 over again to see what happens when things
4 explode.

5 Using explosives is very safe. It does
6 not seem so because people can get killed in
7 explosives. Probably one of the safest
8 industries out there is demolition operations,
9 so everything is pretty much written, and we
10 follow these guidelines. So if something
11 happens where we have to do something that is
12 out of those guidelines, then everyone is going
13 to be notified. We are not going to just do
14 it. Our whole idea is to keep your property
15 safe and keep the noise level and everything
16 down to a very minimum.

17 MR. WILLIAMS: Let me just finish up, and
18 we will take some questions. I have two more
19 to go through.

20 I guess what else are we going to do, we
21 have soil, groundwater, surface water out
22 there, we are going to be sampling a lot, and
23 we are going to be looking for metals. We are
24 going to be looking for chemicals that are left
25 over from past use. If we find something that

1 is above the guidelines, the State guidelines,
2 we will address it. We will remove it. We
3 will treat it. We will work with the State of
4 Florida. We have quite a comprehensive plan
5 that was approved on May 2nd, (inaudible) the
6 Corps, we are going to do copper. The Corps of
7 Engineers are looking at copper only, this is
8 going to be addressed.

9 Last one, we are not just going to get to
10 the end of the project and say we're done and
11 leave. We have got seven sectors. At the end
12 of each sector, we do a (inaudible) completion
13 report. We submit that to the State, and the
14 State reviews it, and we go through -- once
15 it's approved, it comes out as a public
16 document. We have another six of those to go.
17 You will get your chance to comment on those
18 after it's approved. The State will do the
19 approval. At the end, there is a final
20 completion report at the end of the last
21 sector, the State of Florida has to approve
22 this project before there is a no further
23 action determination.

24 So I started working on this site
25 September (inaudible), 20 months ago, and with

1 Mike's people, it's been a very long and
2 comprehensive process, and most of it to date
3 has been dealing with the environmental and the
4 regulations. Starting this week -- we are
5 starting to mobilize on to the site this week,
6 but I think the first several months you won't
7 hear from us as to what we are doing out there.
8 You get some noise from -- you might hear some
9 machinery every so often, the vegetation
10 clearance machinery, we will do everything we
11 can to minimize the impacts on everybody.

12 FEMALE SPEAKER: How long will it take you
13 to clear that?

14 MR. WILLIAMS: We are looking at 18 to 21
15 months. And again, I don't know what is under
16 the ground unfortunately.

17 MALE SPEAKER: You talked about, I
18 believe, an access road that will bringing all
19 the equipment. Does all the equipment still
20 come through this road?

21 MR. WILLIAMS: On the map -- do you know
22 where the BP is on 417, there is a Central
23 Florida Expressway access road, and we
24 negotiated access through there. You won't
25 even see us. (inaudible)

1 MALE SPEAKER: (inaudible)

2 MR. WILLIAMS: Because of the corners on
3 that, coming through the BP, we will be
4 bringing some heavy equipment through this
5 entranceway, but we are going to try not to use
6 that escape that is close to here as a matter
7 of course, but just when we bring things in --
8 and it is an emergency access, as well. We had
9 to clear with the fire department and emergency
10 services.

11 Yes, sir?

12 MALE SPEAKER: How does the State verify
13 the validity of the contents (inaudible)? Do
14 they have somebody that does over-the-shoulder
15 inspections periodically, or do they just rely
16 on a written document that the company
17 produces? How do they validate what is
18 actually out there?

19 MR. WILLIAMS: We have a Florida
20 Department of Environmental Protection
21 representative locally. They make a report
22 every week, and they come out on the site any
23 time they want to see what we are doing.
24 They've been very good. It's been very strict
25 and comprehensive, as it should be.

1 MALE SPEAKER: This is the first voluntary
2 cleanup order in Florida, is that what you are
3 saying?

4 MR. WILLIAMS: Yes, probably the first in
5 the country.

6 MALE SPEAKER: So the State doesn't have a
7 historical performance in following up on
8 contracts such as this in their performance;
9 this will be the first time?

10 MR. WILLIAMS: We (inaudible)
11 misrepresenting or fraudulent in what we are
12 doing, we're not going to do that.

13 MALE SPEAKER: I am more interested in how
14 the State is acting.

15 MR. FARBES: The process that the State is
16 going to employ is prescribed in the VCO, and
17 the process is a function of, as we said,
18 reporting, documentation for what work has been
19 performed, and that reporting will be reviewed
20 by FDEP. There will be periodic reporting for
21 all explosives activity. There will be
22 periodic reporting for any event that is out of
23 the ordinary from the vantage point of the
24 contractor, they are required to report that.
25 But otherwise, the process is what we described

1 here.

2 In fact, why don't we go to the next
3 slide. What we tried to do with this flow
4 chart is to display to you that every one of
5 these things, geophysical mapping, anomaly
6 excavation, restoration of disturbed areas, all
7 of those things are specifically required by
8 the VCO under -- and the parameters for them
9 are specifically laid out, and they have to be
10 carried out on this sector-by-sector basis. So
11 we'll be showing you how much work has been
12 done in every sector for every one of these
13 major components, and you are correct, it is
14 culminated by sector in an area specific
15 completion report, and that report will just
16 attach everything. It will be a public
17 document. Everybody can look at it, but FDEP
18 will evaluate it in whatever way they decide is
19 most appropriate.

20 And then the final step here, which
21 Michael alluded to earlier, is this document
22 called the FCR, and it is critical to one of
23 the earlier questions, how does this process
24 actually result in a disposition of the
25 property that makes it acceptable? This is the

1 process, and so I would anticipate, certainly
2 true this hasn't been done before in Florida,
3 but I have done it before in other states. I
4 would anticipate that the State of Florida will
5 expect to see some level of a compilation of
6 every other area specific completion report,
7 and the final document, that final document
8 will then include all those compilations, all
9 that data and probably be that big, and that
10 submittal will be evaluated on whatever
11 standard the Agency determines is most
12 appropriate. So the owner -- it is also the
13 contractor -- but the owner is obligated to
14 respond in whatever way FDEP requires for a
15 demonstration that the work has been completed
16 in accord with the specific requirements in the
17 VCO.

18 Yes, sir?

19 FRANK SEBASTIAN: This may be an
20 appropriate time. My name is Frank Sebastian.
21 I am a resident near Warwick. About a month
22 ago Ron Camillo (phonetic) and I met with the
23 DEP. Some of their colleagues were kind enough
24 to sit down with us --

25 MR. FARBES: Can everyone hear? Do you

1 want to use this?

2 FRANK SEBASTIAN: About a month ago
3 colleagues at the FDEP were kind enough to meet
4 with us and talk about our concerns with our
5 residents about this whole process, and in
6 fact, you are quite right -- what you said is
7 quite right in terms of what the FDEP -- and
8 please correct me if I'm wrong in what I am
9 saying here -- but, basically, they are doing a
10 desktop review of the work you guys are doing,
11 that's, essentially what it boils down to.

12 One of the things that we have been asking
13 about over the last number of months of the
14 developer is really trying to find out
15 something about Buffalo Restorations. Now,
16 when you introduced Greg -- sorry, I forget
17 your name, but you were not introduced as
18 Buffalo Restoration.

19 MR. WILLIAMS: I am Buffalo Restoration.

20 MALE SPEAKER: You are Buffalo
21 Restoration?

22 MR. WILLIAMS: Yes, so is David.

23 MALE SPEAKER: Okay. So the question we
24 had going back, again, in early meetings was
25 this was where you were saying it would take 40

1 people to do this job. Do you have a website?
2 Does Buffalo Restoration --

3 MR. WILLIAMS: No, we don't.

4 MALE SPEAKER: You don't have a website?

5 MR. WILLIAMS: We are not a -- we are not
6 a commercial entity as in we advertise. We
7 have very specific targeted clients that we
8 deal with, and we are not advertising what we
9 do.

10 MALE SPEAKER: So we don't know your
11 financial backing, and we don't know the
12 experience of the company. I mean, I guess my
13 question is this is a huge project, probably
14 about a billion two, billion five project, and
15 the question is -- I know the developer has
16 been very reluctant to try to get us any
17 information. We tried to find out about you
18 guys, again, for several months right from the
19 beginning. There just doesn't seem to be -- I
20 accept the fact that you have experience and
21 your colleague has experience, whatever, but I
22 am saying if you are going to get 40 guys out
23 there -- how many people do you have out there
24 right now.

25 MR. WILLIAMS: Twenty-five working.

1 MALE SPEAKER: You have 25 people working
2 here right now?

3 MR. WILLIAMS: We have 16 out here working
4 right now. We have 25 in the company.

5 MALE SPEAKER: Where did you get -- I am
6 just curious, where do you get these people?

7 MR. WILLIAMS: There is a -- there is a --

8 MALE SPEAKER: Well, you may think this is
9 funny, but the question is --

10 MR. FARBES: What's funny is this process
11 here. I want to give anyone else who has a
12 question about what we --

13 MALE SPEAKER: Anybody interested in --

14 MALE SPEAKER: I am interested in your
15 experience as a company. Who are you guys?
16 And before we are going to trust our lives and
17 our community --

18 MR. FARBES: Sir, what I would say to you
19 is the Florida Department of Environmental
20 Protection has already certified Buffalo
21 Restoration.

22 MALE SPEAKER: Lisa, I may be wrong on
23 this, my understanding was your job and your
24 responsibility is not to certify these people.
25 You didn't know anything about Buffalo

1 Restoration, I think that's correct.

2 MALE SPEAKER: Is it reasonable to ask for
3 a bond to be put up to remedy any damage we
4 have as residents?

5 MALE SPEAKER: Well, let's just pursue
6 this a second because I think the whole key to
7 this thing is how qualified you guys do
8 something that the Army Corps of Engineers has
9 said couldn't be done?

10 MR. WILLIAMS: Every one of our people can
11 work for an Army Corps of Engineers' job.

12 MR. FARBES: Well, the Corps of Engineers
13 hasn't said it couldn't be done. The Corps of
14 Engineers, in fact, proposed a plan to do it.
15 They just weren't going to do it any fashion as
16 thorough as Buffalo Restoration, and the reason
17 for that, sir, is -- the reason for that is the
18 standards that are established in the VCO are
19 entirely different than the standards that the
20 Corps holds itself to.

21 MALE SPEAKER: My understanding is, and I
22 wish Ron were here because he's the expert on,
23 but it my understanding was that the Corps said
24 they were not prepared to remediate marshlands,
25 wetlands, and now you are going down the Corps

1 said --

2 MR. FARBES: They were not prepared to
3 meet the standards that have been applied by
4 the State of Florida. The standards are in the
5 Order. If you go to the Order and look at it,
6 you will see them. They are prescribed, and it
7 is those standards that Buffalo Restoration
8 has --

9 MALE SPEAKER: So we are putting all this
10 on a company that doesn't even have a website.

11 MALE SPEAKER: Frank, you've known --
12 you've known for at least three or four months
13 their qualifications. It's been on the
14 website. You have gone over their resumes --

15 MR. FARBES: We are not going to -- let's
16 not get into a shouting match about that.

17 MALE SPEAKER: They wanted to give us
18 information --

19 MALE SPEAKER: It is on the website.

20 MALE SPEAKER: -- and you just gave us
21 background --

22 MALE SPEAKER: We gave it to you in-person
23 at the last meeting. We even put it on the
24 board and showed you what their qualifications
25 were. We don't -- first, between what the Army

1 Corps is doing and what we plan on doing.
2 We're trying to be good owners. We are trying
3 to be neighborly, and we're not -- we're not
4 the developers, okay? We're the owners. We
5 are trying to make sure this property --

6 MALE SPEAKER: And we live here.

7 MALE SPEAKER: I live here, too.

8 MR. FARBES: This proposal is for the work
9 to clean up the project. The owner will own
10 the property when the work is done, and some
11 development is going to occur there, but that's
12 not what we're talking about here. We are only
13 talking about the parameters for remediation
14 and how remediation has been really
15 established, documented the criteria for it,
16 published by the State of Florida. The Army
17 Corps of Engineers and the issues that they had
18 with what they did are not going to be involved
19 here, and that's a good thing.

20 MALE SPEAKER: That's a problem.

21 MALE SPEAKER: So a couple things, again,
22 I get a little anxious when I hear facts
23 misrepresented, so, Rich, just clarify a fact,
24 my understanding from the last meeting is you
25 are not only the resident and owner of the

1 property, but you intend to develop part of the
2 property yourself, so you are developer and the
3 owner, correct.

4 MALE SPEAKER: Well, that's what we do for
5 a living.

6 MALE SPEAKER: Okay. So you just
7 misrepresented and said you weren't the
8 developer, that you are just the owner, that's
9 not a fact.

10 MR. FARBES: Well, for this project, we
11 are not a developer. The owner is not
12 developing in this project. They are cleaning
13 up the site.

14 MALE SPEAKER: The question is answered,
15 so I am just what Rich just said that he is
16 representing the owner, who is also developing
17 this property, okay?

18 I also want to correct another thing that
19 you said earlier about the funding of this
20 particular project. The lawyer who represented
21 the owner at a public hearing publicly stated
22 the owner is to sue the Federal Government to
23 recoup the costs of this particular project,
24 so, basically, it's all of us, the taxpayers,
25 are going to pay for this Voluntary Cleanup

1 Order, I want to get that fact out there.

2 MR. FARBES: It certainly is a fact -- it
3 is certainly a fact that the Federal Government
4 is responsible for this contamination, not the
5 owner.

6 MALE SPEAKER: But you led the -- you led
7 the homeowners to believe that the owner is
8 going to do this out of the kindness of their
9 heart.

10 MR. FARBES: No, if that is what you
11 heard, I want to correct that for everyone
12 else. That is not what I said. What I said
13 was the owner is voluntarily financing this
14 cost, and the owner is entitled to the cost
15 recovery.

16 MALE SPEAKER: You didn't tell us the
17 story of how he is going to recoup that cost,
18 so I want to make sure the facts are heard.

19 MS. FITZGERALD: We have till 7:30 here.

20 MR. WILLIAMS: Yes, we have to leave this
21 place at 7:30.

22 MALE SPEAKER: You never answered Kent's
23 concerns. Kent brought up the issue that the
24 State may or may not have the expertise to
25 actually assess this particular project, and

1 that's an answer that you still owe us as to
2 how the State is going to do that.

3 MR. FARBES: I don't hear that as a
4 concern, but the State of Florida certainly has
5 the expertise to enforce its own orders.

6 MS. FITZGERALD: All right. Now let's
7 have questions from someone who hasn't had a
8 chance to ask.

9 MR. FARBES: Yes, is there anyone else who
10 has a question that hasn't had a chance?

11 MALE SPEAKER: How are these things
12 detonated, and is it in a contained
13 environment, or is it just blown up in the air,
14 and what about the contaminants that come from
15 the detonations?

16 MR. FARBES: Sir, all of those elements
17 are prescribed in the VCO. There are criterion
18 for how the detonation can occur, and there are
19 sampling criteria --

20 MALE SPEAKER: What is that process?

21 MR. FARBES: Well, in summary, it is
22 that --

23 MALE SPEAKER: I am not going to read it.
24 just tell me how it works.

25 MR. FARBES: The detonation is contained

1 in a variety of different ways, No. 1. Once
2 the detonation is accomplished, there is a
3 regimen of sampling around where the detonation
4 occurred to assure no contaminant has escaped.
5 To the extent it did escape, then there are
6 obligations how that contaminated medium, the
7 soil, the groundwater, the surface water has to
8 be removed.

9 MALE SPEAKER: Does it go up into the
10 atmosphere, so it is going to drip over our
11 neighborhoods?

12 MR. FARBES: No, sir, that's part of how
13 the containment is prescribed. It has to be
14 contained.

15 Now, as Greg alluded to, there are
16 technical issues, complications if a particular
17 munition is in place and it is too dangerous to
18 move, and in those circumstances, the VCO and
19 the Buffalo requirements are that they have to
20 establish an in-place containment. So that
21 term I used up there, BIP, blown in place means
22 criterion are established specifically for that
23 location. They are safe, and they are
24 contained to the maximum extent possible with
25 technology, the impact.

1 MALE SPEAKER: If it can't be moved, it
2 seems like --

3 MR. FARBES: It can be moved.

4 MALE SPEAKER: -- it would cause
5 considerable vibration or a force under the
6 ground.

7 MR. FARBES: I don't think that is
8 necessarily true, sir, but what I would say to
9 you is the best answer there is there are
10 technical criterion that are in that order, and
11 they establish what Buffalo has to do, and they
12 have a lot of expertise with it. They are
13 going to follow those procedures.

14 And I guess what I would like to
15 emphasize, just in closing is, I saw last
16 night, and some of you may have seen it in a
17 newspaper -- a TV presentation about this
18 meeting, and one of the things they used was
19 what must be -- because it has nothing to do
20 with anything Buffalo has ever done, what must
21 have been a tape of what Corps of Engineers
22 did, and it was a detonation event, and you
23 could see things going straight up in the air,
24 hear huge noise, that would be an example of
25 something that could not be done, and wouldn't

1 have been done by Buffalo in any event, but it
2 couldn't be done under the VCO because there
3 are criterion for controlling blasts that exist
4 for either munitions in place or munitions that
5 are treated at a designated site, so --

6 MALE SPEAKER: One last question -- I have
7 a question.

8 MR. FARBES: Sure.

9 MALE SPEAKER: Was there a risk assessment
10 done in reference to what you guys are
11 planning? Did you guys do a risk assessment or
12 someone do a risk assessment?

13 MR. FARBES: Was there risk assessment
14 done? Yes, sir. The answer is yes; that's the
15 process that, I think, Mike described in part,
16 the evaluation of environmental impacts, and
17 what Greg described as the original plan
18 proposal of the owner, and it was prepared by
19 Buffalo. So Buffalo did an evaluation of what
20 it believed to be the likely munitions
21 circumstance. It's an estimate. It's a
22 prediction. It was based on their analysis of
23 historic maps that showed where there were
24 bombs dropped, where there were firing ranges,
25 all those things were the -- to use the federal

1 term -- the risk assessment undertaken for this
2 site, and that was done for all environmental
3 conditions. It was done for wildlife, and it
4 was done for wetlands, and all that work was
5 done before a submittal was made to FDEP, who
6 then reviewed it, and they made some
7 modifications to it and made some other
8 requirements to it, and that's the Order.

9 MALE SPEAKER: Is that public so we can
10 actually see it?

11 MR. FARBES: Yes, the Order is a public
12 document.

13 MALE SPEAKER: No, the risk assessment is
14 what he is asking for.

15 MALE SPEAKER: The risk assessment, so we
16 see what the risks are, what mitigations you
17 have got to put in place to mitigate --

18 MR. FARBES: I would say to you, sir, that
19 is inside the Order. All those requirements
20 that were the result of the risk assessment,
21 they are inside the Order.

22 MALE SPEAKER: In terms of the FDEP, they
23 have this -- you know, have they reviewed any
24 processes or protocols that's been done by
25 other states, or do they plan to in terms of,

1 you know, establishing guidelines for this
2 Order that is coming? Because, like the
3 gentleman said in the back, this is the first
4 time this is being done here, so I would think
5 that folks would learn from other people.

6 MR. FARBES: I would have to say to you
7 that as the lawyer for the owner in the
8 process, I know that in my discussions with
9 FDEP, they were talking about --

10 MALE SPEAKER: Can FDEP respond?

11 MR. FARBES: I would have to let her
12 decide if she is ready to respond.

13 FEMALE SPEAKER: The Department has
14 expertise in remediating contamination on
15 sites. Just because we don't have specific
16 bomb remediation experts onsite doesn't mean we
17 don't have experts who do contamination
18 remediation every day. We have engineers who
19 assisted in the review. I have been onsite. I
20 live in the community, too, I live here. I am
21 going to be here as the project manager for the
22 DEP as much as we feel we need to be.

23 MALE SPEAKER: (inaudible) Are you
24 bringing in experts if you need to (inaudible)

25 FEMALE SPEAKER: If we need to bring in

1 someone from our Tallahassee office from
2 contamination remediation, absolutely, we will
3 bring them in.

4 MALE SPEAKER: Just to clarify, you said
5 the State does not have experience in bomb
6 mitigation --

7 FEMALE SPEAKER: I didn't say we don't
8 have experience. We don't have the expertise
9 that Buffalo has in bomb remediation, but we
10 have remediation experts on contamination, and
11 we did coordinate with all the people that our
12 division could communicate with.

13 MALE SPEAKER: My question is very
14 specific, and it is responding to what you just
15 said, or I heard you say, I am making sure I am
16 clear, that the State doesn't have expertise
17 involving mitigation.

18 FEMALE SPEAKER: We have some expertise,
19 but not what Buffalo has. They are more expert
20 at bomb remediation than the --

21 MALE SPEAKER: So the regulators have less
22 experience than the people doing the work, and
23 you are going to hold them accountable to do
24 the work properly?

25 FEMALE SPEAKER: Absolutely. We -- the

1 Department -- we do lots of things every day.
2 When there are experts out in the field that
3 are more experienced, they do it. We are
4 regulators regulating what they do. That is
5 very common for an agency.

6 MR. FARBES: All right. I appreciate
7 everyone's attendance tonight. As I said, we
8 are going to continue to do these so you can
9 hear and see the progress of remediation. I
10 appreciate you being here.

11 (Time ended 7:40 p.m.)
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C E R T I F I C A T E

STATE OF FLORIDA:
COUNTY OF ORANGE:

I, TARA K. SLOCUM, CRR, RPR, FPR, CSR No. 8587 and Notary Public, certify that I was authorized to and did stenographically report the foregoing proceedings and they are an accurate record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 11th day of September 2016.



TARA K. SLOCUM
Certified Realtime Reporter
Registered Professional Reporter
Certified Shorthand Reporter
Florida Professional Reporter

	34:11	appreciated (1)	6:24;7:1	blast (1)
A	advertise (1)	2:10	available (2)	37:15
able (3)	47:6	approach (3)	11:25;15:21	blast-over (1)
2:8;36:13;38:1	advertising (1)	28:18;35:10;36:7	away (5)	31:25
above (1)	47:8	appropriate (4)	30:18,20,20;37:24;	blasts (1)
40:1	afternoon (1)	31:1;44:19;45:12,	38:7	57:3
absolutely (3)	2:14	approval (3)	B	blow (4)
12:13;60:2,25	afternoons (1)	6:15;10:23;40:19	back (8)	30:3,25;31:21;
accent (1)	34:14	approve (2)	5:4;21:7;29:19;	37:21
27:13	again (12)	19:24;40:21	30:4;31:17;32:24;	blowing (3)
accept (1)	3:2;13:7,12;20:16;	approved (5)	46:24;59:3	32:10,12;33:9
47:20	24:12;33:12;36:7;	19:20;24:24;40:5,	background (1)	blown (2)
acceptable (2)	39:3;41:15;46:24;	15,18	50:21	54:13;55:21
25:24;44:25	47:18;51:21	area (12)	backing (1)	board (11)
accepts (1)	against (1)	5:17;6:8;7:18;13:9;	47:11	18:10,15;20:10,12,
25:22	17:10	15:19;17:14;24:9,10;	bag (1)	13,15,16;21:7,11;
access (6)	agency (3)	25:16;27:1;44:14;	37:14	24:18;50:24
28:15;37:3;41:18,	7:11;45:11;61:5	45:6	bags (1)	boards (3)
23,24;42:8	ago (5)	areas (4)	38:5	18:9;24:20,25
accomplished (4)	35:15;36:17;40:25;	5:2;13:22;29:1;	bangs (1)	boils (1)
13:15;18:17;21:10;	45:22;46:2	44:6	35:16	46:11
55:2	agreed (1)	Army (6)	Bank (1)	bomb (8)
accord (1)	14:17	6:4;27:21;49:8,11;	15:18	29:2;38:10,11,19;
45:16	air (3)	50:25;51:16	barrow (3)	59:16;60:5,9,20
accountable (1)	allow (1)	around (1)	27:4,5;30:12	bombing (1)
60:23	21:22	55:3	based (9)	5:24
accuracy (1)	allowing (1)	array (1)	9:20;14:16;15:2,10;	29:12;57:24
14:14	24:4	34:25	23:6,12;28:17;39:1;	bond (1)
across (1)	alluded (2)	aside (1)	57:22	49:3
21:16	44:21;55:15	25:25	baseline (5)	both (2)
acting (1)	almost (1)	assess (1)	14:5,20;19:13,18,	3:22;31:4
43:14	36:16	53:25	24	bottom (5)
action (2)	along (1)	Assessment (10)	basically (4)	21:6,14;28:12;
14:16;40:23	21:5	14:25;20:5;57:9,11,	23:9;29:14;46:9;	33:22;36:4
actions (1)	altered (2)	12,13;58:1,13,15,20	52:24	boundary (2)
10:24	15:13,14	assisted (1)	basis (3)	28:10,10
active (1)	amongst (1)	59:19	7:6;14:7;44:10	BP (3)
37:20	33:2	associated (1)	Beach (1)	28:13;41:22;42:3
activity (5)	amount (2)	3:20	21:6	Breedlove (2)
3:19;6:4;11:18,18;	21:24;31:14	Associates (1)	Beeline (1)	3:12;13:8
43:21	analysis (4)	3:12	30:11	bring (5)
actual (2)	15:11,11,15;57:22	assure (1)	beforehand (1)	13:13;37:14;42:7;
17:20;25:2	announce (1)	55:4	19:5	59:25;60:3
actually (9)	36:3	atmosphere (1)	begin (1)	bringing (3)
12:1;14:1;19:11;	anomaly (1)	55:10	15:7	41:18;42:4;59:24
37:5;38:15;42:18;	44:5	attach (1)	beginning (2)	brought (2)
44:24;53:25;58:10	answered (2)	44:16	9:1;47:19	7:15;53:23
add (2)	52:14;53:22	attempting (1)	best (1)	Buffalo (22)
20:3;23:8	anticipate (2)	24:2	56:9	4:3;5:2;7:14,18;
added (1)	45:1,4	attendance (1)	big (2)	9:14;46:15,18,19,20;
11:2	anticipated (1)	61:7	35:4;45:9	47:2;48:20,25;49:16;
address (2)	anxious (1)	attorney (1)	47:14,14	50:7;55:19;56:11,20;
29:9;40:2	51:22	audience (2)	biologist (1)	57:1,19,19;60:9,19
addressed (1)	apologize (1)	4:18;22:19	17:13	bunch (2)
40:8	2:25	Australia (1)	BIP (1)	31:16;37:15
adequately (1)	applied (1)	27:14	55:21	burrow (1)
14:1	50:3	Australian (1)	bird (4)	25:16
adjacent (1)	apply (1)	27:21	16:2;26:4,9,12	butts (1)
17:16	38:5	authorization (1)	bit (2)	17:9
adopted (1)	appreciate (2)	16:23	19:17;27:14	by-the-way (1)
22:25	61:6,10	authorized (2)		31:3
advance (1)				

<p style="text-align: center;">C</p> <p>called (5) 11:10;14:24;33:18; 34:6;44:22</p> <p>came (4) 14:15;17:5,6;32:24</p> <p>Camillo (1) 45:22</p> <p>Can (38) 4:8;6:22;8:19;9:11, 15;10:1;12:2;16:19; 19:3;21:20;22:14; 27:13;28:12;30:2,22, 24;31:23;32:5,6; 33:15,25;34:20; 35:13,13,25;37:14,14; 38:11;39:6;41:11; 44:17;45:25;49:10; 54:18;56:3;58:9; 59:10;61:8</p> <p>carefully (1) 29:21</p> <p>carried (4) 5:3;16:21;17:7; 44:10</p> <p>case (1) 31:18</p> <p>cases (2) 29:25;30:25</p> <p>Castle (2) 5:19;17:10</p> <p>cause (1) 56:4</p> <p>Central (2) 28:14;41:22</p> <p>certain (5) 3:2;14:10;16:15; 21:24;30:18</p> <p>certainly (7) 3:1;6:9;12:18;45:1; 53:2,3;54:4</p> <p>certified (3) 3:21;9:14;48:20</p> <p>certify (2) 16:8;48:24</p> <p>chance (3) 40:17;54:8,10</p> <p>changed (1) 28:18</p> <p>charitable (1) 12:22</p> <p>chart (4) 20:10;22:8;24:18; 44:4</p> <p>charts (1) 24:25</p> <p>checked (1) 27:2</p> <p>chemical (1) 27:25</p> <p>chemicals (1)</p>	<p>39:24</p> <p>circumstance (1) 57:21</p> <p>circumstances (1) 55:18</p> <p>City (2) 9:7;10:8</p> <p>civil (3) 3:22;27:22,23</p> <p>clarify (2) 51:23;60:4</p> <p>clean (5) 8:17;10:1;12:19; 17:21;51:9</p> <p>cleaned (2) 9:13;17:18</p> <p>cleaning (2) 17:15;52:12</p> <p>Cleanup (18) 4:15;8:7,10,13,23; 9:4;10:4;12:13;13:2, 17;14:3,7;18:23; 20:22;21:2;28:1;43:2; 52:25</p> <p>clear (8) 6:16;8:25;9:19; 12:24;29:2;41:13; 42:9;60:16</p> <p>clearance (8) 3:20;7:7;11:17; 18:25;19:3,8;28:25; 41:10</p> <p>cleared (3) 9:13;10:9;12:9</p> <p>clients (1) 47:7</p> <p>clock (1) 34:2</p> <p>close (6) 6:10;31:9;33:11; 37:6,19;42:6</p> <p>closing (1) 56:15</p> <p>colleague (1) 47:21</p> <p>colleagues (2) 45:23;46:3</p> <p>color (1) 21:9</p> <p>colored (4) 21:8,18;22:8,11</p> <p>coming (5) 2:3;3:4;35:25;42:3; 59:2</p> <p>Commencement (1) 21:12</p> <p>comment (1) 40:17</p> <p>comments (1) 3:10</p> <p>commercial (1) 47:6</p> <p>Commission (4)</p>	<p>22:2;25:12,21,24</p> <p>commitment (1) 15:20</p> <p>committed (1) 6:13</p> <p>common (2) 14:16;61:5</p> <p>communicate (1) 60:12</p> <p>communication (1) 38:13</p> <p>community (3) 23:4;48:17;59:20</p> <p>company (7) 36:11,14;42:16; 47:12;48:4,15;50:10</p> <p>compelled (1) 19:6</p> <p>compilation (1) 45:5</p> <p>compilations (1) 45:8</p> <p>complaint (1) 36:22</p> <p>complete (2) 20:11;24:4</p> <p>completed (4) 14:6;19:25;20:9; 45:15</p> <p>completely (1) 6:16</p> <p>completion (5) 24:20;40:12,20; 44:15;45:6</p> <p>complications (1) 55:16</p> <p>comply (4) 11:1,21;18:21;19:9</p> <p>component (2) 13:5;19:10</p> <p>components (1) 44:13</p> <p>comprehensive (3) 40:4;41:2;42:25</p> <p>concern (2) 17:18;54:4</p> <p>concerns (2) 46:4;53:23</p> <p>conditions (1) 58:3</p> <p>conducted (1) 19:22</p> <p>conjunction (1) 19:23</p> <p>considerable (1) 56:5</p> <p>consistent (1) 6:19</p> <p>consolidating (1) 31:20</p> <p>constantly (1) 26:16</p> <p>consultant (1)</p>	<p>3:13</p> <p>consulting (1) 13:9</p> <p>contained (4) 54:12,25;55:14,24</p> <p>containment (2) 55:13,20</p> <p>contaminant (1) 55:4</p> <p>contaminants (1) 54:14</p> <p>contaminated (2) 12:16;55:6</p> <p>contamination (6) 12:17;53:4;59:14, 17;60:2,10</p> <p>contents (1) 42:13</p> <p>continue (3) 7:11;19:2;61:8</p> <p>continuously (1) 7:3</p> <p>contractor (3) 3:16;43:24;45:13</p> <p>contracts (1) 43:8</p> <p>control (1) 28:25</p> <p>controlling (1) 57:3</p> <p>controls (2) 37:14;38:5</p> <p>convenient (1) 31:22</p> <p>coordinate (1) 60:11</p> <p>copper (2) 40:6,7</p> <p>corner (1) 30:8</p> <p>corners (1) 42:2</p> <p>Corps (17) 6:4,6,12,18;16:19; 40:6,6;49:8,11,12,13, 20,23,25;51:1,17; 56:21</p> <p>cost (4) 19:3;53:14,14,17</p> <p>costs (1) 52:23</p> <p>country (1) 43:5</p> <p>couple (1) 51:21</p> <p>course (2) 7:24;42:7</p> <p>COURT (1) 28:3</p> <p>cover (3) 17:25;18:3;24:13</p> <p>covered (1) 27:6</p>	<p>cracks (2) 31:8;32:17</p> <p>Cranes (1) 26:14</p> <p>create (1) 19:5</p> <p>criteria (4) 23:1,2;51:15;54:19</p> <p>criterion (6) 23:2,3;54:17;55:22; 56:10;57:3</p> <p>critical (1) 44:22</p> <p>Crossley (5) 27:18;37:25;38:8, 15,20</p> <p>culminated (1) 44:14</p> <p>curiosity (1) 34:18</p> <p>curious (2) 35:6;48:6</p> <hr/> <p style="text-align: center;">D</p> <p>damage (1) 49:3</p> <p>damaging (1) 32:14</p> <p>danger (2) 22:17;30:23</p> <p>dangerous (5) 22:23,23;29:1; 37:23;55:17</p> <p>data (1) 45:9</p> <p>date (3) 13:16;15:22;41:2</p> <p>dates (1) 21:12</p> <p>Dave (1) 27:18</p> <p>David (1) 46:22</p> <p>day (4) 34:12;36:17;59:18; 61:1</p> <p>days (1) 21:23</p> <p>deal (1) 47:8</p> <p>dealing (1) 41:3</p> <p>dealt (1) 12:17</p> <p>decide (2) 44:18;59:12</p> <p>decides (1) 19:2</p> <p>deep (5) 29:16;34:18,20; 35:4,12</p> <p>define (1)</p>
--	---	--	--	--

<p>8:21 definitely (1) 33:23 degraded (1) 23:17 degree (1) 15:14 delays (1) 31:23 delineated (1) 14:12 delineations (1) 20:2 demanding (1) 10:9 demolition (2) 3:22;39:8 demonstrate (1) 18:16 demonstration (1) 45:15 Dennis (34) 3:11;12;8:2,3,16,21, 25;9:19,25;10:4,11, 17;12:23;13:7,8;16:6, 9,12,21;17:5,8,12,23; 18:3;19:16;22:24; 23:21;24:2,12;25:10; 26:13,17,24;27:4 DEP (10) 9:15;13:25;14:12, 15;15:4;19:19,24; 24:24;45:23;59:22 Department (8) 4:16;6:20;11:8; 42:9,20;48:19;59:13; 61:1 depends (1) 34:24 depth (1) 34:22 described (4) 12:4;43:25;57:15, 17 describing (2) 4:13;6:6 designated (1) 57:5 desktop (1) 46:10 destroying (1) 32:13 detail (3) 17:25;18:4;24:13 detailed (2) 30:1;34:23 detection (2) 28:24;29:13 detectors (1) 29:15 detects (1) 35:1 determination (7)</p>	<p>11:11,13,16,16,23; 12:10;40:23 determined (3) 14:24;15:10;16:17 determines (2) 11:9;45:11 determining (1) 14:23 detonate (4) 30:6,15;35:18;37:6 detonated (2) 35:19;54:12 detonating (7) 17:22;24:9,11;31:5, 9;33:1,10 detonation (8) 29:24;30:9;35:17; 54:18,25;55:2,3; 56:22 detonations (6) 29:3;31:4;33:19,21; 39:1;54:15 develop (5) 9:22;11:20;13:20, 24;52:1 developer (5) 46:14;47:15;52:2,8, 11 developers (1) 51:4 developing (4) 14:3,4;52:12,16 development (5) 4:14;9:8,16;13:17; 51:11 developments (1) 11:22 devices (1) 28:24 different (5) 6:5;29:13;36:6; 49:19;55:1 DIR (1) 16:5 discharge (1) 5:25 discovery (1) 6:7 discuss (2) 13:4,5 discussed (1) 18:22 discussion (1) 12:24 discussions (1) 59:8 display (1) 44:4 displays (1) 4:2 disposition (1) 44:24 distance (1)</p>	<p>30:18 disturbances (1) 35:2 disturbed (1) 44:6 division (1) 60:12 document (7) 40:16;42:16;44:17, 21;45:7,7;58:12 documentation (1) 43:18 documented (1) 51:15 done (56) 8:8,10,9;22;13:14, 16;14:6,10,11,18,19, 20;15:1,5,6,22,22; 16:7,8,24;18:11;19:5, 20,21,23,25;20:4,6,8, 18;21:2,13,15;24:17; 26:4;28:9;31:7;39:2; 40:10;44:12;45:2,3; 49:9,13;51:10;56:20, 25;57:1,2,10,14;58:2, 3,4,5,24;59:4 down (11) 27:14;29:7;30:7; 31:13;33:21;35:7,25; 39:16;45:24;46:11; 49:25 Dr (31) 3:11;8:2,3,16,21, 25;9:19,25;10:4,11, 17;12:23;16:6,9,12, 21;17:5,8,12,23;18:3; 19:16;22:24;23:21; 24:2,12;25:10;26:13, 17,24;27:4 drain (1) 26:22 drained (1) 27:1 drip (1) 55:10 dropped (1) 57:24 due (1) 11:13 during (1) 37:20</p>	<p>easy (1) 37:2 effect (1) 27:3 effects (1) 33:16 eight (1) 23:15 eights (1) 23:23 either (1) 57:4 elected (1) 10:5 elements (2) 12:25;54:16 else (8) 9:15;11:3;14:11; 31:19;39:20;48:11; 53:12;54:9 e-mail (1) 36:3 emergency (2) 42:8,9 emphasize (3) 6:17,23;56:15 employ (1) 43:16 encounter (1) 26:18 end (5) 4:6;40:10,11,19,20 ended (1) 61:11 energy (1) 34:21 enforce (1) 54:5 engage (1) 14:2 engineer (3) 3:22;27:21,22 engineering (3) 35:5;37:13;38:5 Engineers (10) 6:5,18;27:23;40:7; 49:8,12,14;51:17; 56:21;59:18 Engineers' (1) 49:11 enough (3) 35:4;45:23;46:3 ensure (1) 19:4 entire (1) 32:21 entirely (1) 49:19 entitled (1) 53:14 entity (1) 47:6 entrance (2)</p>	<p>5:8,10 entranceway (1) 42:5 environment (1) 54:13 environmental (14) 3:13;4:17;6:20; 11:8;13:4,9;17:25; 18:3;24:15;41:3; 42:20;48:19;57:16; 58:2 equipment (7) 7:15;16:5;28:25; 29:14;41:19,19;42:4 escape (2) 42:6;55:5 escaped (1) 55:4 especially (2) 31:6;33:21 essence (1) 23:7 essentially (3) 23:11;28:4;46:11 establish (3) 7:2;55:20;56:11 established (3) 49:18;51:15;55:22 establishing (1) 59:1 estimate (1) 57:21 etc (1) 38:5 evacuate (3) 38:7,9,12 evaluate (2) 23:3;44:18 evaluated (2) 15:2;45:10 evaluation (5) 19:14,19;23:9; 57:16,19 even (7) 23:16;31:24;37:23; 38:11;41:25;50:10,23 evening (4) 2:4;3:5,25;13:13 event (4) 38:3;43:22;56:22; 57:1 everybody (5) 37:2,3;38:22;41:11; 44:17 everyone (3) 39:12;45:25;53:11 everyone's (1) 61:7 exactly (2) 22:11;37:17 example (1) 56:24 excavate (1)</p>
E				
		<p>eagles (3) 26:15,18,19 earlier (7) 18:22;19:18;21:20; 26:23;44:21,23;52:19 early (3) 2:7;5:21;46:24 earth's (1) 35:2</p>		

<p>29:21 excavation (1) 44:6 exclusion (1) 37:21 exclusions (1) 32:6 exist (1) 57:3 existing (1) 27:5 expect (2) 6:22;45:5 expenditure (1) 19:7 expense (1) 19:1 expensive (1) 12:18 experience (7) 47:12,20,21;48:15; 60:5,8,22 experienced (1) 61:3 expert (3) 3:23;49:22;60:19 expertise (7) 53:24;54:5;56:12; 59:14;60:8,16,18 experts (5) 59:16,17,24;60:10; 61:2 explain (4) 10:18;24:23,25; 27:9 explodable (1) 29:23 explode (1) 39:4 explosives (9) 3:17;31:14,16,20; 32:8;36:8;39:5,7; 43:21 expressed (1) 23:10 expressly (1) 19:1 Expressway (2) 28:15;41:23 extent (2) 55:5,24</p>	<p>16:18 far (2) 30:9;36:15 FARBES (47) 2:3,18,25;3:4;4:10, 11,22,24;5:1,7,10,14; 10:15,19,22;11:6,15; 12:15;18:14;22:18; 35:21;43:15;45:25; 48:10,18;49:12;50:2, 15;51:8;52:10;53:2, 10;54:3,9,16,21,25; 55:12;56:3,7;57:8,13; 58:11,18;59:6,11; 61:6 farmer (1) 33:25 fashion (1) 49:15 FCR (1) 44:22 FDEP (13) 6:15;7:20;11:16,23; 43:20;44:17;45:14; 46:3,7;58:5,22;59:9, 10 February (1) 20:6 federal (5) 16:15,17;52:22; 53:3;57:25 fee (2) 25:20,22 feedback (1) 28:18 feel (1) 59:22 feet (6) 14:14;32:10;34:24; 37:10,24;38:6 FEMALE (7) 23:24;41:12;59:13, 25;60:7,18,25 fence (1) 37:5 fences (1) 28:23 ferrous (1) 35:3 few (3) 14:14;18:1;35:24 field (4) 3:15;19:22;35:2; 61:2 figure (2) 18:7;32:18 final (6) 10:23;24:21;40:19; 44:20;45:7,7 financial (1) 47:11 financing (2) 18:24;53:13</p>	<p>find (11) 16:19;27:15;29:11; 33:22,24;37:5;38:10, 11;39:25;46:14;47:17 finish (1) 39:17 Fire (2) 38:18;42:9 firearm (1) 5:25 firing (1) 57:24 First (21) 4:1;6:23;8:7;14:4; 18:10,12;20:10;21:5, 11;28:9,19;29:15; 33:19;34:21;37:25; 41:6;43:1,4,9;50:25; 59:3 FITZGERALD (2) 53:19;54:6 five (3) 32:7;34:24;47:14 Florida (21) 3:15;4:16;6:20;8:8; 11:7,21;14:22;23:1; 28:14;37:9;40:4,21; 41:23;42:19;43:2; 45:2,4;48:19;50:4; 51:16;54:4 flow (4) 20:10;24:18,24; 44:3 flying (1) 26:18 focus (1) 5:2 folks (2) 9:11;59:5 follow (4) 25:11;26:19;39:10; 56:13 following (2) 25:14;43:7 foot (1) 30:19 force (1) 56:5 forget (1) 46:16 formed (1) 14:7 former (2) 5:19;27:21 forms (1) 20:15 formulated (1) 15:15 forward (4) 8:19;9:8;11:5; 13:16 found (3) 15:13;26:13,14</p>	<p>foundation (4) 31:7;32:14,17,21 four (2) 21:17;50:12 fourth (1) 8:9 framework (2) 8:6;13:1 FRANK (4) 45:19,20;46:2; 50:11 fraudulent (1) 43:11 Frederick (1) 4:22 Friday (2) 22:3;34:10 front (1) 18:9 full (1) 6:13 function (1) 43:17 functional (3) 14:23;23:9,13 funding (1) 52:19 funny (2) 48:9,10 further (2) 11:17;40:22 future (5) 7:22;9:8,16;12:9; 20:14</p>	<p>21,25;22:6;25:7,10, 12,15,18,19,25;26:8 Government (3) 7:10;52:22;53:3 GPS (3) 13:22;14:13;20:1 great (2) 23:13;35:8 Greg (12) 3:17;13:3;20:23; 24:6;25:3,16;27:9,12; 38:4;46:16;55:15; 57:17 grid (1) 29:7 grids (1) 29:9 ground (11) 23:5;26:6;29:12; 31:5;32:1,3;34:19,22; 36:5;41:16;56:6 groundwater (3) 35:11;39:21;55:7 group (1) 22:25 guess (3) 39:20;47:12;56:14 guessing (1) 22:17 guidelines (5) 39:10,12;40:1,1; 59:1 guys (11) 17:20;31:8;32:12; 35:18;46:10;47:18, 22;48:15;49:7;57:10, 11</p>
G				
<p>Game (3) 25:11,21,24 Gaming (1) 22:2 Gas (1) 28:13 gave (2) 50:20,22 Gaza (1) 32:25 gentleman (1) 59:3 geophysical (2) 29:13;44:5 given (3) 5:15;15:3,17 goal (1) 24:5 goes (1) 24:6 Good (10) 5:13;12:23;17:23; 21:23;27:8;36:20,20; 42:24;51:2,19 gopher (15) 16:1;21:18,19,20,</p>				
H				
<p>habitats (1) 13:24 hand-held (1) 33:2 happen (7) 3:2;9:15;20:24; 29:5;32:19;36:4;38:4 happened (2) 31:13;32:8 happening (2) 34:13;38:10 happens (5) 31:16;34:15;37:11; 39:3,11 happy (1) 4:6 hard (1) 27:15 harm (1) 25:17 harm's (1) 22:1 hear (13)</p>				
F				
<p>fact (9) 44:2;46:6;47:20; 49:14;51:23;52:9; 53:1,2,3 facts (2) 51:22;53:18 fairly (1) 7:17 falls (1)</p>	<p>far (2) 30:9;36:15 FARBES (47) 2:3,18,25;3:4;4:10, 11,22,24;5:1,7,10,14; 10:15,19,22;11:6,15; 12:15;18:14;22:18; 35:21;43:15;45:25; 48:10,18;49:12;50:2, 15;51:8;52:10;53:2, 10;54:3,9,16,21,25; 55:12;56:3,7;57:8,13; 58:11,18;59:6,11; 61:6 farmer (1) 33:25 fashion (1) 49:15 FCR (1) 44:22 FDEP (13) 6:15;7:20;11:16,23; 43:20;44:17;45:14; 46:3,7;58:5,22;59:9, 10 February (1) 20:6 federal (5) 16:15,17;52:22; 53:3;57:25 fee (2) 25:20,22 feedback (1) 28:18 feel (1) 59:22 feet (6) 14:14;32:10;34:24; 37:10,24;38:6 FEMALE (7) 23:24;41:12;59:13, 25;60:7,18,25 fence (1) 37:5 fences (1) 28:23 ferrous (1) 35:3 few (3) 14:14;18:1;35:24 field (4) 3:15;19:22;35:2; 61:2 figure (2) 18:7;32:18 final (6) 10:23;24:21;40:19; 44:20;45:7,7 financial (1) 47:11 financing (2) 18:24;53:13</p>	<p>find (11) 16:19;27:15;29:11; 33:22,24;37:5;38:10, 11;39:25;46:14;47:17 finish (1) 39:17 Fire (2) 38:18;42:9 firearm (1) 5:25 firing (1) 57:24 First (21) 4:1;6:23;8:7;14:4; 18:10,12;20:10;21:5, 11;28:9,19;29:15; 33:19;34:21;37:25; 41:6;43:1,4,9;50:25; 59:3 FITZGERALD (2) 53:19;54:6 five (3) 32:7;34:24;47:14 Florida (21) 3:15;4:16;6:20;8:8; 11:7,21;14:22;23:1; 28:14;37:9;40:4,21; 41:23;42:19;43:2; 45:2,4;48:19;50:4; 51:16;54:4 flow (4) 20:10;24:18,24; 44:3 flying (1) 26:18 focus (1) 5:2 folks (2) 9:11;59:5 follow (4) 25:11;26:19;39:10; 56:13 following (2) 25:14;43:7 foot (1) 30:19 force (1) 56:5 forget (1) 46:16 formed (1) 14:7 former (2) 5:19;27:21 forms (1) 20:15 formulated (1) 15:15 forward (4) 8:19;9:8;11:5; 13:16 found (3) 15:13;26:13,14</p>	<p>foundation (4) 31:7;32:14,17,21 four (2) 21:17;50:12 fourth (1) 8:9 framework (2) 8:6;13:1 FRANK (4) 45:19,20;46:2; 50:11 fraudulent (1) 43:11 Frederick (1) 4:22 Friday (2) 22:3;34:10 front (1) 18:9 full (1) 6:13 function (1) 43:17 functional (3) 14:23;23:9,13 funding (1) 52:19 funny (2) 48:9,10 further (2) 11:17;40:22 future (5) 7:22;9:8,16;12:9; 20:14</p>	<p>21,25;22:6;25:7,10, 12,15,18,19,25;26:8 Government (3) 7:10;52:22;53:3 GPS (3) 13:22;14:13;20:1 great (2) 23:13;35:8 Greg (12) 3:17;13:3;20:23; 24:6;25:3,16;27:9,12; 38:4;46:16;55:15; 57:17 grid (1) 29:7 grids (1) 29:9 ground (11) 23:5;26:6;29:12; 31:5;32:1,3;34:19,22; 36:5;41:16;56:6 groundwater (3) 35:11;39:21;55:7 group (1) 22:25 guess (3) 39:20;47:12;56:14 guessing (1) 22:17 guidelines (5) 39:10,12;40:1,1; 59:1 guys (11) 17:20;31:8;32:12; 35:18;46:10;47:18, 22;48:15;49:7;57:10, 11</p>

<p>2:9;7:17;8:16;28:3; 33:14;34:3;41:7,8; 45:25;51:22;54:3; 56:24;61:9</p> <p>heard (6) 26:23;35:17;36:15; 53:11,18;60:15</p> <p>hearing (1) 52:21</p> <p>heart (1) 53:9</p> <p>heavy (1) 42:4</p> <p>helicopter (1) 26:6</p> <p>Hello (1) 2:3</p> <p>help (1) 9:2</p> <p>high (2) 23:23,25</p> <p>historic (2) 3:20;57:23</p> <p>historical (1) 43:7</p> <p>hit (1) 29:2</p> <p>hold (5) 4:5;17:24;24:14; 36:13;60:23</p> <p>holds (1) 49:20</p> <p>home (1) 38:9</p> <p>homeowners (1) 53:7</p> <p>hope (1) 20:13</p> <p>house (3) 31:8,9;37:12</p> <p>houses (3) 30:9,21;33:2</p> <p>Hubert (4) 4:11;13:12;18:12; 28:5</p> <p>huge (2) 47:13;56:24</p>	<p>impacts (7) 7:21,21;15:9,19; 20:6;41:11;57:16</p> <p>important (1) 24:22</p> <p>improve (1) 17:15</p> <p>inaudible (20) 27:23,25;29:16,20; 32:23,24;33:2;34:5; 35:23,24,25;40:5,12, 25;41:25;42:1,13; 43:10;59:23,24</p> <p>inches (3) 32:2;35:8,11</p> <p>inclement (1) 34:9</p> <p>include (1) 45:8</p> <p>including (1) 3:11</p> <p>industries (1) 39:8</p> <p>inform (1) 20:17</p> <p>information (10) 3:7;13:21,25;14:5, 20;16:20;19:17; 36:21;47:17;50:18</p> <p>informed (2) 7:3;14:1</p> <p>in-person (1) 50:22</p> <p>in-place (1) 55:20</p> <p>inside (5) 5:18;6:8,9;58:19,21</p> <p>inspections (2) 19:23;42:15</p> <p>integrity (1) 2:15</p> <p>intend (4) 7:6;21:8,9;52:1</p> <p>intended (1) 19:11</p> <p>intends (1) 18:21</p> <p>intent (1) 13:13</p> <p>interested (4) 33:8;43:13;48:13, 14</p> <p>interesting (2) 17:1;24:15</p> <p>interfere (1) 28:23</p> <p>internal (1) 28:23</p> <p>intersection (1) 30:10</p> <p>into (8) 7:15;15:15;27:3; 28:14;34:21;35:11;</p>	<p>50:16;55:9</p> <p>introduce (1) 4:8</p> <p>introduced (2) 46:16,17</p> <p>involve (4) 6:18,19;38:18,19</p> <p>involved (3) 4:14;23:7;51:18</p> <p>involes (2) 5:16;8:5</p> <p>involving (1) 60:17</p> <p>Israel (1) 32:25</p> <p>Israeli (2) 33:1,3</p> <p>issue (2) 11:10;53:23</p> <p>issued (2) 18:18,19</p> <p>issues (5) 5:17;17:22;33:4; 51:17;55:16</p> <p>item (3) 30:2;34:24,25</p> <p>items (10) 18:12;21:10,15; 30:21,22;32:5,7; 33:22,24;38:4</p>	<p>kindness (1) 53:8</p> <p>known (2) 50:11,12</p>	<p>37:7</p> <p>limited (1) 34:22</p> <p>Line (1) 21:6</p> <p>lines (2) 5:18;14:17</p> <p>Lisa (3) 4:22,23;48:22</p> <p>listed (2) 13:19,23</p> <p>listening (1) 25:6</p> <p>little (5) 19:17;27:14;30:17; 31:2;51:22</p> <p>live (5) 37:4;51:6,7;59:20, 20</p> <p>lives (1) 48:16</p> <p>living (1) 52:5</p> <p>loaded (1) 32:16</p> <p>locally (1) 42:21</p> <p>located (1) 26:22</p> <p>location (3) 6:11;7:14;55:23</p> <p>locations (3) 29:18,19,22</p> <p>long (4) 14:4;38:24;41:1,12</p> <p>long-time (1) 13:11</p> <p>look (4) 11:24;12:1;44:17; 50:5</p> <p>looked (2) 14:15;26:5</p> <p>looking (8) 20:20;30:19;32:3; 36:9;39:23,24;40:7; 41:14</p> <p>looks (1) 34:23</p> <p>loose (1) 31:6</p> <p>lot (4) 2:14;17:14;39:22; 56:12</p> <p>lots (2) 28:17;61:1</p>	
I		J		L	
<p>idea (1) 39:14</p> <p>identified (2) 15:2,9</p> <p>identify (4) 13:21,22,22;25:17</p> <p>immediately (1) 36:14</p> <p>impact (4) 15:16;17:11;24:3; 55:25</p> <p>impacted (1) 24:4</p>	<p>informed (2) 7:3;14:1</p> <p>in-person (1) 50:22</p> <p>in-place (1) 55:20</p> <p>inside (5) 5:18;6:8,9;58:19,21</p> <p>inspections (2) 19:23;42:15</p> <p>integrity (1) 2:15</p> <p>intend (4) 7:6;21:8,9;52:1</p> <p>intended (1) 19:11</p> <p>intends (1) 18:21</p> <p>intent (1) 13:13</p> <p>interested (4) 33:8;43:13;48:13, 14</p> <p>interesting (2) 17:1;24:15</p> <p>interfere (1) 28:23</p> <p>internal (1) 28:23</p> <p>intersection (1) 30:10</p> <p>into (8) 7:15;15:15;27:3; 28:14;34:21;35:11;</p>	<p>January (4) 19:21,24;20:1,4</p> <p>Jeep (2) 5:20,20</p> <p>job (3) 47:1;48:23;49:11</p> <p>June (2) 18:19;36:16</p> <p>jurisdiction (2) 16:16,18</p>	<p>laid (1) 44:9</p> <p>land (8) 8:10;9:21,25;10:5, 25;12:13,22;25:25</p> <p>landowner (1) 14:2</p> <p>Landscape (1) 23:4</p> <p>language (1) 11:7</p> <p>large (3) 7:18;31:14;35:3</p> <p>last (20) 2:19,23;22:2;24:18, 18;26:2;28:15;31:3, 12;32:15;34:17; 35:24;36:16;40:9,20; 46:13;50:23;51:24; 56:15;57:6</p> <p>Lastly (1) 29:6</p> <p>late (2) 5:21;34:12</p> <p>lawyer (2) 52:20;59:7</p> <p>lay (1) 29:7</p> <p>layers (1) 34:8</p> <p>layout (1) 28:8</p> <p>learn (1) 59:5</p> <p>least (1) 50:12</p> <p>leave (3) 10:1;40:11;53:20</p> <p>leaves (1) 29:21</p> <p>led (2) 53:6,6</p> <p>left (3) 28:11,12;39:24</p> <p>legal (2) 8:6;13:1</p> <p>legislated (1) 22:25</p> <p>less (3) 22:23;37:18;60:21</p> <p>level (4) 22:17;23:13;39:15; 45:5</p> <p>likely (3) 7:16;37:18;57:20</p> <p>limit (1)</p>	<p>kindness (1) 53:8</p> <p>known (2) 50:11,12</p>	<p>laid (1) 44:9</p> <p>land (8) 8:10;9:21,25;10:5, 25;12:13,22;25:25</p> <p>landowner (1) 14:2</p> <p>Landscape (1) 23:4</p> <p>language (1) 11:7</p> <p>large (3) 7:18;31:14;35:3</p> <p>last (20) 2:19,23;22:2;24:18, 18;26:2;28:15;31:3, 12;32:15;34:17; 35:24;36:16;40:9,20; 46:13;50:23;51:24; 56:15;57:6</p> <p>Lastly (1) 29:6</p> <p>late (2) 5:21;34:12</p> <p>lawyer (2) 52:20;59:7</p> <p>lay (1) 29:7</p> <p>layers (1) 34:8</p> <p>layout (1) 28:8</p> <p>learn (1) 59:5</p> <p>least (1) 50:12</p> <p>leave (3) 10:1;40:11;53:20</p> <p>leaves (1) 29:21</p> <p>led (2) 53:6,6</p> <p>left (3) 28:11,12;39:24</p> <p>legal (2) 8:6;13:1</p> <p>legislated (1) 22:25</p> <p>less (3) 22:23;37:18;60:21</p> <p>level (4) 22:17;23:13;39:15; 45:5</p> <p>likely (3) 7:16;37:18;57:20</p> <p>limit (1)</p>
I		J		K	
<p>idea (1) 39:14</p> <p>identified (2) 15:2,9</p> <p>identify (4) 13:21,22,22;25:17</p> <p>immediately (1) 36:14</p> <p>impact (4) 15:16;17:11;24:3; 55:25</p> <p>impacted (1) 24:4</p>	<p>keep (4) 8:13;23:25;39:14, 15</p> <p>Kent (1) 53:23</p> <p>Kent's (1) 53:22</p> <p>key (1) 49:6</p> <p>kill (1) 29:4</p> <p>killed (1) 39:6</p> <p>killing (1) 30:24</p> <p>kind (2) 45:23;46:3</p>	<p>kindness (1) 53:8</p> <p>known (2) 50:11,12</p>	<p>laid (1) 44:9</p> <p>land (8) 8:10;9:21,25;10:5, 25;12:13,22;25:25</p> <p>landowner (1) 14:2</p> <p>Landscape (1) 23:4</p> <p>language (1) 11:7</p> <p>large (3) 7:18;31:14;35:3</p> <p>last (20) 2:19,23;22:2;24:18, 18;26:2;28:15;31:3, 12;32:15;34:17; 35:24;36:16;40:9,20; 46:13;50:23;51:24; 56:15;57:6</p> <p>Lastly (1) 29:6</p> <p>late (2) 5:21;34:12</p> <p>lawyer (2) 52:20;59:7</p> <p>lay (1) 29:7</p> <p>layers (1) 34:8</p> <p>layout (1) 28:8</p> <p>learn (1) 59:5</p> <p>least (1) 50:12</p> <p>leave (3) 10:1;40:11;53:20</p> <p>leaves (1) 29:21</p> <p>led (2) 53:6,6</p> <p>left (3) 28:11,12;39:24</p> <p>legal (2) 8:6;13:1</p> <p>legislated (1) 22:25</p> <p>less (3) 22:23;37:18;60:21</p> <p>level (4) 22:17;23:13;39:15; 45:5</p> <p>likely (3) 7:16;37:18;57:20</p> <p>limit (1)</p>	<p>kindness (1) 53:8</p> <p>known (2) 50:11,12</p>	<p>laid (1) 44:9</p> <p>land (8) 8:10;9:21,25;10:5, 25;12:13,22;25:25</p> <p>landowner (1) 14:2</p> <p>Landscape (1) 23:4</p> <p>language (1) 11:7</p> <p>large (3) 7:18;31:14;35:3</p> <p>last (20) 2:19,23;22:2;24:18, 18;26:2;28:15;31:3, 12;32:15;34:17; 35:24;36:16;40:9,20; 46:13;50:23;51:24; 56:15;57:6</p> <p>Lastly (1) 29:6</p> <p>late (2) 5:21;34:12</p> <p>lawyer (2) 52:20;59:7</p> <p>lay (1) 29:7</p> <p>layers (1) 34:8</p> <p>layout (1) 28:8</p> <p>learn (1) 59:5</p> <p>least (1) 50:12</p> <p>leave (3) 10:1;40:11;53:20</p> <p>leaves (1) 29:21</p> <p>led (2) 53:6,6</p> <p>left (3) 28:11,12;39:24</p> <p>legal (2) 8:6;13:1</p> <p>legislated (1) 22:25</p> <p>less (3) 22:23;37:18;60:21</p> <p>level (4) 22:17;23:13;39:15; 45:5</p> <p>likely (3) 7:16;37:18;57:20</p> <p>limit (1)</p>
I		J		K	
<p>idea (1) 39:14</p> <p>identified (2) 15:2,9</p> <p>identify (4) 13:21,22,22;25:17</p> <p>immediately (1) 36:14</p> <p>impact (4) 15:16;17:11;24:3; 55:25</p> <p>impacted (1) 24:4</p>	<p>keep (4) 8:13;23:25;39:14, 15</p> <p>Kent (1) 53:23</p> <p>Kent's (1) 53:22</p> <p>key (1) 49:6</p> <p>kill (1) 29:4</p> <p>killed (1) 39:6</p> <p>killing (1) 30:24</p> <p>kind (2) 45:23;46:3</p>	<p>kindness (1) 53:8</p> <p>known (2) 50:11,12</p>	<p>laid (1) 44:9</p> <p>land (8) 8:10;9:21,25;10:5, 25;12:13,22;25:25</p> <p>landowner (1) 14:2</p> <p>Landscape (1) 23:4</p> <p>language (1) 11:7</p> <p>large (3) 7:18;31:14;35:3</p> <p>last (20) 2:19,23;22:2;24:18, 18;26:2;28:15;31:3, 12;32:15;34:17; 35:24;36:16;40:9,20; 46:13;50:23;51:24; 56:15;57:6</p> <p>Lastly (1) 29:6</p> <p>late (2) 5:21;34:12</p> <p>lawyer (2) 52:20;59:7</p> <p>lay (1) 29:7</p> <p>layers (1) 34:8</p> <p>layout (1) 28:8</p> <p>learn (1) 59:5</p> <p>least (1) 50:12</p> <p>leave (3) 10:1;40:11;53:20</p> <p>leaves (1) 29:21</p> <p>led (2) 53:6,6</p> <p>left (3) 28:11,12;39:24</p> <p>legal (2) 8:6;13:1</p> <p>legislated (1) 22:25</p> <p>less (3) 22:23;37:18;60:21</p> <p>level (4) 22:17;23:13;39:15; 45:5</p> <p>likely (3) 7:16;37:18;57:20</p> <p>limit (1)</p>	<p>kindness (1) 53:8</p> <p>known (2) 50:11,12</p>	<p>laid (1) 44:9</p> <p>land (8) 8:10;9:21,25;10:5, 25;12:13,22;25:25</p> <p>landowner (1) 14:2</p> <p>Landscape (1) 23:4</p> <p>language (1) 11:7</p> <p>large (3) 7:18;31:14;35:3</p> <p>last (20) 2:19,23;22:2;24:18, 18;26:2;28:15;31:3, 12;32:15;34:17; 35:24;36:16;40:9,20; 46:13;50:23;51:24; 56:15;57:6</p> <p>Lastly (1) 29:6</p> <p>late (2) 5:21;34:12</p> <p>lawyer (2) 52:20;59:7</p> <p>lay (1) 29:7</p> <p>layers (1) 34:8</p> <p>layout (1) 28:8</p> <p>learn (1) 59:5</p> <p>least (1) 50:12</p> <p>leave (3) 10:1;40:11;53:20</p> <p>leaves (1) 29:21</p> <p>led (2) 53:6,6</p> <p>left (3) 28:11,12;39:24</p> <p>legal (2) 8:6;13:1</p> <p>legislated (1) 22:25</p> <p>less (3) 22:23;37:18;60:21</p> <p>level (4) 22:17;23:13;39:15; 45:5</p> <p>likely (3) 7:16;37:18;57:20</p> <p>limit (1)</p>
I		J		M	
<p>idea (1) 39:14</p> <p>identified (2) 15:2,9</p> <p>identify (4) 13:21,22,22;25:17</p> <p>immediately (1) 36:14</p> <p>impact (4) 15:16;17:11;24:3; 55:25</p> <p>impacted (1) 24:4</p>	<p>keep (4) 8:13;23:25;39:14, 15</p> <p>Kent (1) 53:23</p> <p>Kent's (1) 53:22</p> <p>key (1) 49:6</p> <p>kill (1) 29:4</p> <p>killed (1) 39:6</p> <p>killing (1) 30:24</p> <p>kind (2) 45:23;46:3</p>	<p>kindness (1) 53:8</p> <p>known (2) 50:11,12</p>	<p>laid (1) 44:9</p> <p>land (8) 8:10;9:21,25;10:5, 25;12:13,22;25:25</p> <p>landowner (1) 14:2</p> <p>Landscape (1) 23:4</p> <p>language (1) 11:7</p> <p>large (3) 7:18;31:14;35:3</p> <p>last (20) 2:19,23;22:2;24:18, 18;26:2;28:15;31:3, 12;32:15;34:17; 35:24;36:16;40:9,20; 46:13;50:23;51:24; 56:15;57:6</p> <p>Lastly (1) 29:6</p> <p>late (2) 5:21;34:12</p> <p>lawyer (2) 52:20;59:7</p> <p>lay (1) 29:7</p> <p>layers (1) 34:8</p> <p>layout (1) 28:8</p> <p>learn (1) 59:5</p> <p>least (1) 50:12</p> <p>leave (3) 10:1;40:11;53:20</p> <p>leaves (1) 29:21</p> <p>led (2) 53:6,6</p> <p>left (3) 28:11,12;39:24</p> <p>legal (2) 8:6;13:1</p> <p>legislated (1) 22:25</p> <p>less (3) 22:23;37:18;60:21</p> <p>level (4) 22:17;23:13;39:15; 45:5</p> <p>likely (3) 7:16;37:18;57:20</p> <p>limit (1)</p>	<p>kindness (1) 53:8</p> <p>known (2) 50:11,12</p>	<p>laid (1) 44:9</p> <p>land (8) 8:10;9:21,25;10:5, 25;12:13,22;25:25</p> <p>landowner (1) 14:2</p> <p>Landscape (1) 23:4</p> <p>language (1) 11:7</p> <p>large (3) 7:18;31:14;35:3</p> <p>last (20) 2:19,23;22:2;24:18, 18;26:2;28:15;31:3, 12;32:15;34:17; 35:24;36:16;40:9,20; 46:13;50:23;51:24; 56:15;57:6</p> <p>Lastly (1) 29:6</p> <p>late (2) 5:21;34:12</p> <p>lawyer (2) 52:20;59:7</p> <p>lay (1) 29:7</p> <p>layers (1) 34:8</p> <p>layout (1) 28:8</p> <p>learn (1) 59:5</p> <p>least (1) 50:12</p> <p>leave (3) 10:1;40:11;53:20</p> <p>leaves (1) 29:21</p> <p>led (2) 53:6,6</p> <p>left (3) 28:11,12;39:24</p> <p>legal (2) 8:6;13:1</p> <p>legislated (1) 22:25</p> <p>less (3) 22:23;37:18;60:21</p> <p>level (4) 22:17;23:13;39:15; 45:5</p> <p>likely (3) 7:16;37:18;57:20</p> <p>limit (1)</p>
I		J		M	
<p>idea (1) 39:14</p> <p>identified (2) 15:2,9</p> <p>identify (4) 13:21,22,22;25:17</p> <p>immediately (1) 36:14</p> <p>impact (4) 15:16;17:11;24:3; 55:25</p> <p>impacted (1) 24:4</p>	<p>keep (4) 8:13;23:25;39:14, 15</p> <p>Kent (1) 53:23</p> <p>Kent's (1) 53:22</p> <p>key (1) 49:6</p> <p>kill (1) 29:4</p> <p>killed (1) 39:6</p> <p>killing (1) 30:24</p> <p>kind (2) 45:23;46:3</p>	<p>kindness (1) 53:8</p> <p>known (2) 50:11,12</p>	<p>laid (1) 44:9</p> <p>land (8) 8:10;9:21,25;10:5, 25;12:13,22;25:25</p> <p>landowner (1) 14:2</p> <p>Landscape (1) 23:4</p> <p>language (1) 11:7</p> <p>large (3) 7:18;31:14;35:3</p> <p>last (20) 2:19,23;22:2;24:18, 18;26:2;28:15;31:3, 12;32:15;34:17; 35:24;36:16;40:9,20; 46:13;50:23;51:24; 56:15;57:6</p> <p>Lastly (1) 29:6</p> <p>late (2) 5:21;34:12</p> <p>lawyer (2) 52:20;59:7</p> <p>lay (1) 29:7</p> <p>layers (1) 34:8</p> <p>layout (1) 28:8</p> <p>learn (1) 59:5</p> <p>least (1) 50:12</p> <p>leave (3) 10:1;40:11;53:20</p> <p>leaves (1) 29:21</p> <p>led (2) 53:6,6</p> <p>left (3) 28:11,12;39:24</p> <p>legal (2) 8:6;13:1</p> <p>legislated (1) 22:25</p> <p>less (3) 22:23;37:18;60:21</p> <p>level (4) 22:17;23:13;39:15; 45:5</p> <p>likely (3)</p>		

<p>35:2 magnetometers (1) 35:1 magnetometry (1) 34:25 mailed (1) 2:19 main (2) 5:8,10 major (1) 44:13 majority (1) 2:23 makes (1) 44:25 making (2) 11:23;60:15 MALE (112) 2:12,15,17,22;4:8, 20,23,25;5:4,8,13; 8:12,17,23;9:17,23; 10:3,7,12,21;11:2,12; 12:12,21;16:4,7,10, 14;17:1,6,9,19;18:1; 22:14,20;23:19;24:8; 25:7;26:11,15,21,25; 30:4,14;31:2;32:11, 21;33:5,7,14;34:17; 35:6,15;36:11;37:1,4, 11,23;38:6,13;41:17; 42:1,12;43:1,6,13; 46:20,23;47:4,10; 48:1,5,8,13,14,22; 49:2,5,21;50:9,11,17, 19,20,22;51:6,7,20, 21;52:4,6,14;53:6,16, 22;54:11,20,23;55:9; 56:1,4;57:6,9;58:9,13, 15,22;59:10,23;60:4, 13,21 manage (1) 30:24 management (2) 3:17,22 manager (3) 3:18;27:19;59:21 mandated (1) 8:14 mandatory (9) 8:18,23;9:18,23; 10:5,12,22,25;19:10 many (3) 16:10;23:17;47:23 map (5) 4:2;5:5,6;20:20; 41:21 mapping (1) 44:5 maps (3) 13:21;29:17;57:23 March (1) 20:9 mark (1)</p>	<p>29:19 marked (1) 25:19 Marshal (1) 38:18 marshlands (1) 49:24 match (1) 50:16 math (1) 23:7 mats (1) 37:15 matter (1) 42:6 maximum (1) 55:24 may (15) 2:12;6:2,3;7:14; 29:12;33:20,22; 38:11;40:5;45:19; 48:8,22;53:24,24; 56:16 Maybe (3) 10:18;23:16;24:14 mean (5) 17:3;22:22;37:7; 47:12;59:16 means (1) 55:21 MEC (2) 3:16;11:17 medium (1) 55:6 meet (2) 46:3;50:3 meeting (8) 9:1,11;24:22;28:15; 36:19;50:23;51:24; 56:18 meetings (6) 7:23,24;18:6;20:14; 22:10;46:24 members (1) 3:10 mentioned (4) 19:17;20:8;22:15; 26:2 met (2) 11:10;45:22 metal (6) 28:22,24;29:11,15, 18,23 metals (1) 39:23 Methodology (1) 14:25 Michael (1) 44:21 microphone (1) 8:2 mid (1) 23:22</p>	<p>Middle (1) 6:10 might (6) 13:23;15:12;21:25; 23:18;33:22;41:8 Mike (5) 3:11;13:7;19:14; 28:5;57:15 Mike's (1) 41:1 mile (1) 30:20 mind (1) 4:5 mine (1) 2:22 minimize (4) 31:25;33:15;36:5; 41:11 minimizing (1) 32:4 minimum (3) 37:10,22;39:16 misfire (1) 34:15 misrepresented (2) 51:23;52:7 misrepresenting (1) 43:11 mitigate (1) 58:17 mitigated (1) 16:25 mitigation (10) 7:21;14:25;15:9,18, 20;20:7;34:6,6;60:6, 17 mitigations (2) 31:1;58:16 mobilize (1) 41:5 modifications (1) 58:7 money (1) 19:7 month (2) 45:21;46:2 months (9) 14:4;32:24;33:20; 40:25;41:6,15;46:13; 47:18;50:12 more (9) 22:10,22;31:21; 32:19;33:23;39:18; 43:13;60:19;61:3 most (9) 6:23;7:16,16;15:12; 20:19;29:24;41:2; 44:19;45:11 mostly (1) 7:12 move (12) 8:19;30:2,22,22;</p>	<p>32:5,13;37:12,24; 38:1,10,11;55:18 moved (4) 25:8,9;56:1,3 movement (1) 32:15 moving (3) 9:7;13:16;25:11 much (8) 2:15;15:16;23:12; 27:11;36:8;39:9; 44:11;59:22 munition (1) 55:17 munitions (21) 3:20;5:20,23;6:7, 16;9:5,14;13:2;15:12; 24:9,11;30:6,15;31:5; 32:16;33:2,10;34:19; 57:4,4,20 must (4) 12:8;19:9;56:19,20</p>	<p>11:11,12,15;12:10 noise (6) 7:21;36:6;38:23; 39:15;41:8;56:24 none (1) 26:14 north (1) 33:23 nose (1) 2:11 notice (6) 2:17;18:19;19:11; 21:11;36:20;38:18 notices (1) 2:19 notification (1) 2:13 notified (1) 39:13 notify (1) 7:7 November (1) 19:12 number (3) 2:13;15:23;46:13 numbers (1) 23:10 numerical (1) 23:10</p>
N				
<p>name (3) 27:12;45:20;46:17 near (4) 6:7,9;30:3;45:21 nearly (1) 30:20 necessarily (1) 56:8 necessary (2) 35:13;36:10 need (9) 8:21;22:3;27:1; 33:19;34:15;36:22; 59:22,24,25 negotiated (1) 41:24 neighborhood (4) 7:2,7,22;38:16 neighborhoods (1) 55:11 neighborly (1) 51:3 neighbors (2) 7:12;36:21 nesting (4) 16:2;26:4,13,19 newspaper (1) 56:17 next (7) 5:15,16;22:13;25:2; 37:4,7;44:2 night (1) 56:16 nine (1) 23:15 nobody (3) 17:3,5,6 no-further-action (4)</p>				
O				
<p>objects (1) 35:3 obligated (1) 45:13 obligations (1) 55:6 obtain (2) 10:23;19:8 obtained (1) 12:11 obviously (1) 18:18 occur (4) 7:24;13:15;51:11; 54:18 occurred (1) 55:4 occurring (1) 7:8 occurs (1) 25:5 Odyssey (1) 6:10 office (1) 60:1 officer (1) 27:22 often (1) 41:9 old-style (1) 38:2</p>				

<p>once (5) 21:1;22:4;31:21; 40:14;55:1</p> <p>one (33) 4:23;6:6;8:7,24; 14:18;18:4;22:10; 23:2,7,12;24:19,19; 26:2;27:23,24;28:17; 29:15,16;30:5;31:22; 34:17;35:9;37:10; 38:3;39:7;40:9;44:4, 12,22;46:12;49:10; 56:18;57:6</p> <p>one-acre (1) 29:8</p> <p>ones (3) 23:24;33:3,4</p> <p>only (13) 2:13;8:8;17:15; 21:20,22,23;24:6; 27:23,24;29:25;40:7; 51:12,25</p> <p>onsite (4) 15:2;21:25;59:16, 19</p> <p>operation (1) 31:12</p> <p>operations (1) 39:8</p> <p>Order (29) 4:15;8:7,11,14,15, 17,24;9:4;10:13,13, 23;11:24,25;12:3; 13:17;14:3,8,9;18:23; 43:2;50:5,5;53:1; 56:10;58:8,11,19,21; 59:2</p> <p>orders (1) 54:5</p> <p>ordinance (1) 11:13</p> <p>ordinary (1) 43:23</p> <p>ordnance (1) 29:24</p> <p>ordnances (1) 38:2</p> <p>original (1) 57:17</p> <p>Orlando (2) 9:7;13:9</p> <p>otherwise (1) 43:25</p> <p>out (39) 2:24;4:20;5:3; 14:15;16:22;17:7,10, 20,22;18:9;27:2; 28:11,20;31:16; 32:12,18;33:10; 35:23;36:21;37:17; 38:1;39:8,12,21; 40:15;41:7;42:18,22; 43:22;44:9,10;46:14;</p>	<p>47:17,22,23;48:3; 53:1,8;61:2</p> <p>over (17) 3:21;15:24;16:2; 20:16,16;21:4;24:19; 26:18;27:9;34:8;39:2, 2,3,25;46:13;50:14; 55:10</p> <p>oversight (2) 6:19;7:11</p> <p>over-the-shoulder (1) 42:14</p> <p>overview (1) 5:14</p> <p>owe (1) 54:1</p> <p>own (4) 24:9,10;51:9;54:5</p> <p>owner (37) 3:14;4:12;6:14,24; 7:1;8:10;9:21,25; 10:5,23,25;11:20; 12:22;18:20,21;19:2, 3,4,6,8,13;45:12,13; 51:9,25;52:3,8,11,16, 21,22;53:5,7,13,14; 57:18;59:7</p> <p>owners (2) 51:2,4</p> <p>owner's (2) 17:12;19:1</p>	<p>52:25</p> <p>penetrate (1) 34:18</p> <p>people (20) 2:8,13,14,20;27:15; 28:20;29:4;36:3; 38:12;39:6;41:1;47:1, 23;48:1,6,24;49:10; 59:5;60:11,22</p> <p>per (3) 25:20;26:9;32:2</p> <p>percent (1) 37:25</p> <p>performance (2) 43:7,8</p> <p>performed (2) 6:12;43:19</p> <p>performing (1) 23:17</p> <p>periodic (3) 7:6;43:20,22</p> <p>periodically (1) 42:15</p> <p>permit (1) 22:2</p> <p>permits (3) 22:6;25:14;35:22</p> <p>perpetuity (1) 25:25</p> <p>phonetic (1) 45:22</p> <p>photographs (1) 36:9</p> <p>pick (1) 30:5</p> <p>piece (1) 20:21</p> <p>Pine (2) 5:19;17:10</p> <p>pit (3) 27:4,5;30:12</p> <p>place (8) 24:10;30:25;36:16; 53:21;55:17,21;57:4; 58:17</p> <p>plan (7) 31:11;38:21;40:4; 49:14;51:1;57:17; 58:25</p> <p>planned (2) 29:5;33:19</p> <p>planning (2) 30:15;57:11</p> <p>plastic (1) 29:20</p> <p>please (2) 4:21;46:8</p> <p>pm (1) 61:11</p> <p>point (6) 4:20;6:23;8:1; 30:14;33:7;43:23</p> <p>points (1)</p>	<p>12:24</p> <p>pond (3) 30:12,13,16</p> <p>ponds (3) 26:21,25;27:6</p> <p>possible (3) 30:9;38:22;55:24</p> <p>posted (2) 12:1;16:20</p> <p>potential (1) 25:17</p> <p>potentially (1) 29:2</p> <p>pound (1) 37:10</p> <p>practice (1) 39:2</p> <p>practicing (1) 3:14</p> <p>predetermined (1) 25:23</p> <p>prediction (1) 57:22</p> <p>preliminary (4) 15:11;19:13,18; 20:5</p> <p>preparation (2) 28:9;29:6</p> <p>prepare (1) 8:6</p> <p>prepared (3) 49:24;50:2;57:18</p> <p>pre-remediation (1) 18:11</p> <p>prescribe (1) 12:3</p> <p>prescribed (4) 43:16;50:6;54:17; 55:13</p> <p>prescribes (1) 11:7</p> <p>present (1) 14:12</p> <p>presentation (5) 2:7,9;7:25;15:25; 56:17</p> <p>president (1) 3:11</p> <p>pre-site (1) 19:16</p> <p>pressure (1) 31:25</p> <p>pretty (2) 38:2;39:9</p> <p>previous (2) 35:10;39:1</p> <p>primarily (1) 6:9</p> <p>principal (2) 3:12;5:16</p> <p>private (1) 8:10</p> <p>probably (5)</p>	<p>12:23;39:7;43:4; 45:9;47:13</p> <p>problem (6) 2:12;31:10;32:11; 33:13;36:12;51:20</p> <p>problems (1) 35:9</p> <p>procedures (5) 7:20;13:3;15:3; 36:23;56:13</p> <p>process (44) 2:16;4:4,13;6:4,5, 14,15,17;7:2,5,6;8:4; 9:20,25;12:19,25; 13:15;14:22;16:21, 25;17:20;18:5,8;21:3; 22:8,12;23:10;24:21, 23;25:1,3,5;28:6; 41:2;43:15,17,25; 44:23;45:1;46:5; 48:10;54:20;57:15; 59:8</p> <p>processes (2) 6:1;58:24</p> <p>produce (1) 29:17</p> <p>produces (1) 42:17</p> <p>progress (2) 7:3;61:9</p> <p>progressing (1) 7:8</p> <p>project (32) 3:14,18;5:9,11; 8:14,14,18,19,22;9:3, 7,13;10:13;11:5;12:4, 5;25:13;28:8;33:20; 36:16,18;40:10,22; 47:13,14;51:9;52:10, 12,20,23;53:25;59:21</p> <p>properly (1) 60:24</p> <p>property (30) 9:22,24;10:1,8; 11:17,19,21;12:5,7, 20;15:20;17:9,11,16; 19:9;20:25;27:5; 29:10;30:8;32:13; 33:11;35:7,16;39:14; 44:25;51:5,10;52:1,2, 17</p> <p>proposal (2) 51:8;57:18</p> <p>proposed (2) 9:8;49:14</p> <p>prospects (1) 17:16</p> <p>Protection (5) 4:17;6:21;11:8; 42:20;48:20</p> <p>protocol (1) 25:12</p> <p>protocols (2)</p>
	P			
	<p>Palestinians (1) 33:4</p> <p>panel (2) 2:6;3:10</p> <p>paper (1) 20:21</p> <p>parameters (2) 44:8;51:13</p> <p>Park (8) 3:7;6:8,14,16;7:9; 12:2;36:2,24</p> <p>part (6) 5:19;6:25;24:15; 52:1;55:12;57:15</p> <p>partially (1) 21:18</p> <p>particle (1) 32:3</p> <p>particular (6) 3:19;12:21;52:20, 23;53:25;55:16</p> <p>pass (1) 8:1</p> <p>past (1) 39:25</p> <p>patience (2) 2:9;27:11</p> <p>pay (4) 19:2;25:20,21;</p>			

<p>26:20;58:24 provide (2) 13:25;15:8 provides (1) 19:1 provisions (1) 13:18 public (7) 11:25;36:18;40:15; 44:16;52:21;58:9,11 publications (1) 38:25 publicly (1) 52:21 publish (1) 34:11 published (3) 2:6;36:15;51:16 purpose (2) 12:8,9 pursuant (1) 14:13 pursue (1) 49:5 put (10) 12:12;15:15;16:5; 31:23;32:7,7;34:7; 49:3;50:23;58:17 puts (1) 34:21 putting (2) 30:23;50:9</p>	<p>read (2) 12:2;54:23 ready (1) 59:12 real (1) 8:12 really (4) 23:13;29:14;46:14; 51:14 reason (5) 2:23;34:12,14; 49:16,17 reasonable (1) 49:2 received (1) 2:22 Recess (1) 3:3 recipient (2) 25:20,22 record (1) 11:25 recoup (2) 52:23;53:17 recover (1) 35:5 recovery (1) 53:15 redo (1) 34:16 refer (1) 9:11 reference (1) 57:10 referring (2) 8:13;9:6 regimen (1) 55:3 regs (1) 15:11 regulating (1) 61:4 regulations (2) 21:22;41:4 regulators (2) 60:21;61:4 relate (1) 22:16 related (1) 11:18 relocate (2) 22:3;25:18 relocated (2) 22:1;27:1 reluctant (1) 47:16 rely (1) 42:15 remediate (1) 49:24 remediating (1) 59:14 Remediation (18)</p>	<p>3:8;4:4;6:14;7:4; 20:23;24:5;25:2,5; 27:7;51:13,14;59:16, 18;60:2,9,10,20;61:9 remedy (1) 49:3 remember (2) 6:2,3 remote (1) 28:25 removal (2) 9:4,5 remove (6) 28:22;29:25;35:12, 14;38:3;40:2 removed (2) 25:19;55:8 repeat (2) 22:18;26:8 report (7) 40:13,20;42:21; 43:24;44:15,15;45:6 REPORTER (1) 28:3 reporting (4) 43:18,19,20,22 represent (1) 5:1 representative (3) 3:16;7:18;42:21 representatives (1) 4:16 represented (2) 4:17;52:20 representing (1) 52:16 represents (1) 4:12 required (9) 7:20;18:16,18,20; 23:25;25:15;31:15; 43:24;44:7 regulation (2) 14:9;26:3 requirements (6) 11:9;30:2;45:16; 55:19;58:8,19 requires (3) 11:17;29:24;45:14 reservation (1) 20:8 resident (2) 45:21;51:25 residents (3) 13:11;46:5;49:4 respect (1) 19:10 respecting (1) 3:7 respond (3) 45:14;59:10,12 responding (1) 60:14</p>	<p>responsibility (3) 16:18,22;48:24 responsible (1) 53:4 rest (1) 19:16 Restoration (10) 4:3;44:6;46:18,19, 21;47:2;48:21;49:1, 16;50:7 Restorations (1) 46:15 Restoration's (1) 7:15 restrictions (1) 11:5 result (2) 44:24;58:20 results (1) 26:11 resumes (1) 50:14 review (2) 46:10;59:19 reviewed (7) 14:16;15:4;19:19; 24:24;43:19;58:6,23 reviews (2) 16:24;40:14 Rich (2) 51:23;52:15 right (14) 5:5;10:3;17:4; 30:16,17;37:4;46:6,7; 47:18,24;48:2,4;54:6; 61:6 risk (9) 19:5;57:9,11,12,13; 58:1,13,15,20 risks (1) 58:16 road (7) 28:15;37:16,19,20; 41:18,20,23 roads (1) 30:18 Ron (2) 45:22;49:22 rule (1) 14:13 rules (1) 23:1</p>	<p>39:22;54:19;55:3 sand (6) 32:9;34:6,6,8; 37:14;38:5 Sandhill (1) 26:13 saw (3) 18:9;32:10;56:15 saying (4) 43:3;46:9,25;47:22 scale (2) 23:6,12 School (2) 6:10;30:10 science (1) 39:1 scores (4) 19:25;22:15,16,21 screen (1) 12:6 season (1) 35:21 SEBASTIAN (3) 45:19,20;46:2 second (9) 5:12;17:24;18:4; 20:12;24:14;29:16; 32:2;34:25;49:6 section (2) 26:9;30:5 sector (26) 5:3,3;20:17,17,24, 24;21:1,1,3,3,9,13,13, 15,21,21;22:5,9,9,12, 12;24:8;40:12,21; 44:12,14 sector-by-sector (1) 44:10 sectors (11) 4:3,19;5:1;16:11, 13;20:25;21:4,5,14; 22:4;40:11 secure (1) 15:19 seeks (2) 11:20;19:8 seem (2) 39:6;47:19 seems (1) 56:2 segment (2) 16:3,3 sell (2) 9:22,24 sense (2) 7:23;18:24 September (1) 40:25 series (5) 3:9,9;11:22;13:20, 25 services (2) 15:18;42:10</p>
Q				
<p>qualifications (2) 50:13,24 qualified (1) 49:7 quick (1) 8:12 quite (3) 40:4;46:6,7</p>				
R				
<p>ranchers (1) 33:25 Range (6) 5:20,20,24,24; 22:22;23:22 ranges (1) 57:24 rank (1) 23:5 ranked (2) 23:11,24 ranking (1) 15:3 rating (1) 23:19 reacted (1) 6:7</p>				
			S	
			<p>safe (7) 9:5;30:1;37:7;38:3; 39:5,15;55:23 safest (1) 39:7 safety (2) 31:23;38:12 sampling (3)</p>	

<p>set (3) 5:16;25:25;28:10</p> <p>seven (6) 16:12;20:24;21:4; 23:15;23:40:11</p> <p>several (3) 33:20;41:6;47:18</p> <p>shake (1) 33:12</p> <p>share (2) 18:6,7</p> <p>short (3) 2:17;15:1;22:24</p> <p>shot (1) 10:15</p> <p>shouting (1) 50:16</p> <p>show (2) 5:5;7:5</p> <p>showed (5) 5:19;12:6;17:3; 50:24;57:23</p> <p>showing (1) 44:11</p> <p>shows (1) 18:15</p> <p>side (1) 28:17</p> <p>sign (1) 31:16</p> <p>significant (1) 5:22</p> <p>signoff (1) 24:21</p> <p>simple (1) 38:22</p> <p>simply (2) 4:2;12:12</p> <p>sit (1) 45:24</p> <p>site (27) 3:8,19;4:1,12;5:21, 23:7;16,17;17:15; 23:22;24:5;25:20,22; 26:5,5,18;27:19;28:8, 14;29:6;35:23;40:24; 41:5;42:22;52:13; 57:5;58:2</p> <p>sites (2) 25:23;59:15</p> <p>site-wide (2) 14:10;18:10</p> <p>six (2) 35:15;40:16</p> <p>size (1) 34:24</p> <p>slab (1) 32:14</p> <p>slide (5) 5:15,16;22:13;25:2; 44:3</p> <p>slides (1) 3:9</p>	<p>slow (1) 27:14</p> <p>small (1) 35:8</p> <p>soil (3) 31:6;39:21;55:7</p> <p>solution (1) 35:5</p> <p>somebody (3) 30:24;36:13;42:14</p> <p>someone (4) 30:23;54:7;57:12; 60:1</p> <p>sometime (1) 8:5</p> <p>sometimes (2) 27:16;31:15</p> <p>sorry (5) 2:18;4:10;8:16; 22:20;46:16</p> <p>sort (1) 8:25</p> <p>sought (1) 6:15</p> <p>sound (1) 32:1</p> <p>sounded (1) 35:16</p> <p>source (2) 15:8;36:12</p> <p>southeast (1) 30:7</p> <p>SPEAKER (119) 2:12,15,17,22;4:8, 20,23,25;5:4,8,13; 8:12,17,23;9:17,23; 10:3,7,12,21;11:2,12; 12:12,21;16:4,7,10, 14;17:1,6,9,19;18:1; 22:14,20;23:19,24; 24:8;25:7;26:11,15, 21,25;30:4,14;31:2; 32:11,21;33:5,7,14; 34:17;35:6,15;36:11; 37:1,4,11,23;38:6,13; 41:12,17;42:1,12; 43:1,6,13;46:20,23; 47:4,10;48:1,5,8,13, 14,22;49:2,5,21;50:9, 11,17,19,20,22;51:6, 7,20,21;52:4,6,14; 53:6,16,22;54:11,20, 23;55:9;56:1,4;57:6, 9;58:9,13,15,22; 59:10,13,23,25;60:4, 7,13,18,21,25</p> <p>specialist (1) 3:17</p> <p>species (2) 13:23,24</p> <p>specific (7) 25:4;44:14;45:6,16; 47:7;59:15;60:14</p>	<p>specifically (4) 11:6;44:7,9;55:22</p> <p>specified (1) 18:8</p> <p>specifies (1) 21:2</p> <p>speed (1) 13:13</p> <p>spend (1) 19:6</p> <p>spot (1) 30:5</p> <p>squad (1) 38:19</p> <p>standard (1) 45:11</p> <p>standards (5) 49:18,19;50:3,4,7</p> <p>start (5) 2:6,7,10;19:12;31:9</p> <p>started (2) 35:25;40:24</p> <p>Starting (2) 41:4,5</p> <p>starts (2) 32:19;36:18</p> <p>State (30) 6:19;7:10;8:8; 11:21;14:13,22; 16:24,25;18:24; 22:25;37:9;38:18; 40:1,3,13,14,18,21; 42:12;43:6,14,15; 45:4;50:4;51:16; 53:24;54:2,4;60:5,16</p> <p>stated (1) 52:21</p> <p>States (3) 8:9;45:3;58:25</p> <p>State's (1) 16:22</p> <p>Station (1) 28:13</p> <p>statute (1) 23:1</p> <p>step (2) 14:4;44:20</p> <p>steps (1) 18:15</p> <p>still (4) 17:4,7;41:19;54:1</p> <p>stop (3) 8:1;19:3;35:12</p> <p>storms (1) 34:13</p> <p>story (1) 53:17</p> <p>straight (1) 56:23</p> <p>strict (2) 30:1;42:24</p> <p>Strip (1) 32:25</p>	<p>strongly (1) 6:23</p> <p>structure (1) 23:4</p> <p>study (2) 6:12;17:3</p> <p>stuff (3) 32:12;35:8;38:1</p> <p>submit (4) 19:13;20:1,4;40:13</p> <p>submittal (2) 45:10;58:5</p> <p>submitted (1) 19:18</p> <p>submitting (1) 14:5</p> <p>subsurface (2) 29:17,18</p> <p>succeeds (1) 3:19</p> <p>suddenly (1) 36:17</p> <p>sue (1) 52:22</p> <p>summarize (1) 3:24</p> <p>summary (1) 54:21</p> <p>supervisor (1) 32:23</p> <p>supposed (1) 23:14</p> <p>Sure (8) 5:7;15:7;17:2;26:6; 51:5;53:18;57:8; 60:15</p> <p>surface (7) 6:8;20:2,3;28:22, 22;39:21;55:7</p> <p>surveillance (1) 28:11</p> <p>survey (2) 21:23;26:12</p> <p>surveyed (1) 35:7</p> <p>surveys (5) 16:1,2;21:21;26:4,9</p> <p>suspect (1) 4:2</p> <p>sweep (1) 28:22</p>	<p>3:6;9:3;17:19; 51:12,13;59:9</p> <p>Tallahassee (1) 60:1</p> <p>tape (1) 56:21</p> <p>targeted (1) 47:7</p> <p>taxpayers (1) 52:24</p> <p>team (4) 6:24,25;7:1;14:2</p> <p>technical (2) 55:16;56:10</p> <p>techniques (1) 34:7</p> <p>technology (2) 34:21;55:25</p> <p>tells (1) 21:11</p> <p>ten (2) 23:12,16</p> <p>term (2) 55:21;58:1</p> <p>terms (7) 9:15;11:1;12:2; 18:5;46:7;58:22,25</p> <p>testing (2) 13:3;24:6</p> <p>third (1) 8:9</p> <p>thorough (1) 49:16</p> <p>thoroughly (1) 27:2</p> <p>though (1) 31:24</p> <p>three (11) 10:17;12:25;18:9; 21:15;23:1,2,2,18; 24:25;34:23;50:12</p> <p>thump (1) 34:3</p> <p>Thursday (3) 2:21;34:2,9</p> <p>till (2) 4:5;53:19</p> <p>timely (1) 11:22</p> <p>times (1) 10:17</p> <p>today (2) 7:13;15:11</p> <p>together (1) 32:7</p> <p>told (1) 28:16</p> <p>tonight (8) 7:1,5,25;8:4;17:5,6; 28:6;61:7</p> <p>took (2) 14:15;36:16</p> <p>top (2)</p>
T				
<p>table (1) 35:11</p> <p>talk (10) 3:25;7:19;9:10,11; 18:13;19:15;20:23; 28:6;38:16;46:4</p> <p>talked (2) 25:7;41:17</p> <p>talking (6)</p>	<p>table (1) 35:11</p> <p>talk (10) 3:25;7:19;9:10,11; 18:13;19:15;20:23; 28:6;38:16;46:4</p> <p>talked (2) 25:7;41:17</p> <p>talking (6)</p>			

<p>21:16;28:11 topo (1) 13:21 tortoise (14) 16:1,5;21:19,19,20, 22:22:6;25:11,12,16, 18,20,21;26:8 tortoises (3) 21:25;22:3;26:1 total (1) 24:4 totally (1) 17:18 towards (1) 30:10 town (1) 28:2 training (2) 5:21,25 trapped (1) 25:19 treat (1) 40:3 treated (1) 57:5 tried (3) 10:17;44:3;47:17 true (2) 45:2;56:8 trust (1) 48:16 try (9) 18:6;20:18,21; 24:23;30:8;31:22; 36:20;42:5;47:16 trying (7) 18:14;31:20,24; 46:14;51:2,2,5 Tuesday (2) 2:19,22 turkey (1) 35:21 turn (1) 27:8 turning (1) 36:19 turtles (1) 25:8 TV (1) 56:17 Twenty-five (1) 47:25 Two (10) 16:10;18:12;21:5, 14;23:18;26:3;29:13; 38:3;39:18;47:14 types (1) 29:13</p>	<p>19:14,19,22,25;20:5; 22:15,21,25 UN (1) 33:1 under (11) 13:17;16:15,17,22; 18:16,20;29:12; 41:15;44:8;56:5;57:2 undergo (1) 28:7 understood (1) 3:1 undertaken (2) 12:19;58:1 undertaking (1) 18:25 underway (1) 8:5 unfortunately (1) 41:16 Unified (1) 14:24 unintentional (1) 29:3 United (1) 8:9 unless (1) 38:10 unrestricted (3) 10:24;11:4,18 unsuccessfully (1) 10:18 up (32) 8:17;9:1,19;10:2,9; 12:24;13:13;15:24; 17:3,9,15,18,21; 19:24;23:8,23;30:3; 31:21;32:12;33:9,23; 37:21;39:17;43:7; 49:3;51:9;52:13; 53:23;54:13;55:9,21; 56:23 update (1) 3:6 upwards (1) 28:20 use (12) 7:6;11:19;29:12; 31:11,18;34:7;35:5; 38:25;39:25;42:5; 46:1;57:25 used (2) 55:21;56:18 useless (2) 12:13,16 using (3) 31:13;36:8;39:5 utilization (1) 10:24 utilize (1) 4:4 utilized (5) 5:23,24;12:5,7,8</p>	<p style="text-align: center;">V</p> <p>vacant (1) 28:17 validate (1) 42:17 validity (1) 42:13 value (4) 14:21,23;15:17; 23:13 values (4) 15:10;17:16;23:6, 18 vantage (1) 43:23 variety (3) 5:22,25;55:1 various (4) 4:2;13:18;20:15; 34:7 vary (2) 23:21,22 varying (1) 7:19 VCO (19) 11:1,7,9;18:8,17,18, 20,21;19:1,9,10;21:1; 43:16;44:8;45:17; 49:18;54:17;55:18; 57:2 vegetation (2) 28:25;41:9 velocity (1) 32:3 verify (1) 42:12 vibration (3) 32:2;36:6;56:5 vibrations (1) 38:23 Vista (8) 3:7;6:8,14,16;7:8; 12:2;36:2,24 visual (2) 20:19,22 volume (1) 32:1 voluntarily (1) 53:13 Voluntary (16) 4:15;8:6,10,13,24; 9:4,17,20;10:14;14:3, 7;18:23,23;19:7;43:1; 52:25</p> <p style="text-align: center;">W</p> <p>wading (1) 26:8 waiting (1) 2:5</p>	<p>wall (1) 37:5 war (1) 37:20 Warwick (1) 45:21 waste (1) 3:21 water (4) 20:2;23:4;39:21; 55:7 waters (1) 20:3 waves (2) 29:20;31:5 way (6) 11:24;18:7;22:1; 25:10;44:18;45:14 ways (1) 55:1 weapon (1) 14:21 weapons (1) 28:1 weather (1) 34:10 website (10) 12:2;36:2,25;37:1, 3;47:1,4;50:10,14,19 Wednesday (1) 2:20 week (7) 2:19,23;35:23,24; 41:4,5;42:22 weeks (2) 35:15;38:17 weren't (2) 49:15;52:7 wetland (17) 13:21;14:17,21,23; 15:8,9,16,18,19; 16:24;20:6;23:3,6,11, 14,16,20 wetlands (13) 14:12;15:1,13; 16:15,17;19:22;20:2; 23:21,25;24:3;27:6; 49:25;58:4 What's (1) 48:10 whatsoever (1) 10:8 Whereabouts (1) 32:20 whereby (1) 7:2 whole (12) 2:9;11:22;13:20,24; 16:21;24:21;26:5,5; 38:21;39:14;46:5; 49:6 wide (2) 15:21;20:25</p>	<p>wildlife (4) 13:22,23;26:9;58:3 Williams (34) 3:18;27:12,12;28:4; 30:7,16;31:11;32:20, 22;33:6;34:20;35:9, 19,22;36:24;37:9,13; 38:17;39:17;41:14, 21;42:2,19;43:4,10; 46:19,22;47:3,5,25; 48:3,7;49:10;53:20 wish (1) 49:22 within (1) 14:14 without (2) 12:13;20:20 work (25) 3:19;5:2,3;15:7; 16:23;17:14;18:11; 19:4;20:17;27:10,17, 25;28:1;33:6;40:3; 43:18;44:11;45:15; 46:10;49:11;51:8,10; 58:4;60:22,24 working (6) 13:1;33:1;40:24; 47:25;48:1,3 works (4) 24:7,23;25:11; 54:24 world (1) 27:24 worth (1) 30:23 written (2) 39:9;42:16 wrong (2) 46:8;48:22</p> <p style="text-align: center;">Y</p> <p>year (1) 36:17 years (6) 3:15,21;13:10; 27:18,20;28:5 yellow (2) 5:18;28:10 yesterday (1) 2:14</p> <p style="text-align: center;">Z</p> <p>zero (1) 23:7 zones (1) 37:21</p> <p style="text-align: center;">1</p> <p>1 (1) 55:1</p>
U				
<p>UMAM (12) 14:25;15:3,10,17;</p>				

<p>100 (2) 32:10;38:6</p> <p>10th (1) 19:12</p> <p>12 (2) 32:24;34:2</p> <p>16 (1) 48:3</p> <p>18 (2) 35:8;41:14</p> <p>1940s (1) 5:21</p> <p>1950s (1) 5:22</p>	<p>8</p> <p>8,000 (1) 30:19</p> <p>9</p> <p>90 (1) 21:23</p> <p>99 (1) 37:25</p>			
<p>2</p>				
<p>20 (3) 27:18;28:5;40:25</p> <p>2007 (1) 6:3</p> <p>20-pound (1) 32:8</p> <p>21 (1) 41:14</p> <p>25 (3) 3:21;48:1,4</p> <p>26 (1) 35:11</p> <p>2nd (1) 40:5</p>				
<p>3</p>				
<p>35 (1) 13:10</p>				
<p>4</p>				
<p>40 (6) 3:15;13:10;27:20; 28:20;46:25;47:22</p> <p>417 (2) 30:11;41:22</p>				
<p>6</p>				
<p>6:30 (1) 2:10</p> <p>66-meter-by-66-meter (1) 29:8</p> <p>670 (2) 37:10,24</p> <p>670-foot (1) 37:22</p>				
<p>7</p>				
<p>7:30 (2) 53:19,21</p> <p>7:40 (1) 61:11</p>				