

IN THE MATTER OF

LITTLE MISSOURI RIVER CROSSING
ENVIRONMENTAL IMPACT STATEMENT
PROJECT # FHO-02-04(001)
PCN # 16970
BILLINGS COUNTY, NORTH DAKOTA

TRANSCRIPT OF
PUBLIC SCOPING MEETING

Taken At
Best Western Doublewood Inn
1400 East Interchange Avenue
Bismarck, North Dakota
March 5, 2007

BEFORE KADRMAS, LEE & JACKSON, FEDERAL HIGHWAY
ADMINISTRATION AND NORTH DAKOTA DEPARTMENT OF
TRANSPORTATION

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1 (The proceedings herein were had and made
 2 of record, commencing at 5:22 p.m., Monday, March
 3 5, 2007, as follows:)
 4 MS. TURNBOW: We just have a quick
 5 presentation for everyone and then we'll open it up
 6 to some question and answer after that, and you'll
 7 have handouts and a map inside the handout, and
 8 we're just going to quickly go through these slides
 9 and after that we'll break it up into question and
 10 answer.
 11 Now, we're here today to talk about the
 12 Little Missouri River environmental impact
 13 statement, and the Federal Highway, in cooperation
 14 with the North Dakota Department of Transportation
 15 and Billings County, are preparing an environmental
 16 impact statement on a proposed roadway by either
 17 upgrading and/or new construction to a proposed
 18 river crossing in Billings County over the Little
 19 Missouri.
 20 And the study area for the project right
 21 now is the northern border of Billings County line,
 22 the western border of North Dakota Highway 16, the
 23 eastern border of U.S. Highway 85, and the southern
 24 border of Theodore Roosevelt National Park.
 25 MS. BRETT: This is available here and in

3

1 the back if you haven't seen it yet, and I think
 2 you also have one of these maps in your handout.
 3 MS. TURNBOW: And here's the study area
 4 map again. So why are we here tonight? The
 5 purpose of this meeting is to basically solicit
 6 input from the public about the purpose and need,
 7 what some of your thoughts are. We have some
 8 thoughts as a team that we are just brainstorming,
 9 but nothing concrete. So what we would really like
 10 to hear tonight are thoughts from the public about
 11 the purpose and need for the project as well as the
 12 range of alternatives.
 13 There's new guidance with the federal
 14 highway transportation bill, which is called the
 15 SAFETEA-LU, that's the new acronym, and with this
 16 new guidance there was a coordination plan that was
 17 developed, and this coordination plan basically
 18 established how the environmental review process
 19 for the public and for the agencies to comment on
 20 the EIS.
 21 Now, this coordination plan is available
 22 for viewing, and you can go to the website, which
 23 is billingscountynynd.gov. It's also available at
 24 the Federal Highway Administration building,
 25 Kadmas, Lee & Jackson office in Dickinson and the

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1 Billings County Courthouse. And we have a couple
 2 available, and it just looks like this and it talks
 3 a lot about just the process for the project.
 4 A notice of intent was filed on October
 5 1st, 2006, which basically initiated the
 6 environmental impact statement, and a copy of the
 7 notice of intent is also available in the
 8 coordination plan.
 9 An environmental impact statement is the
 10 highest level of environmental documentation under
 11 the National Environmental Policy Act of 1969, and
 12 it also will be in accordance with the CEQ, the
 13 Council on Environmental Quality, regulations and,
 14 of course, again, the coordination plan.
 15 So what's in an environmental impact
 16 statement? We have the purpose and the need for
 17 the project, consideration of a reasonable range of
 18 alternatives, the affected environment, the
 19 potential impacts resulting from the alternatives,
 20 the potential impacts resulting from the
 21 alternatives, compliance with other applicable
 22 environmental laws, and the process used for the
 23 development of an EIS, and, of course, input
 24 received from you and from the different agencies
 25 involved.

5

1 So what we're proposing is -- you saw the
 2 study area map and we're proposing a new study
 3 area, and the north limit would be unchanged, but
 4 the south limit would be the northern border of the
 5 south unit of the Theodore Roosevelt National Park.
 6 And this, I believe, is the map that you have in
 7 your handout.
 8 MS. BRETT: Basically just got moved up
 9 from I-94 up to the north end of the South Unit.
 10 We knew that there was really not going to be a
 11 crossing put in the park, so that's the reason for
 12 the proposed change.
 13 MS. TURNBOW: And if you had any comments
 14 about the proposed study area, we can discuss this
 15 after this quick presentation or else you're
 16 provided with comment forms that can be filled out,
 17 you can e-mail them, fill them out and mail them to
 18 us, and the information is listed below on the
 19 comment sheets.
 20 So here's the study area map. I'm a
 21 little behind on the slides here.
 22 So purpose and need of the project. The
 23 purpose and need is the first step in the EIS
 24 process, and it explains basically why the project
 25 is necessary and what the project is supposed to

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1 accomplish. The purpose and need also evolves with
2 time and is refined as more information is gathered
3 about the project, so it's also a revolving
4 process.

5 It also defines what can be considered a
6 reasonable range of alternatives. The purpose and
7 need really sets the stage for the entire project.
8 And it drives the process for consideration of
9 alternatives, in-depth analysis and the ultimate
10 selection and preferred alternative.

11 Now, for the need for the proposed
12 project, this is just some background information.
13 There's a distance of approximately 85 highway
14 miles between the two public all weather crossings,
15 and they're located on this public lands map, and
16 Charlotte can kind of point out the two all weather
17 crossings.

18 MS. BRETT: The north one is here on
19 Highway 85 right near the North Unit of Teddy
20 Roosevelt and the other one is down here at Medora.

21 MS. TURNBOW: And these -- I'm just going
22 to go through some quick -- these are just some
23 things that the team has sort of brainstormed for
24 the purpose and need, and this is by no means
25 concrete information, and tonight we're kind of

1 bridge structure, and the third was roadway
2 alignments, and that would either be existing roads
3 or upgrading roads to DOT standards or guidelines.

4 But all the alternatives must meet the
5 project purpose and need that are studied. And
6 project alternatives must be developed at an
7 acceptable cost and level of environmental impacts
8 relative to the benefits that are expected to be
9 derived from the project. And all reasonable
10 alternatives must be explored and evaluated.

11 So with that, some of the -- kind of the
12 schedule that we're on -- this is really quick,
13 this presentation here. The next time we come back
14 to the public would be the alternatives workshop,
15 and that would be when we actually would have some
16 alternatives to present, and that would happen
17 sometime, if the schedule stays on track, in July
18 or August of 2007, but there's a chance that this
19 could be delayed and we would have to readjust the
20 schedule. The draft EIS would be sometime between
21 September and October of 2007; public hearing,
22 January or February of 2008; and the final EIS
23 March-April of 2008; and the record of decision May
24 or June of 2008.

25 Now, what we're really here for today is

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9

1 here to see what your thoughts for the purpose and
2 need are, and these are just some of ours that
3 we're going to quickly go through.

4 One is system linkage linking something
5 between Highway 16 and Highway 85, this is on the
6 Statewide Transportation Improvement Plan, and
7 roadway deficiencies, the existing or new roadway
8 to upgrade to meet North Dakota Department of
9 Transportation guidelines and standards, and social
10 demands and economic development, and that can be a
11 number of things, agriculture, emergency management
12 services, industry, recreation and tourism, and
13 schools.

14 The same thing with the purpose. This is
15 just really preliminary, something that we have
16 come up with, and we would want your comments after
17 this to talk about the purpose, and right now we
18 have to provide system linkage between the two
19 highest, North Dakota Highway 16 and U.S. Highway
20 85.

21 Now, the alternatives under consideration.
22 In the notice of intent three alternatives were
23 listed, and that was the do-nothing alternative, it
24 was also a river crossing, and underneath the river
25 crossing that could be a low water crossing or a

1 to discuss some of your thoughts about the need of
2 the proposed project, and we'd really like to open
3 it up for discussion, if anyone has any questions
4 or comments or concerns. We have representatives
5 here from Federal Highway and from the North Dakota
6 Department of Transportation and Billings County.

7 MS. BRETT: We also have a court reporter
8 here tonight who's recording the presentation, and
9 in a minute we'll take about a five-minute break
10 and then she's going to set up in the other room
11 right outside the corner here so that people can
12 have private comments recorded if you so wish, but
13 the rest of the project team will be here kind of
14 milling around, and we'd be more than happy to talk
15 with you one-on-one about any kind of comments or
16 questions that you have.

17 MS. DOYLE: I guess I would be interested
18 in more discussion on the need to link 16 and 85.

19 MR. SCHRADER: Do we want them to state
20 their names when they're talking?

21 MS. TURNBOW: Yes, that would be great.
22 If you could just speak your name for the court
23 reporter before.

24 MS. DOYLE: Michele Doyle from Mandan,
25 North Dakota.

10

1 MS. TURNBOW: Thank you.

2 MS. BRETT: Thank you. And one other

3 thing that I would like to add is that this is --

4 it's a new process that we're doing under

5 SAFETEA-LU, and so it's a little bit unusual for

6 all of us to be coming here and soliciting comments

7 before we have a whole lot to tell you. I think

8 it's probably unusual for you all and it's unusual

9 for us, too. So really the purpose is for us to

10 just tell you that the project is beginning and to

11 get those comments and questions right at the

12 beginning of our study. So chances are we're not

13 really going to have a lot of answers for you

14 tonight, but we just want to note your comments,

15 your concerns and your questions so that as we go

16 back and develop the purpose and need and start to

17 develop the alternatives, we have all those things

18 in mind upfront. And then the next time that we

19 come back, you know, we'll be a little bit further

20 along in the process.

21 MR. KOPSENG: I'm Ryan Kopseng from

22 Bismarck. I'm an avid bowhunter, love hunting the

23 Badlands, love the Badlands like everybody probably

24 in this room. I would just recommend that you

25 choose a route that accesses the most federal land

11

1 for the people like me that love to hunt and don't

2 necessarily have access to fee land, private land

3 in the Badlands. So the more access we can have,

4 the better, and I think we definitely need the

5 crossing.

6 MS. BRETT: Thank you. Yes, sir.

7 MR. SCHAFFER: My name is Wayde Schafer. I

8 was just wondering if you've done any preliminary

9 needs assessment. To even spend this much time you

10 must have some information as to a need. You know,

11 there's over 3,000 miles already of roads in the

12 one million acres in the Badlands. You can't get

13 any farther than four miles from an existing road

14 already. It just seems that with -- I don't know

15 if you have any information on this or not, but

16 there's fewer and fewer families in that area in

17 which you would need school bus service, mail

18 service and emergency services. It just seems that

19 you probably need less roads out there than more.

20 Has there been any preliminary study as far as a

21 needs assessment?

22 MS. BRETT: You know, that's a great

23 question. Billings County is the proponent of this

24 project, which means that they -- basically based

25 on what their constituents are telling them,

12

1 there's some sort of a public demand for this

2 crossing, but at this point we're really just

3 starting to look into it. We don't have a lot of

4 data or a lot of answers. The bullets that

5 Jennifer stepped through are the ones that we've

6 identified as definitely requiring research at this

7 time, and there might be other things that we look

8 at, also, but I don't really have a whole lot of

9 specific data to give you tonight.

10 MR. SCHAFFER: Also, has there been a cost-

11 benefit analysis?

12 MS. BRETT: Not yet, no.

13 MR. SCHAFFER: That will be part of this

14 process?

15 MS. BRETT: Yes.

16 MS. TURNBOW: Yes.

17 MR. SCHRADER: This is Mark Schrader,

18 Federal Highway. The reason we are here is the new

19 federal highway bill requires public and agency

20 consultation or input earlier in the process than

21 we've ever done it before, and that's why it's --

22 we haven't done the analysis yet because we need to

23 go to you first and say what we're proposing, and

24 we are going to Medora a week from today to talk to

25 whoever is willing to show up at that meeting to

13

1 see if they have thoughts why would they see a need

2 for this project or why would they think that the

3 need isn't there, and to try and give us a -- to

4 help us out before we even get a final purpose and

5 need in writing. So that's why -- I'm sorry -- we

6 don't have the information, but we will have the

7 information at a later public meeting date that

8 we'll be able to share with you at that time, but

9 for now we're very preliminary in the process.

10 MR. SCHAFFER: I have just one other

11 question. Where does this project fit in the

12 priority list that you have as far as roads in

13 North Dakota? It seems that -- you know, if you're

14 going to be using tax dollars, it seems like

15 there's a lot of roads that need the potholes

16 filled and there's some safety and essential

17 maintenance issues on a number of roads in this

18 state, and, you know, they don't have the potential

19 of impacting a national park, national grasslands

20 and a state scenic river. So where does this rank?

21 MS. BRETT: That's something that Mark or

22 maybe someone from DOT could touch on?

23 MR. SCHRADER: Blane Hoesel handles the

24 funding.

25 MR. HOESEL: I'm Blane Hoesel from DOT,

14

1 and I work for the Local Governments Division,
 2 which mainly I deal with just the counties, all 53
 3 counties.
 4 Federal aid allotment is by formula
 5 directed to each county based on population, land
 6 area and multiple other things, mill levy taxes.
 7 They can use that money, federal aid, for projects
 8 that they see -- they feel they need. They still
 9 have to match. Based on what type of project it
 10 is, they'll have to use their own match money to
 11 match the federal aid money. So they're the ones
 12 that are actually looking at what their needs are
 13 within their county based on what their people are
 14 telling them.
 15 MR. SCHAFFER: Since federal money is being
 16 used, does the Federal Highway Administration have
 17 input as to what the priorities are then, or the
 18 counties decide?
 19 MR. HOESEL: Not as far as priorities, but
 20 they do have to follow all the regulations.
 21 MS. BRETT: Is there anything else anyone
 22 wants to ask or comment on in a group setting?
 23 MS. SWENSON: Yeah, I would like a
 24 question -- Blane to answer a question, if he
 25 would. Is it a one-on-one match or is it a

15

1 percentage of federal?
 2 MR. HOESEL: It depends on the funding
 3 source, the type of funding. There's three
 4 different types of funding basically we use at the
 5 counties, and this one, depending on the type of
 6 project -- if it's a bridge project, it would be
 7 80-20, meaning the county would have to pay 20
 8 percent. If there's roadway funds involved, it
 9 would still be close, 80.93. And if it's forest
 10 highway funds, which is not necessarily forest
 11 highway money, it's just a funding source, that's a
 12 hundred percent up to a limited amount.
 13 MS. SWENSON: A hundred percent federal?
 14 MR. HOESEL: Yeah, up to a limited amount.
 15 MS. SWENSON: So 20 percent would be the
 16 county share?
 17 MR. HOESEL: On the two alternatives.
 18 MS. SWENSON: The worst-case scenario, 20
 19 percent would be paid by the county?
 20 MR. HOESEL: That's construction and
 21 construction engineering normally. A lot of times
 22 the preliminary costs are picked up fully by the
 23 county.
 24 MS. SWENSON: Preliminary?
 25 MR. HOESEL: The EIS process, the

16

1 preliminary design process.
 2 MS. BRETT: Your name?
 3 MS. SWENSON: Oh, Jan Swenson. I'm sorry.
 4 MS. BRETT: Thank you.
 5 MS. TURNBOW: Thank you.
 6 MS. DOYLE: Michele Doyle again. In your
 7 slide you said that you were looking at a structure
 8 over the river, and my question is, does that
 9 include an all weather crossing or an installation
 10 within the bed of the river, and if that's the
 11 case, does this 80-20 thing for the counties still
 12 count, or is it truly a bridge that's 80-20?
 13 MR. HOESEL: It can be bridge or a box
 14 culvert on the 80-20.
 15 MS. DOYLE: So a box culvert is considered
 16 a bridge?
 17 MR. SCHRADER: This is Mark Schrader,
 18 Federal Highway. Is everyone familiar with what
 19 they're talking about when they say low water
 20 crossing versus a structure, a bridge? You know
 21 what a bridge looks like. I have a photo of the
 22 Three V's crossing that I brought with just in case
 23 anyone is not familiar with what a low water
 24 crossing is referencing. It's not going through
 25 the water as far as a structure we're looking at.

17

1 It's a few feet out of the water with some box
 2 culverts. If anyone would like to see this, I have
 3 a copy just if you're not familiar with some of the
 4 terminology we're using with what a low water
 5 crossing actually looks like.
 6 MS. DOYLE: Is that the only structure
 7 that's being considered?
 8 MR. SCHRADER: No. A low water crossing
 9 or a bridge. We haven't ruled either out. And
 10 also the no-build will also be carried forward.
 11 MS. BRETT: Yes, sir.
 12 MR. SCHAFFER: How does this project fit in
 13 with the State Scenic Rivers Act, which prohibits
 14 the damming or dredging or filling of the Little
 15 Missouri River?
 16 MR. SCHRADER: One of our participating
 17 agencies is the North Dakota Parks and Rec, and we
 18 will be working with them to make sure that we
 19 abide by the requirements. So they are a
 20 participating agency, along with 16 or 17 other
 21 agencies, state, federal and local, that are
 22 working as a group. We met earlier today.
 23 MR. SCHAFFER: Have you been in contact
 24 with the State Scenic Rivers Commission?
 25 MR. SCHRADER: Not at this point. Were

18

1 they invited or that is one --

2 MS. TURNBOW: Most of the members are like

3 most of the agencies.

4 MR. SCHRADER: Right. And we're working

5 with them as part of that group, but maybe that's a

6 good comment that we should. And that's what we're

7 looking for, is comments. If you see somebody that

8 we're not working with that we need to work with,

9 please give us that name or that contact

10 information because we don't want anyone excluded

11 from this participation.

12 MS. TURNBOW: Lauren.

13 MS. DONOVAN: I just want to follow up a

14 little bit on what Wayde asked, and I think there's

15 some assumption here tonight that maybe the need

16 for this project would be more fully explained. Is

17 there someone here from Billings County in the

18 event these people don't travel to Medora who could

19 articulate the local need for this project, you

20 know, what kind of detail that's been looked at or

21 justification? And I know there's a Billings

22 County commissioner here.

23 MR. ARTHAUD: Hi, Lauren.

24 MS. DONOVAN: Perhaps he might -- would it

25 be all right if he did take a minute and tell

19

1 people here --

2 MR. ARTHAUD: I would have no problem with

3 that. My name is Jim Arthaud. I'm chairman of the

4 Billings County Commission. The need for the

5 project, various needs. It goes from commerce, to

6 safety, to fire, to rescue, to everyday enjoyment

7 of life, to tourism. So there's various needs.

8 One of the big needs is, like we even

9 discussed earlier today, somebody asked me if you

10 live on the west side of the river, where do you

11 go, Beach or Dickinson or whatever? Well, it

12 depends on if the river is up. If the river is up,

13 you go to Beach. If the river is not up, you'll

14 probably travel to Dickinson.

15 But, I mean, there's various uses that

16 this crossing is going to help, and it would be oil

17 and gas industry, it would be tourism industry, it

18 would be hunting industry, it would be for safety,

19 for ambulance, for fire. You know, everybody

20 actually is a county -- 90 percent of the county

21 residents, I should say, are looking forward to

22 some crossing someplace out there that we can use

23 to connect, because 85 miles to the next all

24 weather crossing is a long ways.

25 MS. DONOVAN: I just want to follow that

20

1 up. Do you have any traffic count or do you

2 know -- do you have any way to enumerate how many

3 vehicles are out there?

4 MR. ARTHAUD: You know, that question gets

5 asked a lot, and to me it's not a relevant

6 question. You know, one person saved that was

7 having a heart attack is one number versus you

8 could have -- somebody mentioned earlier today,

9 well, Cass County might have 10,000 vehicles. So

10 how you quantify how traffic is brought into the

11 public need or purpose is, I think, an unfair

12 question -- not an unfair question, but just have

13 to know that numbers isn't the only reason for

14 having a crossing.

15 MS. BRETT: And I just wanted to clarify

16 one thing, that the meeting in Medora next Monday,

17 the same presentation and handout will be used.

18 They're not going to hear anything at this stage of

19 the game that all of you aren't hearing. When we

20 do have more information, we'll be coming back to

21 Bismarck and Medora.

22 MS. DONOVAN: Will a traffic count ever be

23 done that does show some --

24 MS. TURNBOW: Detailed studies probably

25 will be done once the study area and some

21

1 alternatives have been narrowed. We're not going

2 to go out and do traffic counts on the entire study

3 area. We'll have to narrow things down in order to

4 do that. And then at that point once things are

5 narrowed down, we may find new information, so we

6 might have to go back and have new alternatives, so

7 it's sort of always an evolving process. Wayde.

8 MR. SCHAFFER: I was wondering if Mr.

9 Arthaud would have any idea how many families would

10 be affected by this project compared to like 10

11 years ago or 20 years ago.

12 MR. ARTHAUD: Oh, I would say about the

13 same amount. All the ranches are still occupied by

14 people out there. They change hands, but they're

15 still occupied, and there's more people that have

16 built cabins out there. So to give you an exact

17 number, I would be talking out of turn. I think

18 our total population in the county is 700, so --

19 MR. SCHAFFER: Would that be part of the

20 cost-benefit analysis where you would see how many

21 people would be affected and, you know, what the

22 trends have been?

23 MS. BRETT: Actually, part of this new

24 process under SAFETEA-LU is that we work with the

25 agencies and the public to help determine the

22

1 methodologies that will be used to analyze
 2 alternatives. So that's something that -- there
 3 are certain things that, you know, are done as part
 4 of every project and will be done, but a lot of it
 5 for this project is still kind of uncertain at this
 6 time.

7 MS. NAYLOR: Valerie Naylor, National Park
 8 Service. Mr. Arthaud mentioned that 90 or 95
 9 percent of the residents in Billings County were
 10 looking forward to some kind of a crossing. I
 11 wanted to know if that was anecdotal or if there's
 12 any data to support that.

13 MR. ARTHAUD: I did speak out of turn.
 14 That's just an everyday polling as a county
 15 commissioner and people talking to you. So, no,
 16 it's not a formal document that we polled
 17 everybody.

18 MS. NAYLOR: Thank you, Jim.

19 MR. ARTHAUD: You're welcome.

20 MS. BRETT: Yes, ma'am.

21 MS. WILSON: Diane Wilson. Is there any
 22 reason we cannot have some sort of a synopsis of
 23 the earlier meeting so that we can ask an
 24 intelligent question here?
 25 MS. BRETT: Of the agency meeting that we

23

1 had earlier today?
 2 MS. WILSON: Yes.

3 MS. BRETT: Actually, it was exactly the
 4 same thing. The presentation was the same, the
 5 handout was the same.

6 MS. WILSON: Exactly?

7 MS. TURNBOW: Yes.

8 MS. BRETT: It was all the same meeting
 9 materials really. It was just an open discussion
 10 based on the same information that we have here.

11 MR. KRIEG: Jerry Krieg with Kadrmas, Lee
 12 & Jackson. Say, one of the things that was
 13 discussed at the agency meeting this afternoon that
 14 did come up in our purpose and need was not only
 15 the systems link, but the internal transportation
 16 that's going on between 85 and Highway 16 such as
 17 oil traffic, the need to -- you know, that oil well
 18 that's three miles away, but it's on the other side
 19 of the river, you drive 50 miles south to Medora
 20 and cross and come back up. And that was also
 21 brought up as one of the things that we need to
 22 look at, not just from 16 to 85.

23 MS. TURNBOW: Yeah. At the agency meeting
 24 one of the things that was brought up was instead
 25 of this proposed study area, would it be -- which

24

1 is what you have in your handout, maybe do we need
 2 to be looking something up north all the way to
 3 right below the North Unit of Theodore Roosevelt
 4 National Park as a study area. That was one of the
 5 things that was brought up, and Federal Highway has
 6 to check to see just how the funding of everything
 7 works; if Billings County would want a bridge or a
 8 structure, you know, if they could even put one in
 9 McKenzie County. So we're going to check on that,
 10 but that was one of the things at the agency --
 11 came out of the agency scoping meeting. But as
 12 Charlotte mentioned, everything was exactly the
 13 same. We have to have this open discussion, and
 14 that's what happened this afternoon, as well.

15 MR. SCHRADER: And another thing we talked
 16 about is, with us looking at our range of
 17 alternatives, how we're starting is to look at
 18 existing crossings, where are people crossing now.
 19 We're trying to find -- if we're going to have a
 20 crossing, we want it in an area that does the least
 21 environmental harm or that minimizes harm, and that
 22 would likely be finding an area where people
 23 currently are able to cross the river because the
 24 topography in the Badlands, everyone is familiar
 25 with the big cliffs and it's very difficult

25

1 terrain, and anywhere that you can drive a vehicle
 2 down to the river, people seem to be using those
 3 areas. So we've identified like 12 areas in
 4 Billings County where people currently cross the
 5 river, and that's a start for us to look at the
 6 topography on each side of the river in those areas
 7 and see how it connects to the transportation
 8 network and how much of an impact there would be
 9 with each of those alternatives -- or each of those
 10 areas so we can identify some alternatives off of
 11 what's out there now. And if anyone has any other
 12 ideas on how to approach finding alternatives or
 13 finding areas to look for alternatives, we're
 14 certainly open to suggestions.

15 MS. TURNBOW: Bill.

16 MR. BICKNELL: My name is Bill Bicknell.
 17 I'm with the Fish and Wildlife Service and I had
 18 the opportunity to participate in this afternoon's
 19 meeting. In addition to expanding the study area
 20 to the north, which Charlotte has addressed, we
 21 also talked that the process, as part of the
 22 National Environmental Policy Act, has to address a
 23 full range of alternatives from doing nothing to a
 24 complete bridge structure that would meet the
 25 identified purpose and need. It would be nice to

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28

1 be able to tell you right now here's the exact
 2 purpose and need. That's still being defined and
 3 it's one of the challenges that the agencies have
 4 here. They can come to you with a well-thought-out
 5 plan and then they would be subject to criticism
 6 for having already made decisions, not sought
 7 input. On the other hand, they can come, as more
 8 or less tonight, with a blank sheet of paper,
 9 saying we need your input to help define how to
 10 proceed from here. I think it's a stronger
 11 process, the process that they've entered into
 12 where they're seeking input very early, where
 13 nothing is very well defined at this point. Not
 14 even the purpose and need for the study is very
 15 well defined, but it allows for input, it allows
 16 with their schedule to track what's going to take
 17 place, and I think a sincere effort to involve the
 18 public in the decisionmaking process.

19 MS. TURNBOW: Thanks, Bill.

20 MR. BARANKO: Ron Baranko of Bismarck. I
 21 hear a lot of talk about the purpose and need. And
 22 just to let everyone know, I grew up in Billings
 23 County, I lived there a big part of my life.
 24 Twenty years ago there were no roads, there was no
 25 schools, and if you told people back then purpose

1 this project.
 2 MS. TURNBOW: Thank you.
 3 MS. BRETT: Yes.
 4 MR. WALZ: Bill Walz from Bismarck. And I
 5 grew up in the Sand Hills in Nebraska and we don't
 6 have a lot of roads out there, and that's something
 7 that -- I don't think you can just throw out a
 8 cost-benefit analysis, because whenever you spend
 9 money, you have to look at where it does the
 10 greatest good. And, sure, you know, you would like
 11 to have these things, but if the same money could
 12 be spent where it benefited a lot more people, then
 13 it should be used in a better manner.

14 So -- I mean, when I lived in the Sand
 15 Hills, I mean, we knew we didn't have those things
 16 and we were not going to get them, so you just
 17 can't expect to have all of the advantages of
 18 living in a town when you don't live in a town.

19 MS. TURNBOW: Thank you.

20 MS. BRETT: Yes, sir.

21 MR. TREGO: Keith Trego from Bismarck.
 22 Could you explain a little more about the
 23 administrative process? You mentioned Parks and
 24 Rec, for example, as being a, I think you said,
 25 cooperating agency. Who are the other cooperating

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1 and need and if you used -- because there's just a
 2 few amount of people, that's why we didn't have the
 3 roads, the schools. A good example, I lived -- my
 4 folks lived 20-some miles from Belfield. We had no
 5 buses. All the kids at that time used to live in
 6 town to go to school. No one else cared because it
 7 was just a few people that lived in Billings
 8 County, and if you try to tie things in, how much
 9 it's going to benefit a few people versus somewhere
 10 else, Fargo, Bismarck, where there's a population,
 11 it's not going to happen.

12 There is a need for the crossing, but
 13 tying it into purpose and need to a specific number
 14 of people is the wrong way to go. I heard the same
 15 thing when we tried to get a fire district going
 16 about 35 years ago. It was the same type of thing,
 17 well, how many people is it going to benefit?
 18 Well, if one farmer or rancher lost his place,
 19 well, it benefited that person. There is not a lot
 20 of people out there, but you still need to have
 21 everything else that the rest of society has. So I
 22 think that you really need to look at need and
 23 purpose when you're talking about how many people
 24 is -- you really have to look at that closely
 25 because that's -- it's not a good thing to use for

1 agencies, and does cooperating agency mean
 2 advocating agency, or what does it mean?
 3 MS. BRETT: Good question.
 4 MR. SCHRADER: Do you want to go through
 5 it or do you want me to?
 6 MS. TURNBOW: If you want to, you can.
 7 MR. SCHRADER: This is Mark Schrader,
 8 Federal Highway, and I can go through that with
 9 you.

10 Federal Highway is the agency that made
 11 the invitations. We are the lead federal agency
 12 for this environmental impact statement, and we
 13 have made invitations to state and federal
 14 agencies, inviting them to be either a cooperating
 15 agency or a participating agency. And the
 16 cooperating agency differs from a participating
 17 agency in that a cooperating agency could
 18 potentially utilize this environmental impact
 19 statement as their approval for a federal action.
 20 Any time a federal agency has a federal action,
 21 they need environmental approval.

22 So there's two cooperating agencies. One
 23 is the Corps of Engineers because they could
 24 potentially need to issue a 404 permit for this
 25 project, and the other cooperating agency is the

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1 U.S. Forest Service, because they could potentially
 2 need to give an easement if the project ends up on
 3 Forest Service property.
 4 But being a cooperating agency -- the
 5 invitation clearly spelled out that by accepting
 6 the role as a cooperating agency, you were neither
 7 a proponent nor opponent of the project. It means
 8 that you're willing to work with us on the
 9 process -- not that you support or you're against
 10 it, just to work with us on the process -- the
 11 environmental process.
 12 And the participating agencies, they're
 13 numerous. I'll find them to list them out. We
 14 have -- and the participating agencies have the
 15 same level of involvement as the cooperating
 16 agencies, but they don't have the ability to
 17 utilize our document for their environmental
 18 approval. And the BIA has been invited as a
 19 cooperating agency. We haven't quite --
 20 MS. NAYLOR: Participating.
 21 MR. SCHRADER: Sorry. Thank you.
 22 Participating. We're still working out the details
 23 with them as to whether they're going to accept or
 24 not. The National Park Service is a participating
 25 agency. And, again, being a participating agency,

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1 it is not that they're a proponent nor opponent;
 2 they're just willing to work with us for the
 3 process -- for the environmental process. The
 4 Natural Resource Conservation Service has been
 5 invited as a participating agency, EPA, Fish and
 6 Wildlife Service, North Dakota Department of
 7 Emergency Services, North Dakota Department of
 8 Health, North Dakota Game and Fish, North Dakota
 9 Parks and Rec, North Dakota SHPO, North Dakota
 10 State Water Commission. Did I get U.S. Fish and
 11 Wildlife Service? I think I missed that. They
 12 were also invited. And that's the list we have.
 13 And that's the group that we met with earlier
 14 today.
 15 MS. BRETT: And in addition to the Federal
 16 Highway Administration, the North Dakota Department
 17 of Transportation and Billings County are the three
 18 joint lead agencies.
 19 MS. DONOVAN: If you moved the project
 20 study area north, where do you hit the McKenzie
 21 County line? McKenzie County, are they on board
 22 for constructing this bridge in the same way that
 23 Billings County would have been? I assume you're
 24 going to get the McKenzie County line up there.
 25 MS. BRETT: Right now the study area stops

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1 at the county line.
 2 MS. DONOVAN: Have you talked to McKenzie
 3 County? Oh, I suppose not.
 4 MS. BRETT: That's the next step. That
 5 just came up today, is should the study area stop
 6 at a political boundary or not, and that's
 7 something that we need to explore.
 8 MS. DONOVAN: Has Billings County talked
 9 about whether they would support a change in moving
 10 that crossing out of the county?
 11 MS. BRETT: No. We really haven't had any
 12 discussions about it yet. It was just an idea that
 13 came up this afternoon that we need to look at.
 14 MS. DONOVAN: Okay. Is there more oil
 15 traffic further north?
 16 MS. BRETT: I'm not sure.
 17 MR. SCHRADER: I'm not familiar with oil
 18 in that area.
 19 MS. BRETT: Can you please state your name
 20 one more time?
 21 MS. DONOVAN: Lauren Donovan. Jim, do you
 22 know, is there more oil traffic?
 23 MR. ARTHAUD: No. There's less oil
 24 traffic further north.
 25 MR. KOPSENG: Ryan Kopseng again. There

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1 had to be some things, Lauren, when they built the
 2 Three V Bridge and the benefits of it, and it seems
 3 like McKenzie County always gets picked on for some
 4 reason. What is there, 300 people in Slope County?
 5 And they've got a bridge. I use it probably six
 6 times a fall. It's a great bridge and I'm sure
 7 they've found great use of it. You might find some
 8 valuable information up in there.
 9 MS. TURNBOW: Thank you. Yes, sir.
 10 MR. JENKINSON: I'm Clay Jenkinson. I
 11 just want to correct, there are 790 proud residents
 12 of Slope County. They're headed towards 300, but
 13 they're not there yet.
 14 I really welcome this chance to get people
 15 to give public input so early in the process, but I
 16 was chagrined to see in all the press reports the
 17 claim that a true bridge would be, quote, too
 18 expensive to consider. I would hope that a true
 19 bridge would be on the table of possibilities if a
 20 crossing is built in Billings County or McKenzie or
 21 anywhere else, and I was pleased to hear Mark talk
 22 about minimal environmental impact. I would hope
 23 that part of the definition of "minimal
 24 environmental impact" would be special restraint
 25 with respect to the Elkhorn Ranch site, which is

<p style="text-align: right;">34</p> <p>1 not only a key unit of Theodore Roosevelt National 2 Park, but a place of national and international 3 significance. And, finally, I would hope that the 4 definition of "minimal environmental impact" would 5 include something like -- some spiritual 6 quantification of the importance of the Little 7 Missouri River and the aesthetic degradation of a 8 low water crossing for such an extraordinary place 9 that's a state scenic river.</p> <p>10 MS. BRETT: Thank you. And you made one 11 comment that I can respond to tonight, which is 12 about alternatives. What the lead agencies have 13 published so far in the notice of intent is that 14 several alternatives will be under consideration, 15 and structure type is something that really hasn't 16 been explored at all. So right now any kind of 17 structure type is still on the table and that we 18 haven't looked into at all the cost between a 19 bridge versus a low water crossing, and that, in 20 addition to a host of other things, will come into 21 play during the alternatives analysis, but a bridge 22 certainly hasn't been ruled out. Yes, sir.</p> <p>23 MR. BARANKO: Ron Baranko. Is there 24 certain areas that you have in mind for a crossing, 25 or is it all just open?</p>	<p style="text-align: right;">36</p> <p>1 it a hard look at what impact we are having to any 2 national park property in the study area.</p> <p>3 MS. TURNBOW: Are there any other comments 4 or questions? Jan.</p> <p>5 MS. SWENSON: I'm going to ramble a 6 little. Jan Swenson. Part of this I want to 7 address to Ron -- Ron; right?</p> <p>8 MR. BARANKO: Mm-hmm.</p> <p>9 MS. SWENSON: I work for the Badlands 10 Conservation Alliance. If I had my druthers -- we 11 had our druthers, there would be no crossing, low 12 water, bridge, anything. It's a really special 13 place, isn't it, the Badlands?</p> <p>14 MR. BARANKO: Yes.</p> <p>15 MS. SWENSON: And the number of people is 16 not to me or to us an issue. I guess the bigger 17 question -- I mean, you know, one person is as 18 important as 10,000. But the issue is why is this 19 -- why is this coming up right now? I mean, we 20 have -- I'm not saying "we." Billings County -- 21 the folks in Billings County have dealt with 22 schools and mail and ambulances and fire since 23 settlement time. You know, I have a list of 24 ranches out there, and there's an awful lot of them 25 that aren't lived on, you know, so if the numbers</p>
<p style="text-align: right;">35</p> <p>1 MS. TURNBOW: It's all open right at this 2 point.</p> <p>3 MR. BARANKO: It's all open at this time.</p> <p>4 MS. TURNBOW: The only thing that we have 5 done was basically just take a look at where people 6 were crossing right now, and that's on one of these 7 maps right here, and that's about all the further 8 that we have gone, so --</p> <p>9 MS. BRETT: That's really just a good 10 starting point. Like Mark mentioned earlier, it's 11 sort of common sense that if people are crossing 12 there now, the topography is allowing for people to 13 get up to and cross the river at those locations. 14 This isn't intended to be limiting us from looking 15 at any particular place. It's just a good starting 16 point.</p> <p>17 MR. SCHRADER: And the Elkhorn Ranch is 18 certainly one area we're working closely with 19 Valerie from the National Park Service to look at 20 what impacts would a roadway have at different 21 locations, and that will certainly be part of our 22 evaluation. The Federal Highway's law has -- it's 23 called 4(f), it's a special protection, and the 24 National Park Service property qualifies for that 25 special protection, which will require us to give</p>	<p style="text-align: right;">37</p> <p>1 are going up, I can't for sure argue with that, but 2 it doesn't appear that the number of people living 3 on the land are staying the same. It appears that 4 they're going down.</p> <p>5 But the big deal is, why are we looking at 6 this right now? And I would suggest that it's 7 about profit as much as it is about any neighbor's 8 convenience or safety. And we are looking at all 9 of the social, economic impacts -- or we're saying 10 that we are or that we are going to -- I mean, I'm 11 not hearing anything yet, and I can appreciate 12 that, so that's why you're getting this ramble. 13 But my guess would be that it's about somebody's 14 profit, and because ranch families have been 15 established there for a long time, I would guess 16 it's the increase in oil development. And that's 17 where I have a problem.</p> <p>18 You know, industry is going to get the oil 19 out of there. They're getting the oil out of 20 there. Development is increasing all the time. If 21 we put a crossing in, we are simply opening up the 22 heart to those trucks going back and forth. And we 23 can say tourism is important, too. I mean, if it's 24 close to the Elkhorn, I'm going to be able to go to 25 the Elkhorn, I'm going to use the bridge, I'm going</p>

<p style="text-align: center;">38</p> <p>1 to go visit the new Forest Service public land that 2 we all know as the Eberts Ranch. 3 MR. BARANKO: Sure. And I can understand. 4 MS. SWENSON: But -- but if you talk to 5 tourism folks, if you talk to people that have 6 recreational values, they don't want to see those 7 oil trucks going across that bridge. And if it's a 8 safety issue -- I mean, you put an RV and oil 9 trucks and school buses all on the same -- you 10 know, we're not talking about increasing safety. 11 So if my federal dollars are going to pay 80 12 percent of this project and I see that kind of 13 traffic in the heart of the Badlands as 14 detrimental, then I want to hear all those facts 15 that qualify as purpose and need, and I want to 16 know -- I want to know that it's going to make a 17 difference for somebody with ambulance service, and 18 I want to know who's going to profit industrywise. 19 It's all so precedent setting. You know, 20 if a crossing goes in in any of these places here, 21 they will serve some oilfields better than other 22 oilfields, so then it's going to be me too, me too, 23 and, you know, this one yes or no, then what do we 24 say the next time and the next time? 25 So purpose and need is pretty essential,</p>	<p style="text-align: center;">40</p> <p>1 that just focuses on purpose and need? And so 2 we're kind of working with the agencies on that, 3 and if there is any change to the plan that's 4 proposed right now as far as the milestone 5 schedules and the opportunities for public 6 involvement, then we'll just update the schedule 7 and make that available for the public again. Yes, 8 sir. 9 MR. SCHAFER: Logically wouldn't you have 10 to establish a purpose and need, because if there 11 isn't one, you don't need to keep going and keep 12 spending money on this? 13 MS. BRETT: Mm-hmm. Yeah, that's the 14 first thing that needs to be established. 15 MS. DONOVAN: The oil industry isn't here 16 that I've heard. Is it presumed they have a need, 17 or I guess I am confused like everyone else. I 18 don't know. If you're asking people what the 19 purpose and need is, who's articulating it here? 20 And I haven't heard the industry here. But are you 21 just assuming it's there then? 22 MS. BRETT: No. Right now we're really 23 just asking everybody, do you think that there are 24 needs and, if so, let us know and also let us know 25 if you have any other issues or concerns. I do</p>
<p style="text-align: center;">39</p> <p>1 and when I listen to your timeline, the next time 2 we come together is to talk about range of 3 alternatives. You know, so really where are you 4 offering the public a look at the reality of 5 purpose and need? 6 MS. BRETT: That's a very good question. 7 In order to really look at range of alternatives, 8 you have to have an established purpose and need. 9 So that's one of two things. That either means 10 that when we come back to talk alternatives, we 11 have that to present first at the meeting before we 12 get into alternatives or it means that we need to 13 relook at our schedule and come back on purpose and 14 need first. And, I mean, the intention right now 15 is that we would come back the next time that we 16 meet with the public, we would have a defined 17 purpose and need -- not saying that it's final and 18 that it won't change, but it will certainly be more 19 defined than what we have right now and that we 20 would step through this is the purpose and need and 21 this is the basis for this range of alternatives 22 that we want to discuss. And that's something that 23 did come up in the agency meeting, too, is, is it 24 okay to have those two discussions lumped into one 25 next time, or do we need to add an additional step</p>	<p style="text-align: center;">41</p> <p>1 expect, I think from what we heard earlier, that 2 there will be -- more localized input is expected 3 in Medora, but I guess we'll see what we get. 4 MR. SCHRADER: The solicitation of views 5 letters went out to a wide variety of people, 6 agencies, local ranchers, oil industry, and, 7 hopefully, most everyone that's here. We tried to 8 get as broad of a mailing list as possible to 9 include everyone we could think of to ask for 10 input. So, hopefully, even if they don't come to 11 the public meetings, they'll respond to our 12 solicitation of views asking for their comments. 13 MR. BARANKO: Ron Baranko. I would just 14 like to comment. This is nothing new. This is -- 15 25, 30 years ago they were talking about building a 16 crossing. You said why now. There's been talk -- 17 MS. SWENSON: It's a reoccurring thing, I 18 realize that. 19 MR. BARANKO: It's not new, though, why 20 now. 21 MR. KRIEG: Jen, maybe you could just give 22 a rough number of how many letters went out between 23 our meeting this afternoon, our meeting tonight and 24 our meeting in Medora next week, just for an idea 25 of the number of letters, or Grady.</p>

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1 MS. TURNBOW: It's 250.
 2 MR. WOLF: Pretty close.
 3 MS. TURNBOW: Pretty close to 250 letters
 4 that went out.
 5 MR. KRIEG: That's between private
 6 landowners and industry and agencies?
 7 MS. TURNBOW: Agencies, industry,
 8 different counties.
 9 MS. SWENSON: Maybe we should go back
 10 again and ask Jim -- because you're in the oil
 11 industry, aren't you?
 12 MR. ARTHAUD: Yes.
 13 MS. SWENSON: -- if you wanted to comment
 14 to our question about the industry's need or desire
 15 to have this crossing.
 16 MR. ARTHAUD: Oh, I think the industry has
 17 a desire to have the crossing, just like a local
 18 rancher has a desire to have a crossing, just like
 19 a firefighter has a desire to have a crossing.
 20 It's multifaceted, the people that will use the
 21 crossing. To say that the industry doesn't want
 22 the crossing --
 23 MS. SWENSON: Has there been a discussion
 24 within the industry about this proposal and how it
 25 may best serve?

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1 MR. ARTHAUD: Well, there was a gentleman
 2 today that summed it up real well with the Forest
 3 Service. He said it just seems kind of silly to me
 4 that an industry person is going to drive a hundred
 5 miles around, waste fossil fuel, beat up roads,
 6 increase danger because of exposure on miles when
 7 the well could be just across the river for an
 8 example, you know. So he thought it was just
 9 ludicrous that we were burning that extra
 10 additional fuel where this could serve the purpose.
 11 If we can find a place to have the river crossing
 12 where it's not going to have a huge impact to the
 13 environment, it could have a beneficial impact to
 14 the environment.
 15 MS. SWENSON: And who would that have
 16 been?
 17 MR. ARTHAUD: I believe it was Curt Glasoe
 18 with the Forest Service, I believe.
 19 MR. SCHRADER: Well, that is part of the
 20 process for when we get into analyzing the
 21 alternatives. We do have to look at what are the
 22 impacts of building the project and what are the
 23 impacts of not building, and it does have for
 24 fossil fuels used, miles traveled. That's standard
 25 with the Federal Highway documentation. When

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1 something is proposed, we look at what are the
 2 impacts of building it, but, on the other hand,
 3 what are the impacts of not building it, and you
 4 have to weigh the benefit versus cost, benefit
 5 versus impact. And that will be another step where
 6 we go to the public with that information, but not
 7 for quite a while, but that will be -- part of the
 8 evaluation is here's the impact of building it,
 9 here's the impact of not building it and here's the
 10 preferred alternative, but that's not until the
 11 draft environmental impact stage, so we will be
 12 back with that information.
 13 MS. BRETT: Yes, sir.
 14 MR. SCHAFER: My name is Wayde Schafer. I
 15 know -- I guess I could agree with Mr. Arthaud's
 16 statement that it's ridiculous not to build it to
 17 facilitate the oil development out there if that
 18 was the only use of those lands out there, but you
 19 have public lands out there that are multiple-use
 20 lands, and, you know, wildlife and recreation are a
 21 big part of that, and that is going to have an
 22 adverse impact. And, you know, the environment is
 23 a big topic. Yeah, you might be saving some fossil
 24 fuels with the oil trucks, but you have an
 25 immediate negative impact to the environment in the

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1 vicinity of any crossing or road. So that general
 2 statement it's going to help the environment, I
 3 guess I can't agree with that.
 4 MS. BRETT: Thank you. Yes, Blane.
 5 MR. HOESEL: Blane Hoesel with DOT. I
 6 just thought I would clarify the funding source.
 7 It was a general statement I made with the 80-20.
 8 In this particular case each county gets a certain
 9 funding allotment per year based on that formula.
 10 There is no way Billings County is even going to
 11 get close on their federal aid, so they're going to
 12 be putting a lot of money in this project
 13 themselves, way over and above the 20 percent, in
 14 order to get the project completed, just because
 15 they won't have federal funds available for their
 16 full share. Just so people aren't stuck that
 17 you're paying 80 percent of their project. That's
 18 not a true statement in this case.
 19 MS. TURNBOW: Any other comments or
 20 questions? We will be here, the project team and
 21 other representatives. Yes, sir.
 22 MR. TREGO: Keith Trego from Bismarck
 23 again. I had a question before. I have a comment
 24 now that goes back to the issue of hunting. This
 25 gentleman over here talked about wanting additional

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1 roads in the Badlands and enjoying one further
 2 south that's been built. My experience has been
 3 that -- and I've spent a lot of time hunting both
 4 in the Badlands and other places in North Dakota.
 5 As you can tell, I probably hunted a few more years
 6 than he has. And I would say there's probably a
 7 lot of things that North Dakota needs, but one
 8 thing North Dakota hunters don't need is any more
 9 roads, especially in the Badlands. In fact, one of
 10 the last times I hunted antelope out there I almost
 11 got lost because I couldn't get out of the network
 12 of oil roads to find my way back to a real road to
 13 get out.

14 I think if you talk to most hunters that
 15 use the Badlands, they would prefer being able to
 16 get further away from roads and trails to an area
 17 that's less disturbed. The country out there is
 18 such that you can totally destroy it with roads,
 19 and we're getting close to that. And I would speak
 20 to that from a standpoint of hunting. We don't
 21 need another inch of roads. In fact, we need about
 22 half the roads we have out there now.

23 MS. TURNBOW: Thank you.

24 MR. KOPSENG: I guess I would just like to
 25 clarify my point. My point was a bridge accessing

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1 more federal land for all of us, not necessarily
 2 more roads. I think we need one crossing, no more
 3 crossings. But as to the issue of -- I don't agree
 4 with your statement totally. I used to love to
 5 hunt William Butte. You can't unless you have
 6 horses. But I like roads. I don't like a lot of
 7 bridges. We need one. Let's do it in the best
 8 place to access land for the hunters.

9 MS. TURNBOW: There are comment cards, so
 10 please feel free to leave them with us tonight.
 11 There's a basket out front or you can mail them or
 12 even e-mail. So please feel free to give us your
 13 comments.

14 MS. BRETT: Thank you all very much for
 15 coming. We really appreciate the input.

16 (Concluded at 6:23 p.m., the same day.)

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CERTIFICATE OF COURT REPORTER

I, Denise M. Andahl, a Registered
 Professional Reporter,

DO HEREBY CERTIFY that I recorded in
 shorthand the foregoing proceedings had and made of
 record at the time and place hereinbefore
 indicated.

I DO HEREBY FURTHER CERTIFY that the
 foregoing typewritten pages contain an accurate
 transcript of my shorthand notes then and there
 taken.

Bismarck, North Dakota, this 20th day of
 March, 2007.

 Denise M. Andahl
 Registered Professional Reporter