

BEFORE KADRMAS, LEE & JACKSON

Little Missouri River
Crossing

Project No. FHO-02-04(001)

TRANSCRIPT OF
ALTERNATIVES PUBLIC WORKSHOP

Taken At
North Dakota Cowboy Hall of Fame
250 Main Street
Medora, North Dakota
June 7, 2012

BEFORE MS. JENNIFER TURNBOW
-- PROJECT MANAGER --

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1 (The proceedings herein were had and made
2 of record, commencing at 5:31 p.m., Thursday, June
3 7, 2012, as follows:)

4 MS. TURNBOW: Good evening. We're going
5 to get started here in just a little bit, and first
6 I would just like to thank everyone for coming out
7 tonight and attending the alternatives public
8 workshop for the Little Missouri River crossing
9 project, and thanks so much for taking time out of
10 your day so you can attend this meeting and also
11 provide your comments and your feedback.

12 Before we begin, we just have a couple
13 housekeeping items. We do have a court reporter
14 here who will be taking a transcript of the
15 alternatives public workshop since this is an
16 environmental impact statement project, and so she
17 will be taking the transcript, so when we get to
18 the question-and-answer period, we will be asking
19 people to state their names for the court reporter.

20 And along those same lines, we would
21 really like it if we could just hold off on some
22 questions and comments until we get through the
23 presentation so that we do have a good transcript
24 for the project tonight.

25 And with that, first, I'd like to make

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1 some introductions. My name is Jen Turnbow and I'm
2 the project manager with Kadmas, Lee & Jackson.
3 With me I have Craig Kubas and Wade Frank, and
4 Kayla Torgerson was by the sign-in table.

5 We have representatives from Billings
6 County tonight. We have Jim Arthaud, Allen
7 Thompson and Mike Kasian. And we also have
8 representatives tonight from the Federal Highway
9 Administration and the North Dakota Department of
10 Transportation.

11 And with that, we'll get started. Tonight
12 we're just going to go over the overview of the
13 project, go through a little bit of the purpose and
14 need and alternatives development, the
15 alternatives, and then we'll get into questions and
16 comments.

17 So just a quick project overview. An EIS
18 has been initiated for a proposed river crossing in
19 conjunction with upgrading existing roadways to
20 connect east river to west river from North Dakota
21 Highway 16 to U.S. Highway 85. And this project
22 was originally initiated in 2006 when a notice of
23 intent was filed with the Federal Register.

24 The lead agencies for this project are the
25 Federal Highway Administration, the North Dakota

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1 Department of Transportation and Billings County.
2 We have two cooperating agencies, and that is the
3 U.S. Army Corps of Engineers along with the U.S.
4 Forest Service. And under the new Federal Highway
5 guidelines we have participating agencies, and we
6 have 11 participating agencies that help out with
7 the project. So basically all of the agencies that
8 I've just mentioned help with many different items
9 on the project and have through the duration of the
10 project.

11 I'd just like to touch on the study area
12 for the project. The study area is located between
13 the southern border of the North Unit of Theodore
14 Roosevelt National Park, the northern border of the
15 South Unit of Theodore Roosevelt National Park, the
16 eastern border of U.S. Highway 85 and the western
17 border of North Dakota Highway 16. And please note
18 that the Elkhorn Ranch Unit of Theodore Roosevelt
19 National Park is excluded from the project study
20 area.

21 And I know this map is really hard to see,
22 but you do have one in your handout and so you can
23 refer to that, as well. And this study area
24 originally when we first started the project in
25 2006 just included Billings County. Since that

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1 time it was expanded to include McKenzie County,
2 and so that's where we are today with this bigger
3 study area.

4 With that, I would just like to give a
5 project update and kind of go through some of the
6 major steps that we've gone through because this
7 project had been halted for a couple years and so I
8 just kind of wanted to walk through this timeline.

9 As I had just said, the study area was
10 expanded to include McKenzie County. There were
11 alternatives public workshops that were held in
12 Bismarck and Medora in 2008, and at that time we
13 were studying four alternatives, and that included
14 a no-build alternative, as well.

15 And here were the alternatives that we
16 presented prior in July of 2008, and those were
17 Alternatives B, C and D. And as you can see, today
18 we still have two of the alternatives and we'll get
19 into more detail about those later, but Alternative
20 D has been discarded from further study.

21 So what did we do after the alternatives
22 public workshop? Well, basically the project team,
23 and that includes KLJ and then all of those
24 agencies I had mentioned previously, we came up
25 with methodologies to develop reasonable

6

1 alternatives for the proposed river crossing and
 2 connecting roadways, and through this process we
 3 went through quite a few different iterations of
 4 this, and actually the alternatives that we have
 5 today, you can see that they're alphabetical order
 6 and there are some that are missing, some of those
 7 have been studied but have been discarded due to
 8 mainly some engineering criteria and some other
 9 criteria, as well. So we have gone through quite a
 10 few different iterations of these methodologies to
 11 get where we are today.

12 And those methodologies and the
 13 alternatives that you see in your handout, they
 14 were presented to lead, cooperating and
 15 participating agencies in December of 2008, and
 16 then at that time in January we were going forward
 17 with studying the alternatives in more detail and
 18 that's when we kind of ran into some issues with
 19 McKenzie County, and I'll talk about those here in
 20 just a little bit. And then we also republished
 21 the notice of intent in December of 2010, and the
 22 reason why the notice of intent was reissued was to
 23 have the expanded study area of McKenzie County.

24 So from January of 2009 through December
 25 of 2011 the project team was working on some issues

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1 with McKenzie County. So as I said previously, we
 2 are going to go forward studying these
 3 alternatives, doing the detailed analysis and kind
 4 of a couple issues cropped up.

5 One is the National Environmental Policy
 6 Act really doesn't take into consideration any
 7 jurisdictional boundaries. So with that then some
 8 issues that cropped up were, can Billings County
 9 actually spend their funding in another county to
 10 construct a bridge or construct roadways? We also
 11 looked at different access issues in regards to
 12 land survey, as well as the different field
 13 studies, and so we worked with the Federal Highway
 14 Administration, the North Dakota Department of
 15 Transportation, Billings and McKenzie Counties and
 16 all of the associated attorneys to decide whether
 17 or not we could study some of these things in
 18 detail.

19 And the result of that was basically that
 20 we can study the McKenzie County alternative, but
 21 not to the same level as we can the others because
 22 we cannot gain permission to land survey and to do
 23 the field studies. We could only study that on
 24 public land.

25 After that we resumed the lead agency

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1 meetings in January of 2012, then we resumed the
 2 lead and cooperating agency meetings in 2012 in
 3 March. We also resumed the leading, cooperating
 4 and participating agency meetings, we revised the
 5 purpose and need, and we also revised the project
 6 website.

7 So what is the purpose of the project?
 8 The basic purpose of this project is to provide a
 9 vehicular transportation link, and the overall
 10 purpose of the project is to provide for the safe
 11 and efficient movement of people and commerce
 12 through promotion of a reliable transportation
 13 system within Billings County.

14 We also need to improve the system
 15 linkage, and that's a key word, is to provide the
 16 system linkage with a centrally accessible, safe,
 17 efficient and reliable way between North Dakota
 18 Highway 16 and U.S. Highway 85. And we also need
 19 to connect the transportation network on the east
 20 side of the Little Missouri River to the
 21 transportation network on the west side of the
 22 Little Missouri River, which is what we call
 23 internal linkage. We also need to upgrade the
 24 existing roadways and create new roadways and
 25 construct a river crossing over the Little Missouri

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1 River to best meet roadway construction and design
 2 standards.

3 The need for the project is driven by an
 4 inadequate system linkage within Billings County,
 5 specifically the lack of reliable river crossings,
 6 and also increase in traffic demands from the oil
 7 and gas industry.

8 So of the 17 oil-producing counties in
 9 North Dakota, McKenzie County ranks second and
 10 Billings County ranks sixth. And as all of you
 11 know in western North Dakota, the high cost of oil
 12 is spurring increased development and also our
 13 roadways aren't designed to meet the demands of all
 14 this heavy oilfield traffic.

15 And I know that the oil and gas industry
 16 with all of the data, it changes pretty much almost
 17 daily, but there is now roughly around 470 active
 18 wells and 59 inactive wells in the overall study
 19 area.

20 And one more thing I would like to add is,
 21 within the project there are currently about 18
 22 private fords that are located along the Little
 23 Missouri River. However, most of these are
 24 unreliable because of seasonal conditions and also
 25 they're inaccessible to many types of different

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1 vehicles, and the majority of the existing fords
2 are also located on private property requiring
3 landowner permission to cross. So that just kind
4 of goes to show, too, about just having that system
5 linkage and that internal linkage is necessary in
6 Billings County.

7 With that, I'm going to turn it over to
8 Craig Kubas and he's going to go through some
9 design criteria and some of the alternatives.

10 MR. KUBAS: Thanks, Jen. I'm Craig Kubas
11 with Kadmas, Lee & Jackson out of the Dickinson
12 office.

13 Just to go over some of the design
14 criteria that we are looking at for the road
15 upgrade portion of the project, we would build any
16 road associated with the project to the typical
17 county road section, and that typical section has
18 been established by the county, it's the normal
19 road that you'd expect to see, a gravel road 24
20 feet wide, a 35-mile-an-hour design speed, which is
21 standard in Billings County, gives you a minimum
22 curve radius of 340 feet.

23 And then grades are always an issue out in
24 the Badlands, and we would shoot for a maximum
25 grade of 8 percent with an exception up to 10

11

1 percent, and that follows national standards, the
2 AASHTO national standards.

3 As Jen was mentioning earlier, we do have
4 several alternatives that we're carrying forward.
5 There's actually eight of them here, with the
6 eighth being a no-build option that we always study
7 in these environmental processes. I'll briefly go
8 through each of the build alternatives and quickly
9 run through some of the numbers on those
10 alternatives.

11 This is Alternative A, and it connects
12 Magpie Road to Forest Highway 2. There would be
13 approximately 10.7 miles of either new or
14 reconstructed road to be built with this option.
15 The new roadway generally follows an existing road.
16 The terrain is very rough on the east side of the
17 river and major grading would be required in those
18 areas. The river crossing, itself, would be
19 located at the Goldsberry crossing or the public
20 crossing in northern Billings County.

21 This is a picture. I'm not sure if it's
22 of that crossing. I think it is of that crossing.

23 UNIDENTIFIED SPEAKER: Don't look quite
24 right for it, but it looks like the situation it's
25 been for the last couple years.

12

1 MR. KUBAS: Alternative B connects
2 Blacktail Road to Forest Highway 2, and there would
3 be approximately 10.1 miles of reconstruction with
4 Alternative B. The new roadway follows the
5 existing roadway that went through -- past and
6 through the old Eberts Ranch. There are really no
7 engineering concerns with this from a horizontal or
8 vertical alignment standpoint. The terrain would
9 be classified here as level to rolling.

10 Alternative C connects Blacktail Road
11 again to Belle Lake Road. This alternative would
12 consist of approximately 8.3 miles of
13 reconstruction or new construction. No major
14 engineering concerns with the alignment here again,
15 exception being the river crossing, itself, there's
16 a steep bluff on the east side of the river -- or
17 actually on the north side of the river here as the
18 river is running east and west. The east side of
19 the river would require about a 30-foot cut, and
20 the approach grades down to the bridge on the east
21 side -- excuse me -- on the west side would be in
22 the 8 to 10 percent range. So the river crossing
23 is marginal. Wade is going to talk about some of
24 the bridge issues in a little bit. So this option
25 is also close to an existing ranch on the west side

13

1 of the river.

2 Alternative K, as you can see on the map,
3 we've developed three crossings to tie in with
4 Alternative K, so we've labeled these Alternatives
5 K, option 1, option 2 and option 3.

6 Option 1 would require 8.5 miles of
7 grading or reconstruction. Option 2 would be about
8 the same, 8.6 miles of road reconstruction, and
9 option 3 would require 10.1 miles of road
10 reconstruction. In general these routes again
11 follow existing roads down to the river. The
12 terrain is pretty rough on the west side of the
13 river, and regrading of what you see as the blue
14 road there on the west side of the map would
15 require some regrading to meet those county
16 standards that I talked about earlier. Again, this
17 route passes near ranches on the west side of the
18 river on options 1 and 2, and then it gets close to
19 a ranch on the east side of the river on option 3.

20 MR. DAVE SHORT: Whoa, whoa, whoa. Excuse
21 me. Dave Short. Not near. Right through deeded
22 land. You've got to state that correctly. It's
23 actually right through deeded land.

24 MR. KUBAS: Comment noted.

25 MR. ARTHAUD: At the beginning she said

14

1 hold questions till the end.

2 MR. KUBAS: And Alternative J, as Jen had

3 mentioned, was the McKenzie County route.

4 Alternative J connects Hay Draw Road with County

5 Road 50, and there would be approximately 8.8 miles

6 of widening or reconstruction. Again, this route

7 follows an existing road and the road would require

8 minor widening and grading and realignments of

9 curves in seven locations. On the west side --

10 excuse me. On the east side of the river the route

11 generally follows Bicycle Creek and, again, this

12 route passes near an existing farmstead on the east

13 side of the river.

14 With that, I'll turn it over to Wade to

15 talk about some of the bridge issues.

16 MR. FRANK: Thank you. As you know, the

17 point of this project is to develop alternatives to

18 build a crossing of the Little Missouri River. At

19 this point, however, we're not into a lot of detail

20 about how the bridges would be designed

21 necessarily, so what we did try to do is just

22 develop a little bit of information that would give

23 us a gauge of how long a bridge would have to be at

24 given locations just to give an idea of the

25 feasibility.

15

1 So similar to what Craig mentioned with

2 the county design standards for the roadway stuff,

3 we did develop our standards to develop the bridge

4 options.

5 On the county highway system in North

6 Dakota bridges are generally designed for a 25-year

7 flood, so that's the criteria we used here, and

8 then there's just the general bridge design

9 standards that we follow on any normal project.

10 And then going forward, when the look of the bridge

11 options would be developed, we look at trying to

12 get the bridge to blend in with the surroundings as

13 much as possible.

14 So as I said, we didn't get into a lot of

15 detail. What we tried to do was estimate the

16 length of the bridges at each of the locations. As

17 you can see, there's quite a bit of variation. A

18 few of the sites have lengths of around 600 feet,

19 some are in the 800-foot range, and then we have

20 two that are over a thousand feet, with 1,050 at

21 Alternative C and 1,200 feet at Alternative J.

22 All this really means is what we think the

23 length of the bridge would be at the site. It does

24 not mean that any option is preferred because of

25 that. It means that the bridge would likely be

16

1 less costly at a given site if it's shorter, but

2 there's nothing in the process that says that the

3 shortest bridge or the least costly bridge is the

4 alternative that has to be selected.

5 Basically where we're at right now is the

6 study area that we showed earlier, we are required

7 to develop all the feasible alternatives that are

8 in that study area, and that's what these

9 alternatives represent.

10 Here's just a concept. I'm not sure how

11 well you can see it. This is just a general idea

12 of what a bridge would look like at -- I'm not even

13 sure which site this is, if it even is a specific

14 site. It's just a general idea of what the bridge

15 would look like. Again, as it moves forward, we

16 would try to develop concepts to help it blend into

17 the surroundings as best as possible.

18 I will turn it back to Jen to finish up

19 with the schedule.

20 MS. TURNBOW: Thanks, Wade. I'm going to

21 step back because I did forget to point out a

22 couple things I just remembered while I was sitting

23 here.

24 When we were talking about the study area,

25 you can see that there's some -- this red line that

17

1 goes across here, and that's the proposed National

2 Historic District, and right now that is at the

3 keeper waiting for a decision. And also the

4 green -- the dark green here is the Elkhorn Ranch

5 Unit of Theodore Roosevelt National Park. And then

6 the two side properties in the light green are

7 property that's managed by the North Dakota Park

8 and Rec. And then the tannish blocks here are the

9 Elkhorn Ranch Lands owned by the U.S. Forest

10 Service. So I just wanted to kind of make that

11 clear and that, as I said earlier, the cooperating

12 agency, one of them is the U.S. Forest Service,

13 they keep us updated on what's happening with the

14 National Historic District and the management plans

15 and that type of thing.

16 So I'll cruise through here and go back to

17 the schedule. So as we sit here today, we're

18 having the alternatives public workshops, and the

19 comment period ends on June 22nd, and you can

20 either give your comments here tonight with the

21 court reporter, there's comment forms that you can

22 submit either out here at the table in a basket,

23 you can mail them in snail mail or you can also

24 email them. So however -- whatever way fits what

25 you prefer to do, please get your comments in to

18

1 us.

2 The draft EIS is anticipated to be done

3 around January of 2013. We should go back to

4 public hearing around June of 2013, having a final

5 environmental impact statement done in August of

6 2013, and then a record of decision somewhere

7 between November or December of 2013.

8 And along with the schedule, these are

9 really target dates, we really hope to meet them,

10 but there are times, especially with environmental

11 impact statements, where these target dates aren't

12 necessarily always met, so this is what we really

13 are striving to do. And we'll keep you apprised if

14 there are any schedule changes.

15 And with that, we will be opening it up to

16 questions and comments that anyone may have. And I

17 just wanted to point out again we do have a court

18 reporter and Denise really appreciates it when

19 people state their names and then their comments

20 for the transcript. It's really important. So if

21 you could do that, we'd greatly appreciate it.

22 Sheri here is going to go around with the

23 microphone and if you just want to raise your hand

24 and then we'll go around.

25 So thank you and then we'll open it up for

19

1 comments.

2 MS. SAKARIASSEN: Hello. My name is Amy

3 Sakariassen. I live in Bismarck and I'm here

4 tonight representing the National Trust for

5 Historic Preservation, a privately funded nonprofit

6 organization that works to save America's historic

7 places to enrich our future.

8 At the alternatives public workshop held

9 in Bismarck earlier this week, I shared the deep

10 concern of the National Trust regarding the

11 proposed Little Missouri River crossing and its

12 potential effects on historic properties, including

13 the Elkhorn Ranch Unit of Theodore Roosevelt

14 National Park and the larger Elkhorn Ranch Lands

15 National Historic District, which has been

16 nominated to the Natural Register of Historic

17 Places.

18 Today I would like to share the news on

19 the extent of the National Trust's involvement in

20 helping to protect Theodore Roosevelt's Elkhorn

21 Ranch. Just yesterday the National Trust

22 nationally announced its America's 11 most

23 endangered historic places list. Theodore

24 Roosevelt's Elkhorn Ranch has been included on the

25 2012 list in recognition of its national

20

1 significance and the threats now facing it like the

2 Little Missouri River crossing.

3 Since 1988 the National Trust has used its

4 list of America's 11 most endangered historic

5 places to raise awareness about the threats facing

6 some of the nation's greatest treasures. This year

7 marks the 25th anniversary of the program, which

8 has become one of the most effective tools in

9 saving our country's irreplaceable architectural,

10 cultural and national heritage.

11 The list, which has identified 233 sites

12 to date, has been so successful in galvanizing

13 preservation efforts that only a handful of those

14 sites have been lost. We expect the inclusion of

15 Theodore Roosevelt's Elkhorn Ranch on our 2012 list

16 will have a similar effect on this nationally

17 significant place.

18 As a part of our efforts to protect

19 Theodore Roosevelt's Elkhorn Ranch, we look forward

20 to participating in the review and consultation

21 process for the proposed Little Missouri River

22 crossing project.

23 And for those of you who are not aware of

24 the National Trust, it was signed into existence by

25 President Truman in 1949, has about 250,000 active

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1 members and counts about 3 to 7 million additional

2 affiliated people who work in different

3 associations that accompany and partner with us in

4 different projects. Thank you.

5 MR. POPPKE: Hello. My name is Ted Popke

6 and I'm here representing the Short and Tarrymore

7 Ranches that will be affected by the three K

8 options on the map.

9 And I have five questions for the

10 engineering firm, KLJ. My first question, is there

11 an estimate of the truck traffic per day across the

12 proposed bridge?

13 MS. TURNBOW: The Upper Great Plains is

14 conducting a traffic study of almost all of western

15 North Dakota, and the North Dakota DOT and Federal

16 Highway Administration will be using this data and

17 they'll also be helping us with some of the

18 alternatives in conducting that model, so that's

19 ongoing right now.

20 MR. POPPKE: So there's no current

21 estimate of the truck traffic?

22 MS. TURNBOW: I believe the Upper Great

23 Plains, that some of their data will be done in

24 June, this month. I would have to defer to the DOT

25 on the exact timeline for that, but there will be,

22

1 because right now with the EIS, we're just at this
 2 conceptual stage, and so once we get into doing the
 3 full analysis and that type of thing, that's the
 4 third party that will be doing the traffic
 5 analysis.
 6 MR. POPPKE: Okay. Thank you. The second
 7 question, most of the proposed bridges are in an
 8 air quality Class II area. Has KLJ, the
 9 engineering firm, estimated the increase in air
 10 pollution in the form of dust from the traffic,
 11 specifically total suspended particulates, or TSP?
 12 MS. TURNBOW: As I said, we haven't gotten
 13 to any of the actual analysis of the alternatives.
 14 These are concepts that we will be carrying forward
 15 in the EIS and then many different environmental
 16 categories will be covered in that.
 17 MR. POPPKE: Third question, is there any
 18 plan to establish a baseline of air quality in the
 19 proposed bridge area prior to construction?
 20 MS. TURNBOW: That I am not sure of. And,
 21 again, we haven't even gotten that far in the EIS.
 22 MR. POPPKE: Fourth question is the design
 23 criteria for the engineers. The purpose of the
 24 project is to address the lack of a reliable river
 25 crossing, what was on your slide. What is the

23

1 civil engineering design standard for the distance
 2 between river crossings?
 3 MR. FRANK: I'm not aware of any standard
 4 for that.
 5 MR. POPPKE: But your slide said you were
 6 addressing a need for more river crossings. There
 7 must be a design standard. How far apart should
 8 bridges be?
 9 MS. TURNBOW: We're addressing the need
 10 for a river crossing.
 11 MR. POPPKE: We have several. The
 12 Missouri River has river crossings. Do we need
 13 more?
 14 MS. TURNBOW: That's what this project is
 15 about, yes.
 16 UNIDENTIFIED SPEAKER: Would you both
 17 speak up, please.
 18 MS. LARES: Maybe if you could stand next
 19 to Jen so we could pass the mike back and forth.
 20 MR. POPPKE: And the last question, which
 21 agency and which specific official will make the
 22 record of decision?
 23 MS. TURNBOW: Federal Highway
 24 Administration will sign the record of decision.
 25 MR. POPPKE: And which official?

24

1 UNIDENTIFIED SPEAKER: We didn't hear
 2 that.
 3 MS. TURNBOW: The Federal Highway
 4 Administration is the lead federal agency and they
 5 will be the ones that sign the record of decision.
 6 MR. POPPKE: Which office? Which
 7 official?
 8 MS. TURNBOW: It would be Wendall Meyer.
 9 MR. POPPKE: And where is he?
 10 MS. TURNBOW: He is the division director
 11 for the North Dakota Federal Highway
 12 Administration.
 13 MR. POPPKE: Thank you.
 14 MR. BRAATEN: My name is Derrick Braaten.
 15 I'm an attorney with Baumstark Braaten Law Partners
 16 in Bismarck. I'm here representing Tarrymore Ranch
 17 and the Short family, as well as the Short Ranch.
 18 I just have a couple comments and
 19 questions. You just heard from this gentleman
 20 several questions about these routes, and I follow
 21 that with another question. We don't have a lot of
 22 information here. We don't know about truck
 23 traffic. We don't know about air quality. We
 24 don't know about a number of things. So why are
 25 these the best routes? I mean, what have we done

25

1 to decide that we should have these routes rather
 2 than other routes? Are there other routes out
 3 there? We don't know. We have very little
 4 information. Where is the information? So what is
 5 the purpose of this meeting? We're talking about
 6 routes and we don't really know why any of these
 7 routes are better or not. More importantly, we
 8 don't know why we need a new route or a new bridge
 9 crossing.
 10 I think that there's probably several
 11 people that would say, well, it might be convenient
 12 to have a bridge crossing over the Little Missouri.
 13 I could see how that might be convenient. But,
 14 clearly, there's going to be a lot of truck
 15 traffic, there's going to be other impacts on this
 16 area, very significant impacts, and so the question
 17 is, does that minor amount of convenience justify
 18 this crossing and the detrimental impacts?
 19 And I'm not as familiar as some of you
 20 folks perhaps with the area, but I was up there
 21 today, I was driving around, and it struck me that
 22 a bridge crossing isn't going to make things a
 23 whole lot more convenient out there because you're
 24 going to be driving around quite a bit no matter
 25 where you're going, and I don't know that crossing

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1 that river is going to be more convenient for oil
 2 trucks than just coming straight down to 94.
 3 There's also a requirement that the
 4 engineers develop all feasible alternatives. And
 5 this project has been on hiatus for a number of
 6 years now for the reason that they needed to go up
 7 to McKenzie County and try and develop alternatives
 8 up there, as well.
 9 Now, we heard in Bismarck that this
 10 McKenzie County crossing -- or the potential
 11 crossing really doesn't have much of a possibility
 12 and it's not going to be feasible really and it's
 13 probably not going to happen, so truly there
 14 haven't been any feasible or potential feasible
 15 alternatives developed in McKenzie County.
 16 Now, finally, what hasn't been talked
 17 about is what it comes down to and what we're also
 18 talking about here is eminent domain and whether
 19 the government entity is going to come in and take
 20 away land from private landowners.
 21 Now, again, if we're talking about the
 22 convenience here, maybe there is some convenience,
 23 but it's also going to have a significant impact on
 24 this area and it's also going to have a significant
 25 impact on the people who live in that area, and

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1 it's not all about the convenience for them. For
 2 some of them it's about losing land and about the
 3 government taking their land away and using it to
 4 create some convenience for other people.
 5 So I would encourage everyone to think
 6 hard about that, and there may be people in the
 7 room that think, yeah, it would be a little more
 8 convenient to have a river crossing, but there's a
 9 lot of baggage that comes with that and I hope that
 10 you'll consider that and I hope that all the
 11 officials will consider that, as well, and I hope
 12 that in doing so, that it will come to the
 13 conclusion that no river crossing is the best
 14 option.
 15 MS. TURNBOW: Thank you. I was just going
 16 to state that --
 17 MS. BUCKMAN MOLM: Excuse me.
 18 MS. TURNBOW: Yes.
 19 MS. BUCKMAN MOLM: I would like to speak.
 20 MS. TURNBOW: Okay. I was just going to
 21 say one quick thing. I was just going to point out
 22 is that what I had referred to in the presentation
 23 that we had looked at a lot of different
 24 methodologies and had went through a lot of the
 25 alternative analysis, we actually studied

28

1 Alternatives D, E, F, G, H and I, and I was in
 2 McKenzie County along with the Alternative J, and
 3 what we did is we looked through the entire study
 4 area, we had sets of criteria that we worked with
 5 with Federal Highway Administration, the North
 6 Dakota Department of Transportation, the U.S.
 7 Forest Service, the U.S. Army Corps of Engineers
 8 and the 11 participating agencies, and through that
 9 criteria some of those were discarded for a lot of
 10 different reasons, and these are the alternatives
 11 that made it through that screening process.
 12 So throughout the study area there were
 13 many different alternatives that were definitely
 14 looked at. And, in addition, the North Dakota
 15 Department of Health is also our participating
 16 agency, they do come to meetings, so will be
 17 addressing those air quality issues, if there are
 18 any, and that would be the agency who would help us
 19 out with that. So I just wanted to state those and
 20 I'll turn that over to a comment here.
 21 MS. BUCKMAN MOLM: Yes. My name is Ruth
 22 Buckman Molm. I'm from Belfield, born and raised,
 23 graduated from UND, and I guess I'd like to say
 24 welcome fellow citizens and just a quick question
 25 to folks here. Have you all been camping in that

29

1 area? Have you been camping in North Dakota?
 2 MR. KUBAS: Yes.
 3 MS. BUCKMAN MOLM: Okay. Good. Then I
 4 think you would recognize some of my sentiments
 5 here as I'm speaking. I'm a teacher and have had
 6 the privilege of guiding students, and the one
 7 thing that I recognize is that in our society today
 8 there's a lot of busyness and not an opportunity
 9 for solitude or quiet -- or not much.
 10 In this area the Elkhorn Ranch affords
 11 that in a way that Teddy Roosevelt sensed, and when
 12 he came -- after his wife and daughter had passed
 13 and he came here to heal, he decided that this was
 14 an area that needed to be protected for a time just
 15 such as now. So these are historic times that
 16 we're living in just as when he was here.
 17 And so I think the shortcut road so close
 18 to TR's ranch is an abomination to Roosevelt's
 19 dreams. The pristine serenity would be forever
 20 scarred and destroyed. We need to stop this
 21 craziness. Florida has refused to allow offshore
 22 drilling on their gulf coast to preserve the
 23 historic beauty of that area. We, too, need to
 24 just say no to the development of an area that
 25 needs to be protected for the historic beauty for

30

1 our children, for our grandchildren.
 2 There are few places on earth that a
 3 person can be surrounded by peace and beauty. The
 4 Elkhorn Ranch is one of these rare places on earth.
 5 We cannot even consider destroying this oasis.
 6 Those of us whose grandparents homesteaded this
 7 area recognize the critical importance of this area
 8 and stand up against the development of this road
 9 and bridge, stand up for the preservation of TR's
 10 ideals, and thus we are standing up for the legacy
 11 of our grandchildren.
 12 When you drive out to this area, take a
 13 picnic lunch, soak in the healing spiritual beauty
 14 of this area. The quiet speaks loudly. Listen to
 15 the meadowlarks, the hawks, the eagles, breathe in
 16 the health and sense of well-being. So say yes to
 17 the preservation of this legacy that TR recognized
 18 was critically important for future generations.
 19 MS. LARES: Does anyone have a comment?
 20 MR. WILLIAMS: Thank you. My name is Jeb
 21 Williams. I'm a Bismarck resident. I grew up in
 22 Beach, North Dakota. I'm a nephew of Con and Sandy
 23 Short and here in support of the Short Ranch and
 24 the Short family, along with the two families that
 25 are currently residing on the ranch.

31

1 We're all concerned about the future of
 2 the ranch and the effects this proposed bridge
 3 would have on that, and is there some emotion, is
 4 there some anger associated with it? Yes, there
 5 is, and I don't think we have to apologize for that
 6 due to what the significant changes would be to
 7 everyone involved with this.
 8 I guess I'd like to comment as well on the
 9 need versus the convenience. When I go to the
 10 Short Ranch from Bismarck, 95 percent of the time
 11 of the year I can cross one of the private
 12 crossings. The other time frame that I can't
 13 because of high water levels, it takes exactly 20
 14 more minutes for me to get to the Short Ranch going
 15 over on Highway -- or excuse me -- Interstate 94 to
 16 Camel's Hump exit and then north to the Short Ranch
 17 versus north of Belfield, Frank's Creek Road, East
 18 River Road and the crossing. So, again, need
 19 versus convenience I think is an important point.
 20 And, honestly, I guess I think at this
 21 point in time with where the EIS process is and
 22 talking about environmental impacts and social
 23 impacts, I think one of the social impacts very
 24 much involved with this is what would be -- what
 25 would the Billings County agency entity do if the

32

1 Federal Highway approved this project and then was
 2 in Billings County where it was on a property that
 3 the landowner said, no, we're not interested in
 4 this project. I guess I would like to ask Billings
 5 County officials about that. I think that plays a
 6 significant role in the EIS process as far as
 7 social impacts. So I guess if there's somebody
 8 here from Billings County who could talk about
 9 that.
 10 MR. ARTHAUD: I would be happy to try to
 11 answer it. I agree with your anger and your
 12 frustrations. We've had plenty of frustrations in
 13 this whole --
 14 MS. LARES: Jim, if you can announce your
 15 name.
 16 MR. ARTHAUD: Oh. Jim Arthaud, chairman
 17 of the Billings County Commission. We've had
 18 frustrations with this whole process all along,
 19 also. Would I like this across my land? Probably
 20 not. But the process that we got stuck with from
 21 the environmental agencies and the federal
 22 bureaucracies have created the NEPA process. We
 23 have to sit here. We're not even allowed to have a
 24 preconceived where this can go. Can you imagine
 25 the ludicrousness of it to have Billings County study

33

1 a bridge crossing west of Grassy Butte, North
 2 Dakota? Did we pick Short Ranch? Absolutely not.
 3 Did we pick any of these? No.
 4 We were supposed to sit and let the
 5 process play out, see where it ended up. So for us
 6 to be able to answer that question to you what we
 7 would do, how do we answer that question until we
 8 even figure out what process or what crossing has
 9 been picked by the agencies? It's craziness how
 10 much it gets taken out of the local people's hands.
 11 It really is.
 12 I mean, I can tell you where I think it
 13 needs to go. It needs to go on public land where
 14 it affects all the public, where it doesn't affect
 15 private people. Number two, it needs to go in the
 16 best place that it goes to, a lot of people say,
 17 convenience. I think it's a little more than
 18 convenience, you know. I'll argue with that all
 19 day long. But I'll never sit here and argue with
 20 the Shorts about would I want that across my place.
 21 I wouldn't want it across my place. But we have to
 22 watch the process play out, and then when they pick
 23 the final place where we go, then it's a decision
 24 that we have to make as county commissioners how to
 25 proceed on that.

34

1 So to sit up here and say that we have
 2 picked a spot that we want it, no way. Have we
 3 picked some spots that we think that it should be
 4 since this is where we live? This is the people
 5 that take care of all the roads in all the
 6 districts. This is the people that understand
 7 where the traffic is. This is the people that know
 8 where the emergency services are. This is the
 9 people that need to know where the hunters want to
 10 go, this is where the tourists want to go, this is
 11 where the oilfield wants to go, this is where
 12 emergency services are. Yeah, we think we probably
 13 have a better handle on it than most people, but to
 14 sit there and say we want it to go across the
 15 Shorts' place, we didn't pick that crossing. This
 16 is part of the process.

17 We didn't pick the crossing up at Magpie
 18 Creek, either. We don't think that that's a place
 19 for a crossing for Billings County, either. So
 20 don't -- don't sit here and think that Billings
 21 County commissioners have decided to do that. And
 22 we have never been able to answer that question
 23 until -- if you get chosen as that spot to be, then
 24 it's a question that we're going to have to sit
 25 down and answer amongst ourselves, and we'll

35

1 definitely take the input of the people that are
 2 there. But we think it should be on public land
 3 where all the public owns the land. I hope that
 4 helps.

5 MR. WILLIAMS: Well, it does a little bit,
 6 but I think that question plays a part in the
 7 process, however, you know, with the EIS process as
 8 far as if Billings County would choose to exercise
 9 eminent domain, I think that plays into the EIS
 10 process as far as if that is a -- if it could be a
 11 chosen alternative or not.

12 MS. TURNBOW: I can probably answer that.

13 MR. ARTHAUD: Yeah, I was going to say,
 14 you have to have five degrees to answer that
 15 process.

16 MS. TURNBOW: I don't know if I can answer
 17 the five degrees, Jim, but basically when we
 18 conduct the EIS, we don't ever really go into
 19 anything beyond the analysis of the alternatives
 20 and we look at a wide variety of environmental
 21 impacts, and, like you just mentioned, one of them
 22 is social impacts. And we do discuss right-of-way,
 23 but that's about it. We never really talk anymore
 24 about who owns what, and we point out that there
 25 are farmsteads there and we have a full analysis of

36

1 that, but that never really gets played out in the
 2 EIS. Basically the EIS assigns whatever
 3 alternatives it is, then it goes to design and then
 4 it goes into figuring out how to acquire all of
 5 that right-of-way, because there is a right-of-way
 6 process.

7 MR. BRAATEN: Again, my name is Derrick
 8 Braaten, attorney with Baumstark Braaten Law
 9 Partners in Bismarck.

10 I understand what Mr. Arthaud is saying,
 11 the Billings County Commission, and I guess I just
 12 have one comment and one question. We've heard
 13 that there's a number of criteria that go into
 14 choosing these alternatives, a number of different
 15 things that are looked at. I still haven't figured
 16 out what one of those is. I would like to know
 17 what some of those criteria are. As this gentleman
 18 was pointing out, some of those may be more
 19 important than others to this community.

20 Now, I certainly sympathize with you and
 21 understand what you're saying as a commission that
 22 you're the local government and you're talking
 23 about a river crossing, now you have the federal
 24 government coming in with all these processes and
 25 you don't have any control over that, but what I

37

1 would say is that when it comes back to you the
 2 federal government says we think you should run
 3 this bridge through a national park, we think you
 4 should go to some of your own citizens and take
 5 away their land, you do have a choice then.

6 MS. CALDWELL: I'm Patty Caldwell and I
 7 own a business called Back to Order, LLC. I work
 8 in the oilfields on oil rigs. I'm from Oregon.

9 When my daughter and I came here a year
 10 ago, we missed the mountains, the national parks in
 11 Oregon, the Northwest. We hike, we camp. I go all
 12 around North Dakota and I live in New Hradec, it's
 13 outside Dickinson. We found the Badlands, we found
 14 the national parks. We didn't think there was a
 15 lot of beauty here, but we come here almost every
 16 week when I'm not working. We have friends we
 17 bring out. The native people here don't even know
 18 about the Badlands. We bring people out here, we
 19 see buffaloes, we see antelope, beautiful birds of
 20 prey, just everything. We hike along the
 21 riverbanks. I can't wait to see my first
 22 rattlesnake.

23 Because I work in the oilfields, I work
 24 out on Frank's Creek Road and Blacktail Road, and
 25 when the big trucks come in, yeah, you can see them

38

1 about 20 miles off, they come in and you can see
 2 the dust, because I got here last July. Pretty
 3 pitiful. I have to roll my windows up, I have to
 4 turn my air conditioning on. It gets inside even
 5 with my windows up. I work on the rigs. I cough
 6 in the morning -- every morning now, I think, from
 7 the scoria.

8 But I think it's appalling, and in Oregon
 9 we don't do this. National parks, you don't touch
 10 a national park, and in Oregon actually they're
 11 making national parks larger, but in North Dakota,
 12 which I'm finding out because we have a little
 13 situation in New Hradec where the county
 14 commissioners just want to let some land around our
 15 beautiful little pioneer town just be developed.
 16 Well, I'm in that kind of group. We're trying to
 17 stop that right now.

18 But what I'm finding out is North Dakota
 19 doesn't have a lot of regulations and the people
 20 don't have a lot of input, so that's why I'm here,
 21 I heard it on the radio, and I'm going to try and
 22 join this lady over here that talked earlier
 23 because I believe that we should not have it at
 24 all. So thank you.

25 MS. LARES: Anyone else?

39

1 MR. DAVE SHORT: Hi. I'm Dave Short and I
 2 represent the Con Short Ranch and the Tarrymore
 3 Ranch and all the family.

4 And first and foremost, I want to say that
 5 the Short family is completely for oil production,
 6 oil development. There's never been any family
 7 anywhere in the Badlands who has been more pro
 8 development. We want the jobs, we want the people
 9 in the community to have jobs, and most of our
 10 friends work in the oil world.

11 But the Short family is definitely
 12 against -- and I just want to make sure -- I'm
 13 sorry I interrupted you, but I hate it when
 14 somebody can get on and have everybody captivated
 15 and say something completely untrue. This doesn't
 16 go adjacent to the Short Ranch. It cuts right
 17 through the heart of it.

18 It's hard for me to understand because
 19 really, after being in Bismarck, there's really
 20 only two alternatives, and that's A or the Short
 21 Ranch, because there's no way all of the people
 22 that are for the Elkhorn Ranch are going to let any
 23 of these happen. I think it's on record that the
 24 McKenzie is kind of a bogus idea.

25 And so I just want everybody to be aware

40

1 when somebody says adjacent to a homestead, no, no.
 2 You're cutting right down within a quarter-mile of
 3 the home that we've had since 1902, deeded land,
 4 not public land.

5 The next thing is when somebody puts out a
 6 drawing like this that everybody has, that
 7 everybody gets to go, Oh, this is what we're really
 8 proposing. Well, if you drove to Beach, Medora,
 9 talked to anybody, there's a main road right here
 10 that goes right to I-94 that's not even on the map.
 11 So I just feel like, as someone's family who is
 12 going to be completely affected by this, we would
 13 like there to be complete transparency.

14 And I know that -- I don't know the
 15 process here, but Con Short is sitting right here,
 16 the Obrigewitches are sitting right here. When you
 17 study this, we can't figure out how much KLJ has
 18 been paid to do this, and if I was KLJ, I would
 19 keep going because this is a boatload of money to
 20 continue to study everything. I mean, how long do
 21 we study everything?

22 But if it's going to go across these
 23 three -- these three are really -- it's only these
 24 three options and this option are really the only
 25 ones on the table, would somebody call us up and

41

1 just say, Hey, Con, here's what we're thinking
 2 about. Here's the reason we need to, the oil
 3 traffic over here, here's why we need to get it
 4 through your ranch to here. And we just want to
 5 know if -- and we would love the Billings County
 6 commissioners to just, say, write us a letter, talk
 7 to us, give us a phone call and say, We have a huge
 8 need to cut right through your place to get a
 9 truck, because we are pro oil, we're pro
 10 development, we're pro business. We're not against
 11 everybody making a living in the oil industry.

12 But we do not understand, we can't get the
 13 validity of cutting through here to get a bridge,
 14 unless there's something we don't know. And so,
 15 again, I'm Dave Short, I'm the son of Con and Sandy
 16 Short, and I represent this whole group of people
 17 here, the Short Ranch that is really as important
 18 to us as the Elkhorn Ranch is to other people in
 19 this community. So thank you, guys.

20 MR. POPPKE: Hello. Again, my name is Ted
 21 Poppke. I have a question for --

22 UNIDENTIFIED SPEAKER: Hold the microphone
 23 up.

24 MR. POPPKE: What?

25 UNIDENTIFIED SPEAKER: Hold the microphone

42

1 up.

2 MR. POPPKE: Okay. Sorry. I can hear

3 myself, I guess. A question for the Commission.

4 Since -- according to the public records

5 on your website, since January of 2006, Billings

6 County has spent 1.9 million on engineering

7 services with KLJ. That averages \$25,000 a month.

8 Can you give an estimate of how much of that has

9 been spent for this project?

10 MR. ARTHAUD: There's been -- Jim Arthaud,

11 chairman of the Billings County Commission.

12 There's been approximately 700,000 spent on this

13 project.

14 MR. DAVE SHORT: I guess I should add

15 something. Excuse me. Dave Short. Again, when I

16 say we're against every river crossing here -- I

17 don't know if I said that tonight. I did in

18 Bismarck. We're against every river crossing

19 because we love the Badlands and we love the Little

20 Missouri River and we can't understand the validity

21 of -- you've got an interstate right here.

22 But, again, we are pro capitalism. If

23 somebody would come to us, you guys, you three, the

24 county commissioners, if you guys would come to us

25 and explain a reason why, we just want to know.

43

1 We've never heard one peep about this for four

2 years. And, again, I'm not saying you three

3 directed it to this place, but obviously you're

4 kept abreast because you're writing out a check for

5 700,000 to these people. And I'm saying we're pro

6 capitalism. It's just we want to know what the

7 reasons. I mean, I'm asking, and I don't mean that

8 sarcastically.

9 MR. ARTHAUD: I can respond to that. Jim

10 Arthaud. A couple things that are really weird

11 about a NEPA process, we're not allowed to say that

12 we want to have a bridge someplace or not have a

13 bridge someplace. If there was one thing that we

14 were cautioned about on a federal NEPA process,

15 which, in my opinion, is the most ridiculous

16 document that there ever has been formed, is no

17 preconceived, no nothing, no asking, no telling, no

18 nothing, let the process follow itself out, and

19 then when the process follows itself out.

20 Do you think this is the way we want to do

21 business? I mean, we want to do business. Do you

22 think that we should go look at -- whose place were

23 we looking at in McKenzie County, I mean, a bridge

24 up there, we got to go in on his land and say, Hey,

25 we want to go on a crossing there.

44

1 I mean, the whole process of the federal

2 government has got completely out of hand. I mean,

3 it is completely ludicrous and that's what ends up

4 happening to it is we can't come talk to you, we

5 can't tell you why we want something, we can't say

6 where we'd like to have the bridge. It is absurd,

7 the process that NEPA documents have followed.

8 I mean, to start a NEPA document and start

9 an EIS, the first day I walked into the room when

10 there was 20-some participating agencies, and I'm

11 going to myself, holy mackerel, what is this going

12 to end up involving, other than piles of paperwork

13 and reams of paperwork, where common-day people

14 can't sit down and say, Hey, we'd like to put a

15 bridge across here, is that all right? You know,

16 no, you can't do that.

17 So that might seem like kind of sheepish

18 to you to say that, but really that's the hands

19 that we've got tied because if we misstep on that

20 process, one of the environmental groups in the

21 room is going to sue, the process is going to be

22 blown and it's all over again. That's how they

23 operate. So apologize for not talking to you, but

24 that's the reason we can't talk to you.

25 MS. LARES: Does anyone have another

45

1 comment?

2 MR. FUGLIE: My name is Jim Fuglie and I'm

3 from Bismarck and I recreate in the Badlands. I

4 don't live here. Let me just make one comment,

5 then I have some questions.

6 Perhaps, Mr. Arthaud, if you think the

7 process is so ridiculous, maybe it's because you

8 have a bad idea. That's just my point.

9 MR. ARTHAUD: I'll have the opportunity to

10 comment.

11 MR. FUGLIE: Who pays -- who pays for

12 this?

13 MS. TURNBOW: Billings County.

14 MR. FUGLIE: For the bridge?

15 MS. TURNBOW: No. For --

16 MR. FUGLIE: Who pays for the bridge?

17 MS. TURNBOW: The actual construction of a

18 bridge?

19 MR. FUGLIE: The whole project.

20 MS. TURNBOW: Well, it's different for

21 different phases. So for the environmental study

22 that we're in right now, Billings County is paying

23 for that. Once it goes to construction, that could

24 be partially federal funding, partially Billings

25 County funding, or a variety of the two, depending

46

1 on what kind of federal funding is available at the
2 time.

3 MR. FUGLIE: Who do you think is going to
4 pay for it?

5 MS. TURNBOW: My answer wouldn't be
6 different.

7 MR. FUGLIE: Are there any cost estimates
8 on the project?

9 MS. TURNBOW: There will be cost estimates
10 on the construction, but those will be included in
11 the draft EIS, so there aren't currently, no.

12 MR. FUGLIE: Is the \$700,000 that the
13 Billings County Commission has spent so far
14 reimbursable by the Federal Highway Administration
15 as part of the project cost when the project takes
16 place?

17 MS. TURNBOW: No, I don't believe so.

18 MR. FUGLIE: Is the Federal Highway
19 Administration here?

20 MS. TURNBOW: Yes, representatives from
21 the Federal Highway Administration are here.

22 MR. FUGLIE: Are we going to hear from
23 them?

24 MS. TURNBOW: I would say probably not.
25 If you have a question, yes.

47

1 MR. ARTHAUD: Introduce them.

2 MR. FUGLIE: I guess I do have a question
3 then. How likely is it that the Federal Highway
4 Administration will pay for the project?

5 MS. LARES: For the PE?

6 MS. TURNBOW: For the design and
7 construction?

8 MR. FUGLIE: For the entire project.

9 MS. LARES: For the preliminary
10 engineering, this process -- I'm Sheri Lares with
11 the Department of Transportation. The preliminary
12 engineering is being paid for by Billings County,
13 as Jen indicated. So Federal Highway would not be
14 reimbursing for this phase, the environmental
15 impact study, that is correct.

16 MR. FUGLIE: What about the rest of it?

17 MS. LARES: The design and construction,
18 that is dependent upon, I would say, the federal
19 highway bill.

20 MR. FUGLIE: Okay. And are there no cost
21 estimates?

22 MS. LARES: No, there's not.

23 MR. FUGLIE: I read a cost estimate in the
24 paper of \$15 million. Is that accurate?

25 MS. TURNBOW: Right now we do not have

48

1 cost estimates for the alternatives or the river
2 crossing. That will be included in the draft
3 environmental impact statement.

4 MR. FUGLIE: And I guess the last
5 question, is it really accurate that the Billings
6 County Commission is not allowed to say anything
7 about where they want the project to go, where they
8 hope it will go? I've never heard of such a thing.
9 It's their project. They're paying for it. I
10 can't imagine that they would be forbidden from
11 saying what they would like to have happen.

12 MS. TURNBOW: Once it gets close to making
13 a decision during the record of decision, I'm sure
14 that Federal Highway Administration, as a lead
15 federal agency, will consult the commissioners, but
16 the ultimate decision is Federal Highway
17 Administration's.

18 MR. FUGLIE: And the Billings County
19 Commission gets no input?

20 MS. TURNBOW: I just said that they would
21 get input, but the final decision is Federal
22 Highway's.

23 MR. FUGLIE: The last question.
24 Commissioner Arthaud said he would like to go on
25 public land. Do any of these options, alternatives

49

1 involve public land?

2 MS. TURNBOW: Yes, there's two
3 alternatives that cross some public land. There's
4 no alternatives that cross all of public land. But
5 alternatives B and C do cross Forest Service
6 property.

7 MR. FUGLIE: Are the crossings on Forest
8 Service property?

9 MS. TURNBOW: On the east side.

10 MR. FUGLIE: Not on the west side?

11 MS. TURNBOW: No.

12 MR. FUGLIE: Thank you.

13 MS. LARES: Any further comments? You can
14 sit if you'd like.

15 MR. CON SHORT: I'm sorry, I don't stand
16 up very well. I'm Con Short. Some of this family
17 is mine.

18 To be really honest, we're proud of being
19 ranchers in Billings County. We're proud of the
20 friends we have here. We love the Badlands. I
21 have been involved before on stopping more bridges
22 and more roads up through the Badlands, and I'm
23 amazed at how much help we have getting them
24 stopped, and we will get this project stopped, too.
25 Mr. Arthaud might not know that. But I'm telling

50

1 him now we'll get it stopped. We'll take it to the
 2 courts or whatever we have to do.
 3 I am amazed -- I am amazed that a county
 4 commissioner from Billings County wants this to
 5 happen in this county. All you have to do is take
 6 one look at that map up there. The roads are
 7 already in place. Improve them. You do not need a
 8 bridge across the Little Missouri River except for
 9 your own ego. You don't need it. The tourists and
 10 everything else.
 11 We appreciate your time. I appreciate my
 12 family coming here. We've been here since 1902.
 13 Some of them obviously haven't been here as long as
 14 I have. Billings County is the prettiest place in
 15 North Dakota or within a few inches of being the
 16 prettiest place. Why ruin it with more roads and
 17 more bridges? Thank you.
 18 MS. BUCKMAN MOLM: I guess I'd like to --
 19 MS. TURNBOW: State your name.
 20 MS. BUCKMAN MOLM: Ruth Buckman Molm. I'd
 21 like the federal people to identify themselves who
 22 are here. Just one?
 23 Well, I'd like to say welcome to you all
 24 and I hope you take the opportunity to go out there
 25 and just, you know, camp. And I think if you have

51

1 any sensitivity at all, you'll take back to
 2 Washington, D.C., the feelings of the folks here
 3 and the sentiments, and we would appreciate that
 4 very much, and someone needs to be held
 5 accountable, and maybe that's the bottom line.
 6 MS. LARES: Mark is actually out of the
 7 Bismarck office of Federal Highway.
 8 MR. SAND: I'm Rob Sand from Killdeer.
 9 And my memory may be slipping, but my recollection
 10 when the Elkhorn Ranch, now the Roosevelt Ranch
 11 Lands -- I think that's the right term -- when that
 12 was first proposed for inclusion with the national
 13 park and then as Forest Service, my recollection is
 14 that the Billings County commissioners said, we
 15 will push a road right through there. So is that
 16 incorrect? Did you not state your preference, Mr.
 17 Arthaud?
 18 UNIDENTIFIED SPEAKER: Jim, could you
 19 repeat the question?
 20 MR. ARTHAUD: I think he said that
 21 Billings County said they were going to push the
 22 road through when that proposal came in.
 23 I think we need to back up a little bit on
 24 the whole process because it really gets stinky a
 25 long ways back. When the Eberts first went to sell

52

1 the deal, we went to the State of North Dakota and
 2 said maybe the State of North Dakota should buy the
 3 land so we could have some control over land as
 4 local citizens. It got -- and we supported -- as
 5 county commissioners, we got up and testified at
 6 senate hearings supporting the State buy the land,
 7 and it got shot down, and I think one of the
 8 representatives, Rod Froelich, I believe it was,
 9 that said that if we're going to pay that much for
 10 that land, I believe that he said Sitting Bull went
 11 across his land, so maybe we should pay that much
 12 for his land.
 13 So then the process all started out with
 14 the federal government, so then we started dealing
 15 with Senator Dorgan, who started the process, and
 16 Governor Hoeven got into the process. So when the
 17 process was all going and we're going to have
 18 multiple use on this land, everything is going to
 19 stay the same on this land, we had many, many
 20 meetings, many, many recorded conversations, it was
 21 at that point in time that they guaranteed that
 22 Billings County could have that road across that
 23 land. That's where that came up. So it was a long
 24 ways prior to this EIS. And, by the way, we went
 25 to court and we have the right to that road across

53

1 that land.
 2 You know, I think I was telling Lauren the
 3 other day when she called me up and tried to hem me
 4 in and get me in a corner, you know, we just want a
 5 bridge, we don't want to fight. Okay. Now, I
 6 mean, it's a process we've got to go through and,
 7 you know, sorry that it's taken a million dollars
 8 of taxpayer dollars. It's not my rules and regs.
 9 It takes a million dollars of taxpayers dollars no
 10 matter what project we do, if you try to replace
 11 the bridge on the Little Missouri at Highway 85 at
 12 Grassy Butte because we know we need a bigger
 13 bridge there, it's going to be an EIS process and
 14 it's going to have all these comments, it's going
 15 to have all these timelines, and it's going to be,
 16 in my humble opinion, a big waste of dollars. So
 17 does that answer your question?
 18 MR. SAND: Yeah. I guess my memory was
 19 correct.
 20 MR. ARTHAUD: Somewhat.
 21 MR. BRAATEN: Derrick Braaten again. I'm
 22 just going to go follow up on another gentleman's
 23 question. I believe the gentleman with Federal
 24 Highway is Mark Schrader. I don't mean to put you
 25 on the spot, but either you or some of the folks

54

1 from KLJ, the question was asked, do we have any
 2 cost estimates here, and the answer was, no, we
 3 don't have any cost estimates yet. However, we're
 4 talking about between eight to ten miles of
 5 reconstructed road, between 600 and 1,200 foot of
 6 bridge over a river. You folks have a lot of
 7 experience with this. Tell us what an analogous
 8 project would have cost, because I think this
 9 gentleman had a good point, whether it's Billings
 10 County or the federal government, we're the ones
 11 paying for it, it's the taxpayer paying for it, and
 12 so I think it's a legitimate question. And I'm
 13 wondering -- we're not going to hold you to the
 14 number, but I wondering if you can give us an idea
 15 of what similar projects cost.

16 MR. KUBAS: Craig Kubas with Kadrmas, Lee
 17 & Jackson. The similar project we bid in Billings
 18 County on a much smaller magnitude recently was
 19 \$450,000 for a 1.5-mile road. I'm an engineer, I
 20 do my math on a calculator, so you'll have to help
 21 me out with that one. You know, again, we went
 22 through the bridge numbers. The lengths probably
 23 varied from 600 to 1,200 feet, but picking a number
 24 in the middle, maybe a \$3 million bridge.

25 MR. FRANK: Ballpark, yes.

55

1 MR. KUBAS: Ballpark number.

2 MS. LARES: But you're not taking into
 3 account the grade; right?

4 MR. KUBAS: The grade?

5 MS. LARES: The topography out there. It
 6 depends on each alternative?

7 MR. KUBAS: Right. Each alternative is
 8 going to vary. I'm just saying that was a recent
 9 project that we had done for Billings County on the
 10 west side of the river.

11 MRS. SHORT: I'm Sandy Short. Are you
 12 expecting lots more oil in Billings County, lots
 13 more wells? Because it seems to me there are an
 14 awful lot of roads out there. We were through the
 15 ranch today and there's lots of scoria roads that
 16 didn't used to be there. And I don't understand
 17 where the bridge needs to be to connect to the
 18 roads that are already there.

19 MR. DAVE SHORT: It's Dave Short. I think
 20 I should follow up, too. Again, my family, we're
 21 so confused on what we're trying to connect, and
 22 that's our biggest. And I know we've got this
 23 whole area we've got to study. We're just confused
 24 on what we're trying to connect. And I'm asking
 25 you guys -- obviously you three are the guys that

56

1 are pushing this forward, and I respect all of your
 2 -- you know, you guys are the guys in charge of
 3 this and so you know what the need is, but you're
 4 the ones spending the million dollars. We just
 5 want to know, are we trying to connect because
 6 there's going to be a pipeline and we've got to
 7 connect the pipeline to check on the pipeline?
 8 What are we trying to connect? And I don't think
 9 anybody in the room knows what we're trying to
 10 connect except you three, and so, I mean, I'm
 11 asking you, are you connecting trucks? We're not
 12 connecting trucks from 85 to 16.

13 MR. ARTHAUD: I think I'm allowed.

14 MS. LARES: Maybe it's best for them
 15 regarding need.

16 MR. DAVE SHORT: I'm not trying to put you
 17 in a corner at all.

18 MRS. SHORT: We want to know.

19 MR. ARTHAUD: Spending thousands of
 20 dollars fighting a lawsuit.

21 MR. KUBAS: Craig Kubas with Kadrmas, Lee
 22 & Jackson. Again, the purpose and need for the
 23 project, you know, it states to create a safe,
 24 efficient, and reliable link between North Dakota
 25 16 and U.S. Highway 85. Again, there's a lot of

57

1 different roads that might make that connection and
 2 it gets into the traffic counts on those roads.

3 I'm more familiar with the roads on east river in
 4 Billings County, and Blacktail Road being the
 5 highest volume road there. Again, we're waiting
 6 for the Upper Great Plains Transportation
 7 Institute's study where they're going to be doing
 8 more recent counts. I guess, hopefully this summer
 9 we'll get those numbers.

10 So the route between 85 and 16 isn't
 11 determined because the study limits were set as
 12 such, it could be several different roads. Maybe
 13 it is Frank's Creek Road or Blacktail Road or
 14 Magpie Road as the road that would connect to 85.
 15 And, again, on the west river side maybe it's
 16 Blacktail Road or the Westerheim Road or something
 17 like that. It is a little vague because there are
 18 several roads -- east-west roads in the study area.
 19 But did that help answer it somewhat?

20 MRS. SHORT: No.

21 MR. CON SHORT: It's not an answer.

22 MS. TURNBOW: I guess I was just going to
 23 say a couple things. Basically the purpose of the
 24 project is to improve the overall linkage between
 25 Highway 85 and North Dakota 16, because currently

58

1 in that area there's no route that goes from east
 2 all the way over to west. So that is the purpose
 3 of the project.
 4 And then we're here today because these
 5 are the alternatives that we would like to carry
 6 forward. They have not been studied because we're
 7 here to take this public comment, and so there's a
 8 distinction why this meeting is being held, because
 9 we want comment on these alternatives because these
 10 are the ones that we would like to carry forward in
 11 the EIS in order to study in further detail.
 12 MS. LARES: And these are the ones from
 13 the lead, cooperating and participating agencies.
 14 MS. TURNBOW: And these alternatives and
 15 the methodologies that we had for the project were
 16 done in cooperation with the lead, the cooperating
 17 and the participating agencies, and I said before
 18 we had a lot of them in this very big study area
 19 and these were the best for a number of criteria,
 20 including engineering, and those -- that's why
 21 these are the ones that are being carried forward
 22 today.
 23 MR. JOHNSON: Don Johnson. I'm a resident
 24 of Bismarck and a member of the Short family.
 25 I guess my question is, you just restated

59

1 the purpose of the proposed project. I think
 2 option K should be taken off then because it does
 3 not connect to 85. There is no east-west
 4 connection without going south to the interstate,
 5 and we already have a bridge at the interstate. So
 6 if you can show me how from either northwest to
 7 southeast or vice versa, either way, how option K
 8 actually makes a transition across the Little
 9 Missouri River should you put a bridge in there, it
 10 doesn't connect -- it doesn't fulfill the project.
 11 MR. KUBAS: Craig Kubas again. Again,
 12 with the intent of connecting 85 and 16, all the
 13 three options on K are not the most direct.
 14 There's no doubt about it.
 15 One of the criteria that we talked about
 16 was -- I'm trying to think how we stated it -- it
 17 was the detour route savings of options, you know,
 18 taking all the main roads that are west river and
 19 the main roads that are east river and all the
 20 crossings that we had identified places where we
 21 thought a bridge would be feasible, common sense,
 22 you know, being in the middle of that study area.
 23 If you could draw a straight line through the
 24 middle of the study area would be the most
 25 beneficial from a traffic detouring standpoint. If

60

1 I'm in the middle of this study area on the west
 2 river and I have to get to the middle of the study
 3 area on the east river side, a straight line
 4 through the middle, and that would benefit people
 5 also coming from the north or the south on either
 6 side, but that isn't a reason to throw out
 7 alternatives at this point.
 8 It's not the most direct route, I don't
 9 think anyone is disagreeing with you there, but
 10 there is a route that would connect ultimately to
 11 Highway 16.
 12 Was there a question on the east river
 13 side, too?
 14 MR. JOHNSON: Yeah. Don Johnson again.
 15 Can everybody hear me? I'll just speak without the
 16 mike. I guess I won't.
 17 MS. LARES: You're referring to the
 18 connection to 85?
 19 MR. JOHNSON: Yeah, which to me the most
 20 logical connection to 85 would be for a heavy-laden
 21 oil truck to take the most direct and easiest
 22 route, which would be to go down to the interstate.
 23 There's no road all the way over to 85 on the east
 24 unless you're not showing roads on this map that
 25 actually exist.

61

1 MR. CON SHORT: There is one that they are
 2 not.
 3 MS. LARES: Blacktail.
 4 MR. JOHNSON: Right. But if you're coming
 5 from the northwest and trying to get to the
 6 interstate and you're taking a shortcut through the
 7 Badlands to cross the Little Missouri River, why
 8 are you going to detour back ten miles north to get
 9 across there instead of just coming straight south
 10 to the interstate in the first place? That's where
 11 our question of need comes from. I don't think
 12 there's a need for this bridge anywhere in the
 13 study area, and I think -- what is it -- option L?
 14 UNIDENTIFIED SPEAKER: Yes.
 15 MR. JOHNSON: I think option L is the best
 16 way to go with this, my opinion. Thank you.
 17 MS. ANDES: My name is Eileen Andes. I'm
 18 the chief of interpretation and public affairs of
 19 Theodore Roosevelt National Park.
 20 First of all, I'd like to address the
 21 purpose and need statement in this project. It
 22 doesn't adequately address why it's essential to
 23 improve a system linkage between the road networks
 24 on either side of the Little Missouri River except
 25 to identify industry development or, in plain

62

1 terms, gas and oil development. It also isn't made
 2 clear why a new crossing and new road should be
 3 developed rather than improving the ones that
 4 already exist.

5 The concerns of Billings County include
 6 the unreliability of the roadways in inclement
 7 weather. I think we should note that there are
 8 times during the winter when virtually all of the
 9 roads in western North Dakota are impassable due to
 10 inclement weather.

11 The purpose and need statement should be
 12 written to be more specific in detail. It should
 13 also be noted that regardless of whether roads and
 14 river crossing are developed or not, oil and gas
 15 development will continue in Billings County for
 16 the foreseeable future.

17 As far as the identified alternatives are
 18 concerned, I'm particularly concerned with
 19 Alternatives A and B. Both of those cross the
 20 proposed Elkhorn Ranch National Historic District
 21 and are very close to the Elkhorn Ranch Unit of
 22 Theodore Roosevelt National Park.

23 The Elkhorn Ranch Unit of Theodore
 24 Roosevelt was recently named one of the 11 most
 25 endangered historic places in the United States.

63

1 This Little Missouri River crossing project and the
 2 proximity of some of the identified alternatives to
 3 the Elkhorn Ranch was a major contributing factor
 4 to this designation by the National Trust.

5 Three other national conservation
 6 organizations are working to help preserve the
 7 Elkhorn Ranch. They're the Theodore Roosevelt
 8 Association, the Boone and Crockett Club, of which
 9 Theodore Roosevelt was a founding member, and the
 10 National Parks Conservation Association.

11 The Elkhorn Ranch site is the most
 12 culturally significant area of Theodore Roosevelt
 13 National Park. It was the home ranch of our 26th
 14 President and is the place where T.R.'s view on
 15 resource conservation really crystallized. While
 16 ranching in North Dakota, Roosevelt witnessed
 17 dwindling wildlife populations, overgrazing, and
 18 degradation of wilderness.

19 As President, he put his conservation
 20 ethic into practice by setting aside over 230
 21 million acres of land for national forests,
 22 national wildlife and bird refuges, national
 23 monuments and national parks. These are lands that
 24 belong to and are significant for all Americans and
 25 are part of our collective national heritage.

64

1 Roosevelt said of his time here in the Badlands, "I
 2 never would have been President if it had not been
 3 for my experience in Dakota."

4 Theodore Roosevelt National Park,
 5 including the Elkhorn Ranch Unit, was established
 6 and is managed to honor the conservation legacy of
 7 this man. There are 397 national park units in the
 8 national park system. Only 58 are designated as
 9 national parks. This is the only one in North
 10 Dakota. There are a lot of states that don't even
 11 have one.

12 The Elkhorn was also significant to
 13 Roosevelt on a personal level. This is the place
 14 where he came to grieve over the deaths of his wife
 15 and mother and to recover physically and
 16 emotionally. He learned to appreciate the beauty
 17 of North Dakota Badlands and to value the quiet and
 18 solitude found there. At the Elkhorn Ranch the
 19 National Park Service preserves not only the lands
 20 itself, but the quiet and solitude that Roosevelt,
 21 himself, enjoyed.

22 The roads and river crossings which are
 23 identified in Alternatives B and C would
 24 irreparably disrupt the landscape around the
 25 Elkhorn Ranch, would produce more industrial truck

65

1 traffic dust and noise, and would permanently
 2 destroy the experience that Roosevelt enjoyed and
 3 that is currently available to the American public,
 4 anybody who visits the Elkhorn Ranch. That
 5 experience is priceless and it can't be
 6 reconstructed once it's gone.

7 Alternatives B and C should be considered
 8 and rejected as unfeasible because of the
 9 unacceptable and irreversible negative impacts to
 10 the nationally significant Elkhorn Ranch.

11 I want to make it clear that the national
 12 park isn't anti-oil development. We all drive
 13 cars, after all. We do, however, want to make sure
 14 that development doesn't compromise the resources
 15 and values for which the park was established.

16 We look forward to making additional
 17 comments on this EIS process as it continues.
 18 Thank you.

19 MR. KESSEL: Joe Kessel. How many acres
 20 did Teddy Roosevelt own?
 21 UNIDENTIFIED SPEAKER: He didn't own any.
 22 MR. KESSEL: No. How many acres did he
 23 own when he was out here?
 24 MR. CON SHORT: I don't think any.
 25 MR. KESSEL: But he sure left a good

66

1 footprint, didn't he, acres and acres and never
 2 owned it, never paid taxes on it.
 3 UNIDENTIFIED SPEAKER: That's right, he
 4 never paid taxes.
 5 MR. KESSEL: It's magnificent. Doesn't
 6 own an acre.
 7 MR. RUMMEL: I wasn't here for all the
 8 meeting so I didn't hear what was already said. My
 9 name is Pat Rummel. I'm the Billings County
 10 emergency manager.
 11 I guess my comments would be for the
 12 emergency services. I have been here for 23 years
 13 and it's always been an issue if we are on the east
 14 side of the river and a call comes in on the west
 15 side and we have to drive all the way down to the
 16 interstate and back around. So it's quite a delay
 17 for emergency services.
 18 I do not recall if there's ever been a
 19 life-threatening situation at this time that I was
 20 involved with, but as time goes on it's going to
 21 happen. Just this last weekend we had calls of
 22 fires that started out on the east side, fire
 23 department responds to the east side, came in and
 24 it's on the west side. We have to drive all the
 25 way around. Just thank goodness it was on the east

67

1 side. The emergency services, whether it be the
 2 fire department, the law enforcement or the
 3 ambulance, you know, somewhere there needs to be a
 4 bridge across the river.
 5 MS. TURNBOW: Sheri, there's just a couple
 6 minutes left, so take final comments.
 7 MR. WILLIAMS: My name is Jeb Williams. I
 8 guess I just have a quick question for Mr. Rummel.
 9 And my hat's off to any emergency folks out there.
 10 You guys, your heart is obviously in the right
 11 place and do a tremendous amount of work. Have you
 12 guys been denied access on private crossings on the
 13 Missouri River -- the Little Missouri River in an
 14 emergency situation?
 15 MR. RUMMEL: There was an article in the
 16 Dickinson Press last Sunday, I believe it was. No,
 17 we have not, and I have said that before. The
 18 ranchers, the landowners are very good allowing us
 19 to cross. The problem comes in, is in the 2000- --
 20 let me think here once. We had the flood in
 21 2010 -- '11?
 22 UNIDENTIFIED SPEAKER: '11.
 23 Mr. RUMMEL: So 2011 the crossings -- some
 24 of those crossings that we were using washed out
 25 and that's a problem that we were -- we came

68

1 across. Ranchers always let us go across. I don't
 2 remember a rancher ever saying, no, we can't.
 3 That's always been there. It's just a problem with
 4 them washing out, the gravel and the base on it.
 5 And we definitely don't want to get like an
 6 ambulance or a fire truck stuck in the river
 7 because that would be really heck to get it out of
 8 there, I guess.
 9 MR. CON SHORT: You surely haven't crossed
 10 our place with a fire truck, ever, physically.
 11 MR. RUMMEL: Probably not. That's what I
 12 say.
 13 MR. CON SHORT: And you never needed to.
 14 MR. RUMMEL: That's what I'm saying, I
 15 don't remember ever a life-threatening situation.
 16 There's going to be someday.
 17 MR. CON SHORT: Do you know who I am?
 18 MR. RUMMEL: Yes, I know who you are.
 19 MR. CON SHORT: I started the Beach
 20 ambulance squad. We never needed to.
 21 MR. RUMMEL: I'm saying someday there's
 22 going to be a need for a life-threatening --
 23 MR. CON SHORT: Japan might go to war
 24 again, too.
 25 MR. BOYCE: George Boyce. And what he's

69

1 talking about right now, I'm very aware of it. The
 2 last two or three years with the Maah Daah Hey
 3 Trail and things down there, we've had people stuck
 4 in that river, buried in there. The last one I
 5 pulled out of there we spent five hours getting
 6 them out of there. These are people from out of
 7 state and they're not familiar with these things.
 8 And along with this safety, it's just a
 9 matter of time until this happens, what he's
 10 talking about, and I'll guarantee it's going to
 11 happen. There's no two ways about it. It's a
 12 problem that we faced all these years and it's not
 13 getting any better. The more we put this off,
 14 somebody's life is going to be on the line. I
 15 guarantee it. Thank you.
 16 MS. BUCKMAN MOLM: Well, I tell you what,
 17 my dad was Bill Buckman, a plumber in Belfield, and
 18 one of the most exciting times we had was getting
 19 stuck in that river and there was a friendly
 20 rancher who came and helped us out. So I beg the
 21 question because we live a simple life here, us
 22 natives anyway, and, I'm sorry, but getting stuck
 23 in the river, sometimes it's a good thing because
 24 it slows us down.
 25 MR. BRAATEN: My name again is Derrick

70

1 Braaten. I've said it before --

2 UNIDENTIFIED SPEAKER: Use the mike.

3 MR. BRAATEN: Can you hear me now?

4 UNIDENTIFIED SPEAKER: Battery is dead.

5 MR. BRAATEN: Can you hear me now? As I

6 said, I'm an attorney from Bismarck. I'm half

7 joking, I know some people are going to disagree

8 with me, some people are going to think I'm

9 callous, I'm an attorney, people don't like me

10 much, anyway, so I'll be the one to say it.

11 I don't necessarily disagree with some of

12 these people, but the one thing I'll say about the

13 Badlands is it's a wilderness area.

14 UNIDENTIFIED SPEAKER: No, it is not.

15 MR. BRAATEN: It's known as a wilderness

16 area.

17 UNIDENTIFIED SPEAKER: That's true, but it

18 is not a wilderness area.

19 MR. BRAATEN: Okay. I'll concede that.

20 It is a more remote area than most areas around.

21 And my point here is there are areas in Alaska, for

22 example, there are areas in Canada that are very

23 remote, and, if we want, we could run freeways to

24 all of those to ensure we have emergency service

25 access at any time we need it. Now, I'm not trying

71

1 to sound callous, but what I'm trying to say is

2 that this gentleman has the opinion that we need to

3 have emergency service access. Do we and where is

4 the evidence to substantiate that, because this

5 gentleman has said they haven't needed it yet.

6 Now, the question here is, at what point

7 do we stop? So we could run paved roads all the

8 way through there to make sure that at any point we

9 need emergency access, we have it. Now, I'm not

10 saying that emergency access is not something very

11 important and something to think about through this

12 process, and I think that is one of the only

13 important reasons for this I have heard, because I

14 don't think running oil trucks through there is an

15 important reason. But just because you say that we

16 need to think about emergency access doesn't end

17 the conversation, and I think we need to talk about

18 what access do we have and at what point do we stop

19 improving that access.

20 MR. HANSON: I didn't come here tonight to

21 speak. John Hanson. I live at Beach my lifetime.

22 You people don't understand that the

23 entire industry used to be agriculture and cattle.

24 It's no longer that. We have people in here from

25 all over the United States that are not familiar

72

1 with our conditions, and they are trying to make a

2 living to support their families.

3 This is not wilderness. We have big

4 equipment that is very dangerous all over the area,

5 day by day by day, 24 hours a day. I'm not saying

6 you need a river crossing. But there is a need for

7 it.

8 MS. SAKARIASSEN: Amy Sakariassen, and I'm

9 making a comment here from my own personal

10 experience because I come from a very remote place

11 in Montana. I have been in North Dakota for 30

12 years, but I come from a place on the front range

13 of the Rocky Mountains. I live above a river, a

14 very small, very remote river, but it is a mistake

15 for us to believe that a bridge makes all the

16 emergency services and all transportation secure.

17 There have been -- I'm 55. There have

18 been three occasions where the bridge that connects

19 me -- I'm 25 miles in Montana from a town. There

20 are only two bridges on that stretch of river.

21 There have been three -- three or maybe four

22 occasions in my lifetime that neither of those

23 bridges were accessible. We have suffered a

24 500-year flood and several 25-year floods. All

25 those occasions have resulted in nobody being able

73

1 to get anywhere except cross-country.

2 So we have perfectly nice bridges, but if

3 I had had -- and my father was a very old man. If

4 he had been having an issue, he would have just

5 died. There would have been almost no way to get

6 him to safety, bridge or no bridge.

7 And so I think that it is always a good

8 thing to remember that rivers are rivers and you

9 can cross them all you want with whatever kind of

10 thing you want and you cannot necessarily count on

11 that as being a completely secure access. That's

12 all.

13 MR. DAVE SHORT: I do have one more

14 question. Dave Short. You guys are planning right

15 now for a 25-year flood bridge. What's the

16 difference between a 25-year flood bridge in price

17 compared to a hundred-year flood bridge?

18 MR. FRANK: Couldn't tell you that without

19 evaluating the water levels. We've only looked at

20 the 25-year flood, so I can't answer that right

21 now.

22 MR. DAVE SHORT: Would Kadrmas, Lee --

23 would KLJ have to hire another engineering firm to

24 tell us that?

25 MS. LARES: No.

74

1 MR. FRANK: No. We can do it. We just
2 haven't done it because it's not part of the
3 criteria.

4 MS. LARES: Does anyone have any further
5 comments?

6 MR. JENKINSON: Can I just say one thing?
7 MS. LARES: Okay.

8 MR. JENKINSON: My name is Clay Jenkinson
9 and I represent the Theodore Roosevelt Center at
10 Dickinson State University.

11 I just want to defend Theodore Roosevelt.
12 He never owned a single acre in the Badlands of
13 North Dakota, that is absolutely true. He was a
14 squatter like almost all of the other ranchers in
15 that day of open range. He didn't own any land,
16 but he did pay taxes and we have those records at
17 the Theodore Roosevelt Center in Dickinson. I
18 invite all of you to come and see those.

19 He was a tax-paying cattle rancher in the
20 Badlands of North Dakota, in addition to which, by
21 being here, he created a legacy which has been a
22 cash register for the Badlands, for Medora, for
23 North Dakota. It's also given us extraordinary
24 pride as a people, and the spiritual value of
25 Theodore Roosevelt's place in the Badlands of North

75

1 Dakota is not to be discounted.
2 So he may not have owned an acre, but he
3 was a man of extraordinary character who brought
4 something to the Badlands that we all must enjoy.
5 I don't think we should blame him for not buying
6 the land that he was squatting on.

7 MS. LARES: I'm going to take Valerie's
8 comments.

9 MS. NAYLOR: I'm Valerie Naylor,
10 superintendent of Theodore Roosevelt National Park.
11 I live in Medora, North Dakota, and you know me
12 well from previous comments.

13 I spoke the other night in Bismarck. I
14 will not repeat the comments that I made there, but
15 it's been really great to hear the wide range of
16 comments and issues here tonight. And the reason
17 we're here tonight is because of the National
18 Environmental Policy Act. Some people may think
19 it's a lot of red tape, but it's a great law that
20 was passed during the Nixon administration that
21 requires us to look at a range of reasonable
22 alternatives for projects, and it requires us
23 whenever there's a federal action to allow the
24 public to be aware of what is being proposed. It's
25 a full disclosure law, and that's what's so great

76

1 about it. And so that's what allows us to all be
2 here tonight to express our diverse opinions on
3 this issue.

4 From my standpoint, we need to protect the
5 Elkhorn Ranch Unit of Theodore Roosevelt National
6 Park, as you know, and we have some new information
7 that we didn't have in Bismarck two nights ago and
8 that's, as others have mentioned, that this Elkhorn
9 Ranch Unit is now on the National Trust for
10 Historic Preservation's top 11 list of most
11 endangered historic sites.

12 And when I think of all the endangered
13 historic sites nationwide, I think, wow, I don't
14 know whether to be -- I'm not happy that it's on
15 the list, but, my gosh, to make the top 11 list
16 when there are so many endangered historic sites
17 nationwide, it's very significant.

18 And so that's an important thing, and the
19 National Trust, I know with their many, many
20 thousands of members, will be behind us as we work
21 to protect the Elkhorn Ranch, as will the Theodore
22 Roosevelt Association, the National Parks
23 Conservation Association, and the Boone and
24 Crockett Club, all of which have lodged national
25 campaigns to protect the Elkhorn. It is a very

77

1 special place.
2 I think back to when the national park was
3 established as Theodore Roosevelt National Memorial
4 Park in 1947, it was North Dakota people that
5 wanted that park established, and the National Park
6 Service wasn't so sure right then, and it was when
7 the Elkhorn Ranch was added to that bill, that the
8 bill went through Congress and the park was
9 established. And, of course, private individuals
10 as well as the U.S. Forest Service worked very hard
11 back in 2007 to purchase additional Elkhorn Ranch
12 Lands to protect that very important place.

13 So I think we're all aware of how
14 important that place is to so many Americans, and
15 the 500,000, 600,000 visitors every year that come
16 to Theodore Roosevelt National Park really
17 appreciate this national park, and all of us who
18 live in North Dakota I hope also appreciate how
19 special it is.

20 I thank all of you for your concerns and
21 comments and I ask you to join me in protecting the
22 Elkhorn Ranch, and I do ask that at this point
23 Alternatives B and C for sure be moved to the
24 considered but rejected side of the environmental
25 impact statement because those are not viable

78

1 alternatives. Thank you.

2 MS. TURNBOW: All right. Thank you all
3 for -- we'll take one last comment, the gentleman
4 in the back.

5 MR. ODERMANN: The gentleman down there
6 that spoke about spending five hours pulling a guy
7 out of the river.

8 MS. LARES: Can we have you come up front,
9 the court reporter can't hear you, and get your
10 name transcribed? We've run out of batteries, so
11 I'm going to make you come up front.

12 MR. ODERMANN: I have to make a comment
13 about the gentleman -- I'm James Odermann. I live
14 north of Medora here, right on the river -- and he
15 spent five hours pulling someone out of the river
16 and the other gal over here mentioned about how we
17 got to slow down and what an experience it was.
18 Well, I want to tell you, we're not that socially
19 deprived that we need to have someone get stuck in
20 the river so we have to pull you out. So, please,
21 it's not a deal that we need to get stuck in the
22 river so we've got something to do.

23 MS. TURNBOW: Thank you all for coming and
24 giving your comments. We appreciate it.

25 (Concluded at 7:12 p.m., the same day.)

79

1 CERTIFICATE OF COURT REPORTER

2

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

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

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

13 Bismarck, North Dakota, this 20th day of
14 June, 2012.

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Denise M. Andahl
Registered Professional Reporter

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<p style="text-align: center;">\$</p> <p>\$15 [1] - 47:24 \$25,000 [1] - 42:7 \$450,000 [1] - 54:19 \$700,000 [1] - 46:12</p>	<p>25-year [5] - 15:6, 72:24, 73:15, 73:16, 73:20 250 [1] - 1:16 250,000 [1] - 20:25 25th [1] - 20:7 26th [1] - 63:13</p>	<p style="text-align: center;">9</p> <p>94 [2] - 26:2, 31:15 95 [1] - 31:10</p>	<p>agency [10] - 7:25, 8:2, 8:4, 17:12, 23:21, 24:4, 28:16, 28:18, 31:25, 48:15 ago [2] - 37:10, 76:7 agree [1] - 32:11 agriculture [1] - 71:23 air [6] - 22:8, 22:9, 22:18, 24:23, 28:17, 38:4 Alaska [1] - 70:21 alignment [2] - 12:8, 12:14 Allen [1] - 3:6 allow [2] - 29:21, 75:23 allowed [4] - 32:23, 43:11, 48:6, 56:13 allowing [1] - 67:18 allows [1] - 76:1 almost [5] - 9:16, 21:14, 37:15, 73:5, 74:14 alphabetical [1] - 6:5 alternative [9] - 5:14, 7:20, 12:11, 14:4, 16:4, 27:25, 35:11, 55:6, 55:7 Alternative [11] - 5:19, 11:11, 12:1, 12:4, 12:10, 13:2, 13:4, 14:2, 15:21, 28:2 ALTERNATIVES [1] - 1:11 Alternatives [6] - 5:17, 13:4, 28:1, 62:19, 64:23, 77:23 alternatives [48] - 2:7, 2:15, 3:14, 3:15, 5:11, 5:13, 5:15, 5:18, 5:21, 6:1, 6:4, 6:13, 6:17, 7:3, 10:9, 11:4, 11:8, 11:10, 14:17, 16:7, 16:9, 17:18, 19:8, 21:18, 22:13, 26:4, 26:7, 26:15, 28:10, 28:13, 35:19, 36:3, 36:14, 39:20, 48:1, 48:25, 49:3, 49:4, 49:5, 58:5, 58:9, 58:14, 60:7, 62:17, 63:2, 65:7, 75:22, 78:1 amazed [3] - 49:23, 50:3 ambulance [3] - 67:3, 68:6, 68:20 America's [3] - 19:6, 19:22, 20:4 American [1] - 65:3 Americans [2] - 63:24, 77:14 amount [2] - 25:17, 67:11 Amy [2] - 19:2, 72:8 analogous [1] - 54:7 analysis [7] - 7:3, 22:3, 22:5, 22:13, 27:25, 35:19, 35:25 Andahl [2] - 80:3, 80:16 aNDES [1] - 61:17 Andes [1] - 61:17 anger [2] - 31:4, 32:11 anniversary [1] - 20:7 announce [1] - 32:14 announced [1] - 19:22 answer [15] - 2:18, 32:11,</p>
<p style="text-align: center;">,</p> <p>'11 [2] - 67:21, 67:22</p>	<p style="text-align: center;">3</p> <p>3 [5] - 13:5, 13:9, 13:19, 21:1, 54:24 30 [1] - 72:11 30-foot [1] - 12:19 340 [1] - 10:22 35-mile-an-hour [1] - 10:20 397 [1] - 64:7</p>	<p style="text-align: center;">A</p> <p>AASHTO [1] - 11:2 able [3] - 33:6, 34:22, 72:25 abomination [1] - 29:18 abreast [1] - 43:4 absolutely [2] - 33:2, 74:13 absurd [1] - 44:6 access [10] - 7:11, 67:12, 70:25, 71:3, 71:9, 71:10, 71:16, 71:18, 71:19, 73:11 accessible [2] - 8:16, 72:23 accompany [1] - 21:3 according [1] - 42:4 account [1] - 55:3 accountable [1] - 51:5 accurate [3] - 47:24, 48:5, 80:10 acquire [1] - 36:4 acre [3] - 66:6, 74:12, 75:2 acres [5] - 63:21, 65:19, 65:22, 66:1 Act [2] - 7:6, 75:18 action [1] - 75:23 active [2] - 9:17, 20:25 actual [2] - 22:13, 45:17 add [2] - 9:20, 42:14 added [1] - 77:7 addition [2] - 28:14, 74:20 additional [3] - 21:1, 65:16, 77:11 address [3] - 22:24, 61:20, 61:22 addressing [3] - 23:6, 23:9, 28:17 adequately [1] - 61:22 adjacent [2] - 39:16, 40:1 administration [1] - 75:20 Administration [13] - 3:9, 3:25, 7:14, 21:16, 23:24, 24:4, 24:12, 28:5, 46:14, 46:19, 46:21, 47:4, 48:14 Administration's [1] - 48:17 affairs [1] - 61:18 affect [1] - 33:14 affected [2] - 21:7, 40:12 affects [1] - 33:14 affiliated [1] - 21:2 affords [1] - 29:10 agencies [13] - 3:24, 4:2, 4:5, 4:6, 4:7, 5:24, 6:15, 28:8, 32:21, 33:9, 44:10, 58:13, 58:17</p>	
<p style="text-align: center;">1</p> <p>1 [3] - 13:5, 13:6, 13:18 1,050 [1] - 15:20 1,200 [3] - 15:21, 54:5, 54:23 1.5-mile [1] - 54:19 1.9 [1] - 42:6 10 [2] - 10:25, 12:22 10.1 [2] - 12:3, 13:9 10.7 [1] - 11:13 11 [7] - 4:6, 19:22, 20:4, 28:8, 62:24, 76:10, 76:15 16 [9] - 3:21, 4:17, 8:18, 56:12, 56:25, 57:10, 57:25, 59:12, 60:11 17 [1] - 9:8 18 [1] - 9:21 1902 [2] - 40:3, 50:12 1947 [1] - 77:4 1949 [1] - 20:25 1988 [1] - 20:3</p>	<p style="text-align: center;">4</p> <p>470 [1] - 9:17</p>		
<p style="text-align: center;">2</p> <p>2 [5] - 11:12, 12:2, 13:5, 13:7, 13:18 20 [2] - 31:13, 38:1 20-some [1] - 44:10 2000 [1] - 67:19 2006 [3] - 3:22, 4:25, 42:5 2007 [1] - 77:11 2008 [3] - 5:12, 5:16, 6:15 2009 [1] - 6:24 2010 [2] - 6:21, 67:21 2011 [2] - 6:25, 67:23 2012 [7] - 1:17, 2:3, 8:1, 8:2, 19:25, 20:15, 80:14 2013 [4] - 18:3, 18:4, 18:6, 18:7 20th [1] - 80:13 22nd [1] - 17:19 23 [1] - 66:12 230 [1] - 63:20 233 [1] - 20:11 24 [2] - 10:19, 72:5 25 [1] - 72:19</p>	<p style="text-align: center;">5</p> <p>50 [1] - 14:5 500,000 [1] - 77:15 500-year [1] - 72:24 55 [1] - 72:17 58 [1] - 64:8 59 [1] - 9:18 5:31 [1] - 2:2</p>		
<p style="text-align: center;">2</p> <p>2 [5] - 11:12, 12:2, 13:5, 13:7, 13:18 20 [2] - 31:13, 38:1 20-some [1] - 44:10 2000 [1] - 67:19 2006 [3] - 3:22, 4:25, 42:5 2007 [1] - 77:11 2008 [3] - 5:12, 5:16, 6:15 2009 [1] - 6:24 2010 [2] - 6:21, 67:21 2011 [2] - 6:25, 67:23 2012 [7] - 1:17, 2:3, 8:1, 8:2, 19:25, 20:15, 80:14 2013 [4] - 18:3, 18:4, 18:6, 18:7 20th [1] - 80:13 22nd [1] - 17:19 23 [1] - 66:12 230 [1] - 63:20 233 [1] - 20:11 24 [2] - 10:19, 72:5 25 [1] - 72:19</p>	<p style="text-align: center;">6</p> <p>600 [3] - 15:18, 54:5, 54:23 600,000 [1] - 77:15</p>		
<p style="text-align: center;">2</p> <p>2 [5] - 11:12, 12:2, 13:5, 13:7, 13:18 20 [2] - 31:13, 38:1 20-some [1] - 44:10 2000 [1] - 67:19 2006 [3] - 3:22, 4:25, 42:5 2007 [1] - 77:11 2008 [3] - 5:12, 5:16, 6:15 2009 [1] - 6:24 2010 [2] - 6:21, 67:21 2011 [2] - 6:25, 67:23 2012 [7] - 1:17, 2:3, 8:1, 8:2, 19:25, 20:15, 80:14 2013 [4] - 18:3, 18:4, 18:6, 18:7 20th [1] - 80:13 22nd [1] - 17:19 23 [1] - 66:12 230 [1] - 63:20 233 [1] - 20:11 24 [2] - 10:19, 72:5 25 [1] - 72:19</p>	<p style="text-align: center;">7</p> <p>7 [3] - 1:17, 2:3, 21:1 700,000 [2] - 42:12, 43:5 7:12 [1] - 78:25</p>		
<p style="text-align: center;">2</p> <p>2 [5] - 11:12, 12:2, 13:5, 13:7, 13:18 20 [2] - 31:13, 38:1 20-some [1] - 44:10 2000 [1] - 67:19 2006 [3] - 3:22, 4:25, 42:5 2007 [1] - 77:11 2008 [3] - 5:12, 5:16, 6:15 2009 [1] - 6:24 2010 [2] - 6:21, 67:21 2011 [2] - 6:25, 67:23 2012 [7] - 1:17, 2:3, 8:1, 8:2, 19:25, 20:15, 80:14 2013 [4] - 18:3, 18:4, 18:6, 18:7 20th [1] - 80:13 22nd [1] - 17:19 23 [1] - 66:12 230 [1] - 63:20 233 [1] - 20:11 24 [2] - 10:19, 72:5 25 [1] - 72:19</p>	<p style="text-align: center;">8</p> <p>8 [2] - 10:25, 12:22 8.3 [1] - 12:12 8.5 [1] - 13:6 8.6 [1] - 13:8 8.8 [1] - 14:5 800-foot [1] - 15:19 85 [14] - 3:21, 4:16, 8:18, 53:11, 56:12, 56:25, 57:10, 57:14, 57:25, 59:3, 59:12, 60:18, 60:20, 60:23</p>		

<p>33:6, 33:7, 34:22, 34:25, 35:12, 35:14, 35:16, 46:5, 53:17, 54:2, 57:19, 57:21, 73:20</p> <p>antelope [1] - 37:19</p> <p>anti [1] - 65:12</p> <p>anti-oil [1] - 65:12</p> <p>anticipated [1] - 18:2</p> <p>anyway [2] - 69:22, 70:10</p> <p>apart [1] - 23:7</p> <p>apologize [2] - 31:5, 44:23</p> <p>appalling [1] - 38:8</p> <p>appreciate [8] - 18:21, 50:11, 51:3, 64:16, 77:17, 77:18, 78:24</p> <p>appreciates [1] - 18:18</p> <p>apprised [1] - 18:13</p> <p>approach [1] - 12:20</p> <p>approved [1] - 32:1</p> <p>architectural [1] - 20:9</p> <p>area [43] - 4:11, 4:12, 4:20, 4:23, 5:3, 5:9, 6:23, 9:19, 16:6, 16:8, 16:24, 22:8, 22:19, 25:16, 25:20, 26:24, 26:25, 28:4, 28:12, 29:1, 29:10, 29:14, 29:23, 29:24, 30:7, 30:12, 30:14, 55:23, 57:18, 58:1, 58:18, 59:22, 59:24, 60:1, 60:3, 61:13, 63:12, 70:13, 70:16, 70:18, 70:20, 72:4</p> <p>areas [4] - 11:18, 70:20, 70:21, 70:22</p> <p>argue [2] - 33:18, 33:19</p> <p>Army [2] - 4:3, 28:7</p> <p>ARTHAUD [12] - 13:25, 32:10, 32:16, 35:13, 42:10, 43:9, 45:9, 47:1, 51:20, 53:20, 56:13, 56:19</p> <p>Arthaud [9] - 3:6, 32:16, 36:10, 42:10, 43:10, 45:6, 48:24, 49:25, 51:17</p> <p>article [1] - 67:15</p> <p>aside [1] - 63:20</p> <p>assigns [1] - 36:2</p> <p>associated [3] - 7:16, 10:16, 31:4</p> <p>Association [4] - 63:8, 63:10, 76:22, 76:23</p> <p>associations [1] - 21:3</p> <p>attend [1] - 2:10</p> <p>attending [1] - 2:7</p> <p>attorney [4] - 24:15, 36:8, 70:6, 70:9</p> <p>attorneys [1] - 7:16</p> <p>August [1] - 18:5</p> <p>available [2] - 46:1, 65:3</p> <p>averages [1] - 42:7</p> <p>aware [6] - 20:23, 23:3, 39:25, 69:1, 75:24, 77:13</p>	<p>awareness [1] - 20:5</p> <p>awful [1] - 55:14</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>bad [1] - 45:8</p> <p>Badlands [17] - 10:24, 37:13, 37:18, 39:7, 42:19, 45:3, 49:20, 49:22, 61:7, 64:1, 64:17, 70:13, 74:12, 74:20, 74:22, 74:25, 75:4</p> <p>baggage [1] - 27:9</p> <p>ballpark [2] - 54:25, 55:1</p> <p>base [1] - 68:4</p> <p>baseline [1] - 22:18</p> <p>basic [1] - 8:8</p> <p>basket [1] - 17:22</p> <p>batteries [1] - 78:10</p> <p>battery [1] - 70:4</p> <p>Baumstark [2] - 24:15, 36:8</p> <p>Beach [4] - 30:22, 40:8, 68:19, 71:21</p> <p>beautiful [2] - 37:19, 38:15</p> <p>beauty [6] - 29:23, 29:25, 30:3, 30:13, 37:15, 64:16</p> <p>become [1] - 20:8</p> <p>BEFORE [2] - 1:2, 1:21</p> <p>beg [1] - 69:20</p> <p>begin [1] - 2:12</p> <p>beginning [1] - 13:25</p> <p>behind [1] - 76:20</p> <p>Belfield [3] - 28:22, 31:17, 69:17</p> <p>Belle [1] - 12:11</p> <p>belong [1] - 63:24</p> <p>beneficial [1] - 59:25</p> <p>benefit [1] - 60:4</p> <p>best [8] - 9:1, 16:17, 24:25, 27:13, 33:16, 56:14, 58:19, 61:15</p> <p>better [3] - 25:7, 34:13, 69:13</p> <p>between [11] - 4:12, 8:17, 18:7, 23:2, 54:4, 54:5, 56:24, 57:10, 57:24, 61:23, 73:16</p> <p>beyond [1] - 35:19</p> <p>Bicycle [1] - 14:11</p> <p>bid [1] - 54:17</p> <p>big [4] - 37:25, 53:16, 58:18, 72:3</p> <p>bigger [2] - 5:2, 53:12</p> <p>biggest [1] - 55:22</p> <p>bill [3] - 47:19, 77:7, 77:8</p> <p>Bill [1] - 69:17</p> <p>Billings [45] - 3:5, 4:1, 4:25, 7:8, 7:15, 8:13, 9:4, 9:10, 10:6, 10:21, 11:20, 31:25, 32:2, 32:4, 32:8, 32:17, 32:25, 34:19, 34:20, 35:8,</p>	<p>36:11, 41:5, 42:5, 42:11, 45:13, 45:22, 45:24, 46:13, 47:12, 48:5, 48:18, 49:19, 50:4, 50:14, 51:14, 51:21, 52:22, 54:9, 54:17, 55:9, 55:12, 57:4, 62:5, 62:15, 66:9</p> <p>bird [1] - 63:22</p> <p>birds [1] - 37:19</p> <p>Bismarck [17] - 5:12, 19:3, 19:9, 24:16, 26:9, 30:21, 31:10, 36:9, 39:19, 42:18, 45:3, 51:7, 58:24, 70:6, 75:13, 76:7, 80:13</p> <p>bit [9] - 2:5, 3:13, 6:20, 12:24, 14:22, 15:17, 25:24, 35:5, 51:23</p> <p>blacktail [1] - 61:3</p> <p>Blacktail [6] - 12:2, 12:10, 37:24, 57:4, 57:13, 57:16</p> <p>blame [1] - 75:5</p> <p>blend [2] - 15:12, 16:16</p> <p>blocks [1] - 17:8</p> <p>blown [1] - 44:22</p> <p>blue [1] - 13:13</p> <p>bluff [1] - 12:16</p> <p>boatload [1] - 40:19</p> <p>bogus [1] - 39:24</p> <p>Boone [2] - 63:8, 76:23</p> <p>border [4] - 4:13, 4:14, 4:16, 4:17</p> <p>born [1] - 28:22</p> <p>bottom [1] - 51:5</p> <p>boundaries [1] - 7:7</p> <p>BOYCE [1] - 68:25</p> <p>Boyce [1] - 68:25</p> <p>BRAATEN [8] - 24:14, 36:7, 53:21, 69:25, 70:3, 70:5, 70:15, 70:19</p> <p>Braaten [6] - 24:14, 24:15, 36:8, 53:21, 70:1</p> <p>breathe [1] - 30:15</p> <p>bridge [53] - 7:10, 12:20, 12:24, 14:15, 14:23, 15:3, 15:8, 15:10, 15:12, 15:23, 15:25, 16:3, 16:12, 16:14, 21:12, 22:19, 25:8, 25:12, 25:22, 30:9, 31:2, 33:1, 37:3, 41:13, 43:12, 43:13, 43:23, 44:6, 44:15, 45:14, 45:16, 45:18, 50:8, 53:5, 53:11, 53:13, 54:6, 54:22, 54:24, 55:17, 59:5, 59:9, 59:21, 61:12, 67:4, 72:15, 72:18, 73:6, 73:15, 73:16, 73:17</p> <p>bridges [10] - 14:20, 15:6, 15:16, 22:7, 23:8, 49:21, 50:17, 72:20, 72:23, 73:2</p> <p>briefly [1] - 11:7</p>	<p>bring [2] - 37:17, 37:18</p> <p>brought [1] - 75:3</p> <p>BUCKMAN [7] - 27:17, 27:19, 28:21, 29:3, 50:18, 50:20, 69:16</p> <p>Buckman [3] - 28:22, 50:20, 69:17</p> <p>buffaloes [1] - 37:19</p> <p>build [5] - 5:14, 10:15, 11:6, 11:8, 14:18</p> <p>built [1] - 11:14</p> <p>Bull [1] - 52:10</p> <p>bureaucracies [1] - 32:22</p> <p>buried [1] - 69:4</p> <p>business [4] - 37:7, 41:10, 43:21</p> <p>busyness [1] - 29:8</p> <p>Butte [2] - 33:1, 53:12</p> <p>buy [2] - 52:2, 52:6</p> <p>buying [1] - 75:5</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>calculator [1] - 54:20</p> <p>CALDWELL [1] - 37:6</p> <p>Caldwell [1] - 37:6</p> <p>callous [2] - 70:9, 71:1</p> <p>Camel's [1] - 31:16</p> <p>camp [2] - 37:11, 50:25</p> <p>campaigns [1] - 76:25</p> <p>camping [2] - 28:25, 29:1</p> <p>Canada [1] - 70:22</p> <p>cannot [3] - 7:22, 30:5, 73:10</p> <p>capitalism [2] - 42:22, 43:6</p> <p>captivated [1] - 39:14</p> <p>care [1] - 34:5</p> <p>carried [1] - 58:21</p> <p>carry [2] - 58:5, 58:10</p> <p>carrying [2] - 11:4, 22:14</p> <p>cars [1] - 65:13</p> <p>cash [1] - 74:22</p> <p>categories [1] - 22:16</p> <p>cattle [2] - 71:23, 74:19</p> <p>cautioned [1] - 43:14</p> <p>Center [2] - 74:9, 74:17</p> <p>centrally [1] - 8:16</p> <p>certainly [1] - 36:20</p> <p>CERTIFICATE [1] - 80:1</p> <p>CERTIFY [2] - 80:5, 80:9</p> <p>chairman [2] - 32:16, 42:11</p> <p>changes [3] - 9:16, 18:14, 31:6</p> <p>character [1] - 75:3</p> <p>charge [1] - 56:2</p> <p>check [2] - 43:4, 56:7</p> <p>chief [1] - 61:18</p> <p>children [1] - 30:1</p> <p>choice [1] - 37:5</p> <p>choose [1] - 35:8</p>
---	---	--	---

<p>choosing [1] - 36:14 chosen [2] - 34:23, 35:11 citizens [3] - 28:24, 37:4, 52:4 civil [1] - 23:1 Class [1] - 22:8 classified [1] - 12:9 Clay [1] - 74:8 clear [3] - 17:11, 62:2, 65:11 clearly [1] - 25:14 close [5] - 12:25, 13:18, 29:17, 48:12, 62:21 Club [2] - 63:8, 76:24 coast [1] - 29:22 collective [1] - 63:25 coming [8] - 2:6, 26:2, 36:24, 50:12, 60:5, 61:4, 61:9, 78:23 commencing [1] - 2:2 comment [15] - 13:24, 17:19, 17:21, 28:20, 30:19, 31:8, 36:12, 45:1, 45:4, 45:10, 58:7, 58:9, 72:9, 78:3, 78:12 comments [21] - 2:11, 2:22, 3:16, 17:20, 17:25, 18:16, 18:19, 19:1, 24:18, 49:13, 53:14, 65:17, 66:11, 67:6, 74:5, 75:8, 75:12, 75:14, 75:16, 77:21, 78:24 commerce [1] - 8:11 Commission [7] - 32:17, 36:11, 42:3, 42:11, 46:13, 48:6, 48:19 commission [1] - 36:21 commissioner [2] - 48:24, 50:4 commissioners [8] - 33:24, 34:21, 38:14, 41:6, 42:24, 48:15, 51:14, 52:5 common [2] - 44:13, 59:21 common-day [1] - 44:13 community [3] - 36:19, 39:9, 41:19 compared [1] - 73:17 complete [1] - 40:13 completely [6] - 39:5, 39:15, 40:12, 44:2, 44:3, 73:11 compromise [1] - 65:14 Con [6] - 30:22, 39:2, 40:15, 41:1, 41:15, 49:16 CON [9] - 49:15, 57:21, 61:1, 65:24, 68:9, 68:13, 68:17, 68:19, 68:23 concede [1] - 70:19 concept [1] - 16:10 concepts [2] - 16:16, 22:14 conceptual [1] - 22:2 concern [1] - 19:10 concerned [3] - 31:1, 62:18</p>	<p>concerns [4] - 12:7, 12:14, 62:5, 77:20 concluded [1] - 78:25 conclusion [1] - 27:13 conditioning [1] - 38:4 conditions [2] - 9:24, 72:1 conduct [1] - 35:18 conducting [2] - 21:14, 21:18 confused [2] - 55:21, 55:23 Congress [1] - 77:8 conjunction [1] - 3:19 connect [13] - 3:20, 8:19, 55:17, 55:21, 55:24, 56:5, 56:7, 56:8, 56:10, 57:14, 59:3, 59:10, 60:10 connecting [4] - 6:2, 56:11, 56:12, 59:12 connection [4] - 57:1, 59:4, 60:18, 60:20 connects [5] - 11:11, 12:1, 12:10, 14:4, 72:18 conservation [4] - 63:5, 63:15, 63:19, 64:6 Conservation [2] - 63:10, 76:23 consider [3] - 27:10, 27:11, 30:5 consideration [1] - 7:6 considered [2] - 65:7, 77:24 consist [1] - 12:12 construct [3] - 7:10, 8:25 construction [8] - 9:1, 12:13, 22:19, 45:17, 45:23, 46:10, 47:7, 47:17 consult [1] - 48:15 consultation [1] - 20:20 contain [1] - 80:10 continue [2] - 40:20, 62:15 continues [1] - 65:17 contributing [1] - 63:3 control [2] - 36:25, 52:3 convenience [9] - 25:17, 26:22, 27:1, 27:4, 31:9, 31:19, 33:17, 33:18 convenient [5] - 25:11, 25:13, 25:23, 26:1, 27:8 conversation [1] - 71:17 conversations [1] - 52:20 cooperating [7] - 4:2, 6:14, 8:2, 8:3, 17:11, 58:13, 58:16 cooperation [1] - 58:16 corner [2] - 53:4, 56:17 Corps [2] - 4:3, 28:7 correct [2] - 47:15, 53:19 correctly [1] - 13:22 cost [11] - 9:11, 46:7, 46:9, 46:15, 47:20, 47:23, 48:1, 54:2, 54:3, 54:8, 54:15</p>	<p>costly [2] - 16:1, 16:3 cough [1] - 38:5 count [1] - 73:10 Counties [1] - 7:15 counties [1] - 9:8 country [1] - 73:1 country's [1] - 20:9 counts [3] - 21:1, 57:2, 57:8 County [58] - 3:6, 4:1, 4:25, 5:1, 5:10, 6:19, 6:23, 7:1, 7:8, 7:20, 8:13, 9:4, 9:9, 9:10, 10:6, 10:21, 11:20, 14:3, 14:4, 26:7, 26:10, 26:15, 28:2, 31:25, 32:2, 32:5, 32:8, 32:17, 32:25, 34:19, 34:21, 35:8, 36:11, 41:5, 42:6, 42:11, 43:23, 45:13, 45:22, 45:25, 46:13, 47:12, 48:6, 48:18, 49:19, 50:4, 50:14, 51:14, 51:21, 52:22, 54:10, 54:18, 55:9, 55:12, 57:4, 62:5, 62:15, 66:9 county [12] - 7:9, 10:17, 10:18, 13:15, 15:2, 15:5, 33:24, 38:13, 42:24, 50:3, 50:5, 52:5 couple [9] - 2:12, 5:7, 7:4, 11:25, 16:22, 24:18, 43:10, 57:23, 67:5 course [1] - 77:9 court [6] - 2:13, 2:19, 17:21, 18:17, 52:25, 78:9 COURT [1] - 80:1 courts [1] - 50:2 covered [1] - 22:16 Cowboy [1] - 1:16 Craig [7] - 3:3, 10:8, 10:10, 15:1, 54:16, 56:21, 59:11 craziness [2] - 29:21, 33:9 create [3] - 8:24, 27:4, 56:23 created [2] - 32:22, 74:21 Creek [5] - 14:11, 31:17, 34:18, 37:24, 57:13 criteria [13] - 6:8, 6:9, 10:9, 10:14, 15:7, 22:23, 28:4, 28:9, 36:13, 36:17, 58:19, 59:15, 74:3 critical [1] - 30:7 critically [1] - 30:18 Crockett [2] - 63:8, 76:24 cropped [2] - 7:4, 7:8 cross [10] - 10:3, 31:11, 49:3, 49:4, 49:5, 61:7, 62:19, 67:19, 73:1, 73:9 cross-country [1] - 73:1 crossed [1] - 68:9 Crossing [1] - 1:5 crossing [41] - 2:8, 3:18, 6:1, 8:25, 11:18, 11:19, 11:20,</p>	<p>11:22, 12:15, 12:22, 14:18, 19:11, 20:2, 20:22, 22:25, 23:10, 25:9, 25:12, 25:18, 25:22, 25:25, 26:10, 26:11, 27:8, 27:13, 31:18, 33:1, 33:8, 34:15, 34:17, 34:19, 36:23, 42:16, 42:18, 43:25, 48:2, 62:2, 62:14, 63:1, 72:6 crossings [12] - 9:5, 13:3, 23:2, 23:6, 23:12, 31:12, 49:7, 59:20, 64:22, 67:12, 67:23, 67:24 cruise [1] - 17:16 crystallized [1] - 63:15 cultural [1] - 20:10 culturally [1] - 63:12 current [1] - 21:20 curve [1] - 10:22 curves [1] - 14:9 cut [2] - 12:19, 41:8 cuts [1] - 39:16 cutting [2] - 40:2, 41:13</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C [1] - 51:2 Daah [1] - 69:2 dad [1] - 69:17 daily [1] - 9:17 Dakota [42] - 1:16, 1:17, 3:9, 3:20, 3:25, 4:17, 7:14, 8:17, 9:9, 9:11, 15:6, 17:7, 21:15, 24:11, 28:6, 28:14, 29:1, 30:22, 33:2, 37:12, 38:11, 38:18, 50:15, 52:1, 52:2, 56:24, 57:25, 62:9, 63:16, 64:3, 64:10, 64:17, 72:11, 74:13, 74:20, 74:23, 75:1, 75:11, 77:4, 77:18, 80:13 dangerous [1] - 72:4 dark [1] - 17:4 data [3] - 9:16, 21:16, 21:23 date [1] - 20:12 dates [2] - 18:9, 18:11 daughter [2] - 29:12, 37:9 DAVE [7] - 13:20, 39:1, 42:14, 55:19, 56:16, 73:13, 73:22 Dave [6] - 13:21, 39:1, 41:15, 42:15, 55:19, 73:14 dead [1] - 70:4 deal [2] - 52:1, 78:21 dealing [1] - 52:14 deaths [1] - 64:14 December [4] - 6:15, 6:21, 6:24, 18:7 decide [2] - 7:16, 25:1</p>
---	---	---	---

<p>decided [2] - 29:13, 34:21 decision [10] - 17:3, 18:6, 23:22, 23:24, 24:5, 33:23, 48:13, 48:16, 48:21 deeded [3] - 13:21, 13:23, 40:3 deep [1] - 19:9 defend [1] - 74:11 defer [1] - 21:24 definitely [4] - 28:13, 35:1, 39:11, 68:5 degradation [1] - 63:18 degrees [2] - 35:14, 35:17 delay [1] - 66:16 demands [2] - 9:6, 9:13 denied [1] - 67:12 Denise [3] - 18:18, 80:3, 80:16 department [2] - 66:23, 67:2 Department [6] - 3:9, 4:1, 7:14, 28:6, 28:15, 47:11 dependent [1] - 47:18 deprived [1] - 78:19 Derrick [4] - 24:14, 36:7, 53:21, 69:25 design [12] - 9:1, 10:9, 10:13, 10:20, 15:2, 15:8, 22:22, 23:1, 23:7, 36:3, 47:6, 47:17 designated [1] - 64:8 designation [1] - 63:4 designed [3] - 9:13, 14:20, 15:6 destroy [1] - 65:2 destroyed [1] - 29:20 destroying [1] - 30:5 detail [7] - 5:19, 6:17, 7:18, 14:19, 15:15, 58:11, 62:12 detailed [1] - 7:3 determined [1] - 57:11 detour [2] - 59:17, 61:8 detouring [1] - 59:25 detrimental [1] - 25:18 develop [9] - 5:25, 14:17, 14:22, 15:3, 16:7, 16:16, 26:4, 26:7 developed [6] - 13:3, 15:11, 26:15, 38:15, 62:3, 62:14 development [12] - 3:14, 9:12, 29:24, 30:8, 39:6, 39:8, 41:10, 61:25, 62:1, 62:15, 65:12, 65:14 Dickinson [5] - 10:11, 37:13, 67:16, 74:10, 74:17 died [1] - 73:5 difference [1] - 73:16 different [18] - 4:8, 6:3, 6:10, 7:11, 7:12, 9:25, 21:2, 21:4, 22:15, 27:23, 28:10, 28:13, 36:14, 45:20, 45:21,</p>	<p>46:6, 57:1, 57:12 direct [3] - 59:13, 60:8, 60:21 directed [1] - 43:3 director [1] - 24:10 disagree [2] - 70:7, 70:11 disagreeing [1] - 60:9 discarded [3] - 5:20, 6:7, 28:9 disclosure [1] - 75:25 discounted [1] - 75:1 discuss [1] - 35:22 disrupt [1] - 64:24 distance [1] - 23:1 distinction [1] - 58:8 District [4] - 17:2, 17:14, 19:15, 62:20 districts [1] - 34:6 diverse [1] - 76:2 division [1] - 24:10 DO [2] - 80:5, 80:9 document [2] - 43:16, 44:8 documents [1] - 44:7 dollars [7] - 53:7, 53:8, 53:9, 53:16, 56:4, 56:20 domain [2] - 26:18, 35:9 Don [1] - 58:23 don [1] - 60:14 done [7] - 18:2, 18:5, 21:23, 24:25, 55:9, 58:16, 74:2 Dorgan [1] - 52:15 DOT [2] - 21:15, 21:24 doubt [1] - 59:14 down [14] - 12:20, 13:11, 26:2, 26:17, 34:25, 40:2, 44:14, 52:7, 60:22, 66:15, 69:3, 69:24, 78:5, 78:17 draft [3] - 18:2, 46:11, 48:2 draw [1] - 59:23 Draw [1] - 14:4 drawing [1] - 40:6 dreams [1] - 29:19 drilling [1] - 29:22 drive [4] - 30:12, 65:12, 66:15, 66:24 driven [1] - 9:3 driving [2] - 25:21, 25:24 drove [1] - 40:8 due [3] - 6:7, 31:6, 62:9 duration [1] - 4:9 during [3] - 48:13, 62:8, 75:20 dust [3] - 22:10, 38:2, 65:1 dwindling [1] - 63:17</p>	<p>East [1] - 31:17 east [23] - 3:20, 8:19, 11:16, 12:16, 12:18, 12:20, 13:19, 14:10, 14:12, 49:9, 57:3, 57:18, 58:1, 59:3, 59:19, 60:3, 60:12, 60:23, 66:13, 66:22, 66:23, 66:25 east-west [2] - 57:18, 59:3 eastern [1] - 4:16 Eberts [2] - 12:6, 51:25 effect [1] - 20:16 effective [1] - 20:8 effects [2] - 19:12, 31:2 efficient [3] - 8:11, 8:17, 56:24 efforts [2] - 20:13, 20:18 ego [1] - 50:9 eight [2] - 11:5, 54:4 eighth [1] - 11:6 Eileen [1] - 61:17 EIS [18] - 3:17, 18:2, 22:1, 22:15, 22:21, 31:21, 32:6, 35:7, 35:9, 35:18, 36:2, 44:9, 46:11, 52:24, 53:13, 58:11, 65:17 either [10] - 11:13, 17:20, 17:22, 34:18, 34:19, 53:25, 59:6, 59:7, 60:5, 61:24 Elkhorn [33] - 4:18, 17:4, 17:9, 19:13, 19:14, 19:20, 19:24, 20:15, 20:19, 29:10, 30:4, 39:22, 41:18, 51:10, 62:20, 62:21, 62:23, 63:3, 63:7, 63:11, 64:5, 64:12, 64:18, 64:25, 65:4, 65:10, 76:5, 76:8, 76:21, 76:25, 77:7, 77:11, 77:22 email [1] - 17:24 emergency [14] - 34:8, 34:12, 66:10, 66:12, 66:17, 67:1, 67:9, 67:14, 70:24, 71:3, 71:9, 71:10, 71:16, 72:16 eminent [2] - 26:18, 35:9 emotion [1] - 31:3 emotionally [1] - 64:16 encourage [1] - 27:5 end [3] - 14:1, 44:12, 71:16 endangered [6] - 19:23, 20:4, 62:25, 76:11, 76:12, 76:16 ended [1] - 33:5 ends [2] - 17:19, 44:3 enforcement [1] - 67:2 engineer [1] - 54:19 engineering [11] - 6:8, 12:7, 12:14, 21:10, 22:9, 23:1, 42:6, 47:10, 47:12, 58:20, 73:23 engineers [2] - 22:23, 26:4</p>	<p>Engineers [2] - 4:3, 28:7 enjoy [1] - 75:4 enjoyed [2] - 64:21, 65:2 enrich [1] - 19:7 ensure [1] - 70:24 entire [3] - 28:3, 47:8, 71:23 entity [2] - 26:19, 31:25 environmental [13] - 2:16, 11:7, 18:5, 18:10, 22:15, 31:22, 32:21, 35:20, 44:20, 45:21, 47:14, 48:3, 77:24 Environmental [2] - 7:5, 75:18 equipment [1] - 72:4 especially [1] - 18:10 essential [1] - 61:22 establish [1] - 22:18 established [6] - 10:18, 64:5, 65:15, 77:3, 77:5, 77:9 estimate [5] - 15:15, 21:11, 21:21, 42:8, 47:23 estimated [1] - 22:9 estimates [6] - 46:7, 46:9, 47:21, 48:1, 54:2, 54:3 ethic [1] - 63:20 evaluating [1] - 73:19 evening [1] - 2:4 evidence [1] - 71:4 exact [1] - 21:25 exactly [1] - 31:13 example [1] - 70:22 except [4] - 50:8, 56:10, 61:24, 73:1 exception [2] - 10:25, 12:15 exciting [1] - 69:18 excluded [1] - 4:19 excuse [6] - 12:21, 13:20, 14:10, 27:17, 31:15, 42:15 exercise [1] - 35:8 exist [2] - 60:25, 62:4 existence [1] - 20:24 existing [9] - 3:19, 8:24, 10:1, 11:15, 12:5, 12:25, 13:11, 14:7, 14:12 exit [1] - 31:16 expanded [3] - 5:1, 5:10, 6:23 expect [2] - 10:19, 20:14 expecting [1] - 55:12 experience [6] - 54:7, 64:3, 65:2, 65:5, 72:10, 78:17 explain [1] - 42:25 express [1] - 76:2 extent [1] - 19:19 extraordinary [2] - 74:23, 75:3</p>
	E		
	<p>eagles [1] - 30:15 earth [2] - 30:2, 30:4 easiest [1] - 60:21</p>		

<p style="text-align: center;">F</p> <p>faced [1] - 69:12 facing [2] - 20:1, 20:5 factor [1] - 63:3 Fame [1] - 1:16 familiar [4] - 25:19, 57:3, 69:7, 71:25 families [2] - 30:24, 72:2 family [11] - 24:17, 30:24, 39:3, 39:5, 39:6, 39:11, 40:11, 49:16, 50:12, 55:20, 58:24 far [7] - 22:21, 23:7, 32:6, 35:8, 35:10, 46:13, 62:17 farmstead [1] - 14:12 farmsteads [1] - 35:25 father [1] - 73:3 feasibility [1] - 14:25 feasible [6] - 16:7, 26:4, 26:12, 26:14, 59:21 federal [14] - 24:4, 32:21, 36:23, 37:2, 43:14, 44:1, 45:24, 46:1, 47:18, 48:15, 50:21, 52:14, 54:10, 75:23 Federal [21] - 3:8, 3:23, 3:25, 4:4, 7:13, 21:15, 23:23, 24:3, 24:11, 28:5, 32:1, 46:14, 46:18, 46:21, 47:3, 47:13, 48:14, 48:16, 48:21, 51:7, 53:23 feedback [1] - 2:11 feelings [1] - 51:2 feet [6] - 10:20, 10:22, 15:18, 15:20, 15:21, 54:23 fellow [1] - 28:24 few [5] - 6:3, 6:10, 15:18, 30:2, 50:15 FHO-02-04(001) [1] - 1:6 field [2] - 7:12, 7:23 fight [1] - 53:5 fighting [1] - 56:20 figure [2] - 33:8, 40:17 figured [1] - 36:15 figuring [1] - 36:4 filed [1] - 3:23 final [4] - 18:4, 33:23, 48:21, 67:6 finally [1] - 26:16 finish [1] - 16:18 fire [4] - 66:22, 67:2, 68:6, 68:10 fires [1] - 66:22 firm [3] - 21:10, 22:9, 73:23 first [11] - 2:5, 2:25, 4:24, 21:10, 37:21, 39:4, 44:9, 51:12, 51:25, 61:10, 61:20 fits [1] - 17:24 five [6] - 21:9, 35:14, 35:17,</p>	<p>69:5, 78:6, 78:15 flood [7] - 15:7, 67:20, 72:24, 73:15, 73:16, 73:17, 73:20 floods [1] - 72:24 Florida [1] - 29:21 folks [6] - 25:20, 28:25, 51:2, 53:25, 54:6, 67:9 follow [6] - 13:11, 15:9, 24:20, 43:18, 53:22, 55:20 followed [1] - 44:7 follows [7] - 2:3, 11:1, 11:15, 12:4, 14:7, 14:11, 43:19 foot [1] - 54:5 footprint [1] - 66:1 forbidden [1] - 48:10 fords [2] - 9:22, 10:1 foregoing [2] - 80:6, 80:10 foremost [1] - 39:4 foreseeable [1] - 62:16 Forest [10] - 4:4, 11:12, 12:2, 17:9, 17:12, 28:7, 49:5, 49:7, 51:13, 77:10 forests [1] - 63:21 forever [1] - 29:19 forget [1] - 16:21 form [1] - 22:10 formed [1] - 43:16 forms [1] - 17:21 forth [1] - 23:19 forward [12] - 6:16, 7:2, 11:4, 15:10, 16:15, 20:19, 22:14, 56:1, 58:6, 58:10, 58:21, 65:16 founding [1] - 63:9 four [3] - 5:13, 43:1, 72:21 fourth [1] - 22:22 frame [1] - 31:12 Frank [1] - 3:3 FRANK [5] - 14:16, 23:3, 54:25, 73:18, 74:1 Frank's [3] - 31:17, 37:24, 57:13 freeways [1] - 70:23 friendly [1] - 69:19 friends [3] - 37:16, 39:10, 49:20 Froelich [1] - 52:8 front [3] - 72:12, 78:8, 78:11 frustrations [3] - 32:12, 32:18 FUGLIE [21] - 45:2, 45:11, 45:14, 45:16, 45:19, 46:3, 46:7, 46:12, 46:18, 46:22, 47:2, 47:8, 47:16, 47:20, 47:23, 48:4, 48:18, 48:23, 49:7, 49:10, 49:12 Fuglie [1] - 45:2 fulfill [1] - 59:10 full [3] - 22:3, 35:25, 75:25</p>	<p>funded [1] - 19:5 funding [4] - 7:9, 45:24, 45:25, 46:1 FURTHER [1] - 80:9 future [4] - 19:7, 30:18, 31:1, 62:16</p> <p style="text-align: center;">G</p> <p>gain [1] - 7:22 gal [1] - 78:16 galvanizing [1] - 20:12 gas [4] - 9:7, 9:15, 62:1, 62:14 gauge [1] - 14:23 general [4] - 13:10, 15:8, 16:11, 16:14 generally [3] - 11:15, 14:11, 15:6 generations [1] - 30:18 gentleman [9] - 24:19, 36:17, 53:23, 54:9, 71:2, 71:5, 78:3, 78:5, 78:13 gentleman's [1] - 53:22 George [1] - 68:25 given [3] - 14:24, 16:1, 74:23 Goldsberry [1] - 11:19 goodness [1] - 66:25 gosh [1] - 76:15 government [8] - 26:19, 27:3, 36:22, 36:24, 37:2, 44:2, 52:14, 54:10 Governor [1] - 52:16 grade [3] - 10:25, 55:3, 55:4 grades [2] - 10:23, 12:20 grading [3] - 11:17, 13:7, 14:8 graduated [1] - 28:23 grandchildren [2] - 30:1, 30:11 grandparents [1] - 30:6 Grassy [2] - 33:1, 53:12 gravel [2] - 10:19, 68:4 great [3] - 75:15, 75:19, 75:25 Great [3] - 21:13, 21:22, 57:6 greatest [1] - 20:6 greatly [1] - 18:21 green [3] - 17:4, 17:6 grew [1] - 30:21 grieve [1] - 64:14 group [2] - 38:16, 41:16 groups [1] - 44:20 guarantee [2] - 69:10, 69:15 guaranteed [1] - 52:21 guess [19] - 28:23, 31:8, 31:20, 32:4, 32:7, 36:11, 42:3, 42:14, 47:2, 48:4, 50:18, 53:18, 57:8, 57:22,</p>	<p>58:25, 60:16, 66:11, 67:8, 68:8 guidelines [1] - 4:5 guiding [1] - 29:6 gulf [1] - 29:22 guy [1] - 78:6 guys [10] - 41:19, 42:23, 42:24, 55:25, 56:2, 67:10, 67:12, 73:14</p> <hr/> <p style="text-align: center;">H</p> <p>half [1] - 70:6 Hall [1] - 1:16 halted [1] - 5:7 hand [2] - 18:23, 44:2 handful [1] - 20:13 handle [1] - 34:13 handout [2] - 4:22, 6:13 hands [2] - 33:10, 44:18 HANSON [1] - 71:20 Hanson [1] - 71:21 happy [2] - 32:10, 76:14 hard [4] - 4:21, 27:6, 39:18, 77:10 hat's [1] - 67:9 hate [1] - 39:13 hawks [1] - 30:15 Hay [1] - 14:4 heal [1] - 29:13 healing [1] - 30:13 Health [1] - 28:15 health [1] - 30:16 hear [9] - 24:1, 42:2, 46:22, 60:15, 66:8, 70:3, 70:5, 75:15, 78:9 heard [7] - 24:19, 26:9, 36:12, 38:21, 43:1, 48:8, 71:13 hearing [1] - 18:4 hearings [1] - 52:6 heart [2] - 39:17, 67:10 heavy [2] - 9:14, 60:20 heavy-laden [1] - 60:20 heck [1] - 68:7 held [4] - 5:11, 19:8, 51:4, 58:8 hello [3] - 19:2, 21:5, 41:20 help [8] - 4:6, 4:8, 16:16, 28:18, 49:23, 54:20, 57:19, 63:6 helped [1] - 69:20 helping [2] - 19:20, 21:17 helps [1] - 35:4 hem [1] - 53:3 HEREBY [2] - 80:5, 80:9 herein [1] - 2:1 hereinbefore [1] - 80:7 heritage [2] - 20:10, 63:25</p>
---	---	--	--

<p>hi [1] - 39:1 hiatus [1] - 26:5 high [2] - 9:11, 31:13 highest [1] - 57:5 highway [2] - 15:5, 47:19 Highway [32] - 3:8, 3:21, 3:25, 4:4, 4:16, 4:17, 7:13, 8:18, 11:12, 12:2, 21:16, 23:23, 24:3, 24:11, 28:5, 31:15, 32:1, 46:14, 46:18, 46:21, 47:3, 47:13, 48:14, 48:16, 51:7, 53:11, 53:24, 56:25, 57:25, 60:11 Highway's [1] - 48:22 hike [2] - 37:11, 37:20 himself [1] - 64:21 hire [1] - 73:23 Historic [7] - 17:2, 17:14, 19:5, 19:15, 19:16, 62:20, 76:10 historic [11] - 19:6, 19:12, 19:23, 20:4, 29:15, 29:23, 29:25, 62:25, 76:11, 76:13, 76:16 Hoeven [1] - 52:16 hold [5] - 2:21, 14:1, 41:22, 41:25, 54:13 holy [1] - 44:11 home [2] - 40:3, 63:13 homestead [1] - 40:1 homesteaded [1] - 30:6 honest [1] - 49:18 honestly [1] - 31:20 honor [1] - 64:6 hope [8] - 18:9, 27:9, 27:10, 27:11, 35:3, 48:8, 50:24, 77:18 hopefully [1] - 57:8 horizontal [1] - 12:7 hours [4] - 69:5, 72:5, 78:6, 78:15 housekeeping [1] - 2:13 Hradec [2] - 37:12, 38:13 huge [1] - 41:7 humble [1] - 53:16 Hump [1] - 31:16 hundred [1] - 73:17 hundred-year [1] - 73:17 hunters [1] - 34:9</p>	<p>Il [1] - 22:8 imagine [2] - 32:24, 48:10 impact [8] - 2:16, 18:5, 18:11, 26:23, 26:25, 47:15, 48:3, 77:25 impacts [10] - 25:15, 25:16, 25:18, 31:22, 31:23, 32:7, 35:21, 35:22, 65:9 impassable [1] - 62:9 importance [1] - 30:7 important [11] - 18:20, 30:18, 31:19, 36:19, 41:17, 71:11, 71:13, 71:15, 76:18, 77:12, 77:14 importantly [1] - 25:7 improve [4] - 8:14, 50:7, 57:24, 61:23 improving [2] - 62:3, 71:19 inaccessible [1] - 9:25 inactive [1] - 9:18 inadequate [1] - 9:4 inches [1] - 50:15 inclement [2] - 62:6, 62:10 include [3] - 5:1, 5:10, 62:5 included [5] - 4:25, 5:13, 19:24, 46:10, 48:2 includes [1] - 5:23 including [3] - 19:12, 58:20, 64:5 inclusion [2] - 20:14, 51:12 incorrect [1] - 51:16 increase [2] - 9:6, 22:9 increased [1] - 9:12 indicated [2] - 47:13, 80:8 individuals [1] - 77:9 industrial [1] - 64:25 industry [5] - 9:7, 9:15, 41:11, 61:25, 71:23 information [5] - 14:22, 24:22, 25:4, 76:6 initiated [2] - 3:18, 3:22 input [4] - 35:1, 38:20, 48:19, 48:21 inside [1] - 38:4 instead [1] - 61:9 Institute's [1] - 57:7 intent [4] - 3:23, 6:21, 6:22, 59:12 interested [1] - 32:3 internal [2] - 8:23, 10:5 interpretation [1] - 61:18 interrupted [1] - 39:13 interstate [7] - 42:21, 59:4, 59:5, 60:22, 61:6, 61:10, 66:16 Interstate [1] - 31:15 Introduce [1] - 47:1 introductions [1] - 3:1 invite [1] - 74:18</p>	<p>involve [1] - 49:1 involved [4] - 31:7, 31:24, 49:21, 66:20 involvement [1] - 19:19 involving [1] - 44:12 irreparably [1] - 64:24 irreplaceable [1] - 20:9 irreversible [1] - 65:9 issue [4] - 10:23, 66:13, 73:4, 76:3 issues [9] - 6:18, 6:25, 7:4, 7:8, 7:11, 12:24, 14:15, 28:17, 75:16 items [2] - 2:13, 4:8 iterations [2] - 6:3, 6:10 itself [5] - 11:18, 12:15, 43:18, 43:19, 64:20</p>	<p>40:19 keeper [1] - 17:3 kept [1] - 43:4 KESSEL [4] - 65:19, 65:22, 65:25, 66:5 Kessel [1] - 65:19 key [1] - 8:15 Killdeer [1] - 51:8 kind [11] - 5:5, 5:8, 6:18, 7:3, 10:3, 17:10, 38:16, 39:24, 44:17, 46:1, 73:9 KLJ [8] - 5:23, 21:10, 22:8, 40:17, 40:18, 42:7, 54:1, 73:23 known [1] - 70:15 knows [1] - 56:9 Kubas [6] - 3:3, 10:8, 10:10, 54:16, 56:21, 59:11 KUBAS [11] - 10:10, 12:1, 13:24, 14:2, 29:2, 54:16, 55:1, 55:4, 55:7, 56:21, 59:11</p>
<p style="text-align: center;">I</p> <p>I-94 [1] - 40:10 idea [6] - 14:24, 16:11, 16:14, 39:24, 45:8, 54:14 ideals [1] - 30:10 identified [5] - 20:11, 59:20, 62:17, 63:2, 64:23 identify [2] - 50:21, 61:25</p>	<p style="text-align: center;">J</p> <p>Jackson [4] - 3:2, 10:11, 54:17, 56:22 JACKSON [1] - 1:2 James [1] - 78:13 January [5] - 6:16, 6:24, 8:1, 18:3, 42:5 Japan [1] - 68:23 Jeb [2] - 30:20, 67:7 Jen [7] - 3:1, 10:10, 11:3, 14:2, 16:18, 23:19, 47:13 JENKINSON [2] - 74:6, 74:8 Jenkinson [1] - 74:8 JENNIFER [1] - 1:21 Jim [8] - 3:6, 32:14, 32:16, 35:17, 42:10, 43:9, 45:2, 51:18 jobs [2] - 39:8, 39:9 Joe [1] - 65:19 John [1] - 71:21 JOHNSON [5] - 58:23, 60:14, 60:19, 61:4, 61:15 Johnson [2] - 58:23, 60:14 join [2] - 38:22, 77:21 joking [1] - 70:7 July [2] - 5:16, 38:2 June [6] - 1:17, 2:2, 17:19, 18:4, 21:24, 80:14 jurisdictional [1] - 7:7 justify [1] - 25:17</p>	<p style="text-align: center;">K</p> <p>Kadrmās [5] - 3:2, 10:11, 54:16, 56:21, 73:22 KADRMAS [1] - 1:2 Kasian [1] - 3:7 Kayla [1] - 3:4 keep [3] - 17:13, 18:13,</p> <p style="text-align: center;">L</p> <p>labeled [1] - 13:4 lack [2] - 9:5, 22:24 laden [1] - 60:20 lady [1] - 38:22 Lake [1] - 12:11 land [34] - 7:12, 7:22, 7:24, 13:22, 13:23, 26:20, 27:2, 27:3, 32:19, 33:13, 35:2, 35:3, 37:5, 38:14, 40:3, 40:4, 43:24, 48:25, 49:1, 49:3, 49:4, 52:3, 52:6, 52:10, 52:11, 52:12, 52:18, 52:19, 52:23, 53:1, 63:21, 74:15, 75:6 landowner [2] - 10:3, 32:3 landowners [2] - 26:20, 67:18 Lands [4] - 17:9, 19:14, 51:11, 77:12 lands [2] - 63:23, 64:19 landscape [1] - 64:24 LARES [22] - 23:18, 30:19, 32:14, 38:25, 44:25, 47:5, 47:9, 47:17, 47:22, 49:13, 51:6, 55:2, 55:5, 56:14, 58:12, 60:17, 61:3, 73:25, 74:4, 74:7, 75:7, 78:8 Lares [1] - 47:10 larger [2] - 19:14, 38:11 last [10] - 11:25, 23:20, 38:2, 48:4, 48:23, 66:21, 67:16, 69:2, 69:4, 78:3 Lauren [1] - 53:2 law [3] - 67:2, 75:19, 75:25</p>	

<p>Law [2] - 24:15, 36:8 lawsuit [1] - 56:20 lead [8] - 3:24, 6:14, 7:25, 8:2, 24:4, 48:14, 58:13, 58:16 leading [1] - 8:3 learned [1] - 64:16 least [1] - 16:3 LEE [1] - 1:2 Lee [5] - 3:2, 10:11, 54:16, 56:21, 73:22 left [2] - 65:25, 67:6 legacy [4] - 30:10, 30:17, 64:6, 74:21 legitimate [1] - 54:12 length [2] - 15:16, 15:23 lengths [2] - 15:18, 54:22 less [1] - 16:1 letter [1] - 41:6 level [3] - 7:21, 12:9, 64:13 levels [2] - 31:13, 73:19 life [5] - 66:19, 68:15, 68:22, 69:14, 69:21 life-threatening [3] - 66:19, 68:15, 68:22 lifetime [2] - 71:21, 72:22 light [1] - 17:6 likely [2] - 15:25, 47:3 limits [1] - 57:11 line [5] - 16:25, 51:5, 59:23, 60:3, 69:14 lines [1] - 2:20 link [2] - 8:9, 56:24 linkage [8] - 8:15, 8:16, 8:23, 9:4, 10:5, 57:24, 61:23 list [8] - 19:23, 19:25, 20:4, 20:11, 20:15, 76:10, 76:15 listen [1] - 30:14 live [11] - 19:3, 26:25, 34:4, 37:12, 45:4, 69:21, 71:21, 72:13, 75:11, 77:18, 78:13 living [3] - 29:16, 41:11, 72:2 LLC [1] - 37:7 local [3] - 33:10, 36:22, 52:4 located [4] - 4:12, 9:22, 10:2, 11:19 locations [3] - 14:9, 14:24, 15:16 lodged [1] - 76:24 logical [1] - 60:20 look [11] - 11:23, 15:10, 15:11, 16:12, 16:15, 20:19, 35:20, 43:22, 50:6, 65:16, 75:21 looked [6] - 7:11, 27:23, 28:3, 28:14, 36:15, 73:19 looking [2] - 10:14, 43:23 looks [1] - 11:24 losing [1] - 27:2</p>	<p>lost [1] - 20:14 loudly [1] - 30:14 love [4] - 41:5, 42:19, 49:20 ludicrous [1] - 44:3 ludicrously [1] - 32:25 lunch [1] - 30:13</p>	<p>14:3, 15:1, 35:21, 76:8, 78:16 mentioning [1] - 11:3 met [1] - 18:12 methodologies [5] - 5:25, 6:10, 6:12, 27:24, 58:15 Meyer [1] - 24:8 microphone [3] - 18:23, 41:22, 41:25 middle [6] - 54:24, 59:22, 59:24, 60:1, 60:2, 60:4 might [6] - 25:11, 25:13, 44:17, 49:25, 57:1, 68:23 Mike [1] - 3:7 mike [3] - 23:19, 60:16, 70:2 mile [1] - 40:2 miles [11] - 11:13, 12:3, 12:12, 13:6, 13:8, 13:9, 14:5, 38:1, 54:4, 61:8, 72:19 million [8] - 21:1, 42:6, 47:24, 53:7, 53:9, 54:24, 56:4, 63:21 mine [1] - 49:17 minimum [1] - 10:21 minor [2] - 14:8, 25:17 minutes [2] - 31:14, 67:6 missed [1] - 37:10 missing [1] - 6:6 Missouri [21] - 1:4, 2:8, 8:20, 8:22, 8:25, 9:23, 14:18, 19:11, 20:2, 20:21, 23:12, 25:12, 42:20, 50:8, 53:11, 59:9, 61:7, 61:24, 63:1, 67:13 misstep [1] - 44:19 mistake [1] - 72:14 model [1] - 21:18 MOLM [7] - 27:17, 27:19, 28:21, 29:3, 50:18, 50:20, 69:16 Molm [2] - 28:22, 50:20 money [1] - 40:19 Montana [2] - 72:11, 72:19 month [2] - 21:24, 42:7 monuments [1] - 63:23 morning [2] - 38:6 most [18] - 9:23, 19:22, 20:4, 20:8, 22:7, 34:13, 39:9, 43:15, 59:13, 59:24, 60:8, 60:19, 60:21, 62:24, 63:11, 69:18, 70:20, 76:10 mother [1] - 64:15 mountains [1] - 37:10 Mountains [1] - 72:13 moved [1] - 77:23 movement [1] - 8:11 moves [1] - 16:15 MR [112] - 10:10, 12:1, 13:20, 13:24, 13:25, 14:2, 14:16,</p>	<p>21:5, 21:20, 22:6, 22:17, 22:22, 23:5, 23:11, 23:20, 23:25, 24:6, 24:13, 24:14, 29:2, 30:20, 32:10, 32:16, 35:5, 35:13, 36:7, 39:1, 41:20, 41:24, 42:2, 42:10, 42:14, 43:9, 45:2, 45:9, 45:11, 45:14, 45:16, 45:19, 46:3, 46:7, 46:12, 46:18, 46:22, 47:1, 47:2, 47:8, 47:16, 47:20, 47:23, 48:4, 48:18, 48:23, 49:7, 49:10, 49:12, 49:15, 51:8, 51:20, 53:18, 53:20, 53:21, 54:16, 54:25, 55:1, 55:4, 55:7, 55:19, 56:13, 56:16, 56:19, 56:21, 57:21, 58:23, 59:11, 60:14, 60:19, 61:1, 61:4, 61:15, 65:19, 65:22, 65:24, 65:25, 66:5, 66:7, 67:7, 67:15, 68:9, 68:11, 68:13, 68:14, 68:17, 68:18, 68:19, 68:21, 68:23, 68:25, 69:25, 70:3, 70:5, 70:15, 70:19, 71:20, 73:13, 73:18, 73:22, 74:1, 74:6, 74:8, 78:5, 78:12 MRS [3] - 55:11, 56:18, 57:20 MS [74] - 1:21, 2:4, 16:20, 19:2, 21:13, 21:22, 22:12, 22:20, 23:9, 23:14, 23:18, 23:23, 24:3, 24:8, 24:10, 27:15, 27:17, 27:18, 27:19, 27:20, 28:21, 29:3, 30:19, 32:14, 35:12, 35:16, 37:6, 38:25, 44:25, 45:13, 45:15, 45:17, 45:20, 46:5, 46:9, 46:17, 46:20, 46:24, 47:5, 47:6, 47:9, 47:17, 47:22, 47:25, 48:12, 48:20, 49:2, 49:9, 49:11, 49:13, 50:18, 50:19, 50:20, 51:6, 55:2, 55:5, 56:14, 57:22, 58:12, 58:14, 60:17, 61:3, 61:17, 67:5, 69:16, 72:8, 73:25, 74:4, 74:7, 75:7, 75:9, 78:2, 78:8, 78:23 multiple [1] - 52:18 must [2] - 23:7, 75:4</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>name [17] - 3:1, 19:2, 21:5, 24:14, 28:21, 30:20, 32:15, 36:7, 41:20, 45:2, 50:19, 61:17, 66:9, 67:7, 69:25, 74:8, 78:10 named [1] - 62:24 names [2] - 2:19, 18:19 nation's [1] - 20:6</p>
---	--	---	--

<p>National [32] - 4:14, 4:15, 4:19, 7:5, 17:1, 17:5, 17:14, 19:4, 19:10, 19:14, 19:15, 19:19, 19:21, 20:3, 20:24, 61:19, 62:20, 62:22, 63:4, 63:10, 63:13, 64:4, 64:19, 75:10, 75:17, 76:5, 76:9, 76:19, 76:22, 77:3, 77:5, 77:16</p> <p>national [24] - 11:1, 11:2, 19:25, 20:10, 37:3, 37:10, 37:14, 38:9, 38:10, 38:11, 51:12, 63:5, 63:21, 63:22, 63:23, 63:25, 64:7, 64:8, 64:9, 65:11, 76:24, 77:2, 77:17</p> <p>nationally [3] - 19:22, 20:16, 65:10</p> <p>nationwide [2] - 76:13, 76:17</p> <p>native [1] - 37:17</p> <p>natives [1] - 69:22</p> <p>Natural [1] - 19:16</p> <p>NAYLOR [1] - 75:9</p> <p>Naylor [1] - 75:9</p> <p>near [3] - 13:17, 13:21, 14:12</p> <p>necessarily [4] - 14:21, 18:12, 70:11, 73:10</p> <p>necessary [1] - 10:5</p> <p>need [40] - 3:14, 8:5, 8:14, 8:18, 8:23, 9:3, 23:6, 23:9, 23:12, 25:8, 29:20, 29:23, 31:9, 31:18, 34:9, 41:2, 41:3, 41:8, 50:7, 50:9, 51:23, 53:12, 56:3, 56:15, 56:22, 61:11, 61:12, 61:21, 62:11, 68:22, 70:25, 71:2, 71:9, 71:16, 71:17, 72:6, 76:4, 78:19, 78:21</p> <p>needed [5] - 26:6, 29:14, 68:13, 68:20, 71:5</p> <p>needs [7] - 29:25, 33:13, 33:15, 51:4, 55:17, 67:3</p> <p>negative [1] - 65:9</p> <p>NEPA [5] - 32:22, 43:11, 43:14, 44:7, 44:8</p> <p>nephew [1] - 30:22</p> <p>network [2] - 8:19, 8:21</p> <p>networks [1] - 61:23</p> <p>never [14] - 33:19, 34:22, 35:23, 36:1, 39:6, 43:1, 48:8, 64:2, 66:1, 66:2, 66:4, 68:13, 68:20, 74:12</p> <p>New [2] - 37:12, 38:13</p> <p>new [11] - 4:4, 8:24, 11:13, 11:15, 12:4, 12:13, 25:8, 62:2, 76:6</p> <p>news [1] - 19:18</p> <p>next [2] - 23:18, 40:5</p> <p>nice [1] - 73:2</p> <p>night [1] - 75:13</p>	<p>nights [1] - 76:7</p> <p>Nixon [1] - 75:20</p> <p>no-build [2] - 5:14, 11:6</p> <p>nobody [1] - 72:25</p> <p>noise [1] - 65:1</p> <p>nominated [1] - 19:16</p> <p>nonprofit [1] - 19:5</p> <p>normal [2] - 10:18, 15:9</p> <p>North [42] - 1:16, 1:17, 3:9, 3:20, 3:25, 4:13, 4:17, 7:14, 8:17, 9:9, 9:11, 15:5, 17:7, 21:15, 24:11, 28:5, 28:14, 29:1, 30:22, 33:1, 37:12, 38:11, 38:18, 50:15, 52:1, 52:2, 56:24, 57:25, 62:9, 63:16, 64:9, 64:17, 72:11, 74:13, 74:20, 74:23, 74:25, 75:11, 77:4, 77:18, 80:13</p> <p>north [6] - 12:17, 31:16, 31:17, 60:5, 61:8, 78:14</p> <p>northern [2] - 4:14, 11:20</p> <p>northwest [2] - 59:6, 61:5</p> <p>Northwest [1] - 37:11</p> <p>note [2] - 4:17, 62:7</p> <p>noted [2] - 13:24, 62:13</p> <p>notes [1] - 80:11</p> <p>nothing [3] - 16:2, 43:17, 43:18</p> <p>notice [3] - 3:22, 6:21, 6:22</p> <p>November [1] - 18:7</p> <p>number [9] - 24:24, 26:5, 33:15, 36:13, 36:14, 54:14, 54:23, 55:1, 58:19</p> <p>numbers [3] - 11:9, 54:22, 57:9</p>	<p>oilfield [2] - 9:14, 34:11</p> <p>oilfields [2] - 37:8, 37:23</p> <p>old [2] - 12:6, 73:3</p> <p>once [5] - 22:2, 45:23, 48:12, 65:6, 67:20</p> <p>one [35] - 4:22, 7:5, 9:20, 17:12, 20:8, 27:21, 29:6, 30:4, 31:11, 31:23, 35:21, 36:12, 36:16, 43:1, 43:13, 44:20, 45:4, 50:6, 50:22, 52:7, 54:21, 59:15, 61:1, 62:24, 64:9, 64:11, 69:4, 69:18, 70:10, 70:12, 71:12, 73:13, 74:6, 78:3</p> <p>ones [8] - 24:5, 40:25, 54:10, 56:4, 58:10, 58:12, 58:21, 62:3</p> <p>ongoing [1] - 21:19</p> <p>open [2] - 18:25, 74:15</p> <p>opening [1] - 18:15</p> <p>operate [1] - 44:23</p> <p>opinion [4] - 43:15, 53:16, 61:16, 71:2</p> <p>opinions [1] - 76:2</p> <p>opportunity [3] - 29:8, 45:9, 50:24</p> <p>option [17] - 11:6, 11:14, 12:24, 13:5, 13:6, 13:7, 13:9, 13:19, 15:24, 27:14, 40:24, 59:2, 59:7, 61:13, 61:15</p> <p>options [8] - 13:18, 15:4, 15:11, 21:8, 40:24, 48:25, 59:13, 59:17</p> <p>order [2] - 6:5, 58:11</p> <p>Order [1] - 37:7</p> <p>Oregon [4] - 37:8, 37:11, 38:8, 38:10</p> <p>organization [1] - 19:6</p> <p>organizations [1] - 63:6</p> <p>originally [2] - 3:22, 4:24</p> <p>ourselves [1] - 34:25</p> <p>outside [1] - 37:13</p> <p>overall [3] - 8:9, 9:18, 57:24</p> <p>overgrazing [1] - 63:17</p> <p>overview [2] - 3:12, 3:17</p> <p>own [9] - 37:4, 37:7, 50:9, 65:20, 65:21, 65:23, 66:6, 72:9, 74:15</p> <p>owned [4] - 17:9, 66:2, 74:12, 75:2</p> <p>owns [2] - 35:3, 35:24</p>	<p>paper [1] - 47:24</p> <p>paperwork [2] - 44:12, 44:13</p> <p>Park [16] - 4:14, 4:15, 4:19, 17:5, 17:7, 19:14, 61:19, 62:22, 63:13, 64:4, 64:19, 75:10, 76:6, 77:4, 77:5, 77:16</p> <p>park [11] - 37:3, 38:10, 51:13, 64:7, 64:8, 65:12, 65:15, 77:2, 77:5, 77:8, 77:17</p> <p>Parks [2] - 63:10, 76:22</p> <p>parks [6] - 37:10, 37:14, 38:9, 38:11, 63:23, 64:9</p> <p>part [6] - 20:18, 34:16, 35:6, 46:15, 63:25, 74:2</p> <p>partially [2] - 45:24</p> <p>participating [10] - 4:5, 4:6, 6:15, 8:4, 20:20, 28:8, 28:15, 44:10, 58:13, 58:17</p> <p>particularly [1] - 62:18</p> <p>particulars [1] - 22:11</p> <p>partner [1] - 21:3</p> <p>Partners [2] - 24:15, 36:9</p> <p>party [1] - 22:4</p> <p>pass [1] - 23:19</p> <p>passed [2] - 29:12, 75:20</p> <p>passes [2] - 13:17, 14:12</p> <p>past [1] - 12:5</p> <p>Pat [1] - 66:9</p> <p>Patty [1] - 37:6</p> <p>paved [1] - 71:7</p> <p>pay [5] - 46:4, 47:4, 52:9, 52:11, 74:16</p> <p>paying [5] - 45:22, 48:9, 54:11, 74:19</p> <p>pays [3] - 45:11, 45:16</p> <p>PE [1] - 47:5</p> <p>peace [1] - 30:3</p> <p>peep [1] - 43:1</p> <p>people [38] - 2:19, 8:11, 18:19, 21:2, 25:11, 26:25, 27:4, 27:6, 33:15, 33:16, 34:4, 34:6, 34:7, 34:9, 34:13, 35:1, 37:17, 37:18, 38:19, 39:8, 39:21, 41:16, 41:18, 43:5, 44:13, 50:21, 60:4, 69:3, 69:6, 70:7, 70:8, 70:9, 70:12, 71:22, 71:24, 74:24, 75:18, 77:4</p> <p>people's [1] - 33:10</p> <p>per [1] - 21:11</p> <p>percent [4] - 10:25, 11:1, 12:22, 31:10</p> <p>perfectly [1] - 73:2</p> <p>perhaps [2] - 25:20, 45:6</p> <p>period [2] - 2:18, 17:19</p> <p>permanently [1] - 65:1</p> <p>permission [2] - 7:22, 10:3</p> <p>person [1] - 30:3</p> <p>personal [2] - 64:13, 72:9</p>
O			
	<p>oasis [1] - 30:5</p> <p>Obrigewitches [1] - 40:16</p> <p>obviously [4] - 43:3, 50:13, 55:25, 67:10</p> <p>occasions [3] - 72:18, 72:22, 72:25</p> <p>ODERMANN [2] - 78:5, 78:12</p> <p>Odermann [1] - 78:13</p> <p>OF [2] - 1:10, 80:1</p> <p>office [3] - 10:12, 24:6, 51:7</p> <p>official [3] - 23:21, 23:25, 24:7</p> <p>officials [2] - 27:11, 32:5</p> <p>offshore [1] - 29:21</p> <p>oil [18] - 9:6, 9:8, 9:11, 9:15, 26:1, 37:8, 39:5, 39:6, 39:10, 41:2, 41:9, 41:11, 55:12, 60:21, 62:1, 62:14, 65:12, 71:14</p> <p>oil-producing [1] - 9:8</p>		
P			
		<p>p.m [2] - 2:2, 78:25</p> <p>pages [1] - 80:10</p> <p>paid [4] - 40:18, 47:12, 66:2, 66:4</p>	

<p>phase [1] - 47:14 phases [1] - 45:21 phone [1] - 41:7 physically [2] - 64:15, 68:10 pick [5] - 33:2, 33:3, 33:22, 34:15, 34:17 picked [3] - 33:9, 34:2, 34:3 picking [1] - 54:23 picnic [1] - 30:13 picture [1] - 11:21 piles [1] - 44:12 pioneer [1] - 38:15 pipeline [3] - 56:6, 56:7 pitiful [1] - 38:3 place [26] - 20:17, 33:16, 33:20, 33:21, 33:23, 34:15, 34:18, 41:8, 43:3, 43:22, 46:16, 50:7, 50:14, 50:16, 61:10, 63:14, 64:13, 67:11, 68:10, 72:10, 72:12, 74:25, 77:1, 77:12, 77:14, 80:7 places [7] - 19:7, 19:23, 20:5, 30:2, 30:4, 59:20, 62:25 Places [1] - 19:17 plain [1] - 61:25 Plains [3] - 21:13, 21:23, 57:6 plan [1] - 22:18 planning [1] - 73:14 plans [1] - 17:14 play [2] - 33:5, 33:22 played [1] - 36:1 plays [3] - 32:5, 35:6, 35:9 plenty [1] - 32:12 plumber [1] - 69:17 point [17] - 14:17, 14:19, 16:21, 18:17, 27:21, 31:19, 31:21, 35:24, 45:8, 52:21, 54:9, 60:7, 70:21, 71:6, 71:8, 71:18, 77:22 pointing [1] - 36:18 Policy [2] - 7:5, 75:18 pollution [1] - 22:10 pOPPKE [1] - 23:20 POPPKE [14] - 21:5, 21:20, 22:6, 22:17, 22:22, 23:5, 23:11, 23:25, 24:6, 24:9, 24:13, 41:20, 41:24, 42:2 Poppke [2] - 21:5, 41:21 populations [1] - 63:17 portion [1] - 10:15 possibility [1] - 26:11 possible [2] - 15:13, 16:17 potential [3] - 19:12, 26:10, 26:14 practice [1] - 63:20 preconceived [2] - 32:24, 43:17</p>	<p>prefer [1] - 17:25 preference [1] - 51:16 preferred [1] - 15:24 preliminary [2] - 47:9, 47:11 presentation [2] - 2:23, 27:22 presented [2] - 5:16, 6:14 Preservation [1] - 19:5 preservation [3] - 20:13, 30:9, 30:17 Preservation's [1] - 76:10 preserve [2] - 29:22, 63:6 preserves [1] - 64:19 President [4] - 20:25, 63:14, 63:19, 64:2 Press [1] - 67:16 prettiest [2] - 50:14, 50:16 pretty [3] - 9:16, 13:12, 38:2 previous [1] - 75:12 previously [2] - 5:24, 7:1 prey [1] - 37:20 price [1] - 73:16 priceless [1] - 65:5 pride [1] - 74:24 pristine [1] - 29:19 private [7] - 9:22, 10:2, 26:20, 31:11, 33:15, 67:12, 77:9 privately [1] - 19:5 privilege [1] - 29:6 pro [6] - 39:7, 41:9, 41:10, 42:22, 43:5 problem [4] - 67:19, 67:25, 68:3, 69:12 proceed [1] - 33:25 proceedings [2] - 2:1, 80:6 process [38] - 6:2, 16:2, 20:21, 28:11, 31:21, 32:6, 32:18, 32:20, 32:22, 33:5, 33:8, 33:22, 34:16, 35:7, 35:10, 35:15, 36:6, 40:15, 43:11, 43:14, 43:18, 43:19, 44:1, 44:7, 44:20, 44:21, 45:7, 47:10, 51:24, 52:13, 52:15, 52:16, 52:17, 53:6, 53:13, 65:17, 71:12 processes [2] - 11:7, 36:24 produce [1] - 64:25 producing [1] - 9:8 production [1] - 39:5 Professional [2] - 80:4, 80:17 program [1] - 20:7 Project [1] - 1:6 PROJECT [1] - 1:22 project [57] - 2:9, 2:16, 2:24, 3:2, 3:13, 3:17, 3:21, 3:24, 4:7, 4:9, 4:10, 4:12, 4:19, 4:24, 5:5, 5:7, 5:22, 6:25, 8:5, 8:7, 8:8, 8:10, 9:3,</p>	<p>9:21, 10:15, 10:16, 14:17, 15:9, 20:22, 22:24, 23:14, 26:5, 32:1, 32:4, 42:9, 42:13, 45:19, 46:8, 46:15, 47:4, 47:8, 48:7, 48:9, 49:24, 53:10, 54:8, 54:17, 55:9, 56:23, 57:24, 58:3, 58:15, 59:1, 59:10, 61:21, 63:1 projects [3] - 21:4, 54:15, 75:22 promotion [1] - 8:12 properties [2] - 17:6, 19:12 property [5] - 10:2, 17:7, 32:2, 49:6, 49:8 proposal [1] - 51:22 proposed [13] - 3:18, 6:1, 17:1, 19:11, 20:21, 21:12, 22:7, 22:19, 31:2, 51:12, 59:1, 62:20, 75:24 proposing [1] - 40:8 protect [6] - 19:20, 20:18, 76:4, 76:21, 76:25, 77:12 protected [2] - 29:14, 29:25 protecting [1] - 77:21 proud [2] - 49:18, 49:19 provide [4] - 2:11, 8:8, 8:10, 8:15 proximity [1] - 63:2 PUBLIC [1] - 1:11 public [23] - 2:7, 2:15, 5:11, 5:22, 7:24, 11:19, 17:18, 18:4, 19:8, 33:13, 33:14, 35:2, 35:3, 40:4, 42:4, 48:25, 49:1, 49:3, 49:4, 58:7, 61:18, 65:3, 75:24 pull [1] - 78:20 pulled [1] - 69:5 pulling [2] - 78:6, 78:15 purchase [1] - 77:11 purpose [13] - 3:13, 8:5, 8:7, 8:8, 8:10, 22:23, 25:5, 56:22, 57:23, 58:2, 59:1, 61:21, 62:11 push [2] - 51:15, 51:21 pushing [1] - 56:1 put [6] - 44:14, 53:24, 56:16, 59:9, 63:19, 69:13 puts [1] - 40:5</p>	<p>14:1, 18:16, 21:9, 24:19, 24:20, 45:5 quick [4] - 3:17, 27:21, 28:24, 67:8 quickly [1] - 11:8 quiet [4] - 29:9, 30:14, 64:17, 64:20 quite [6] - 6:3, 6:9, 11:23, 15:17, 25:24, 66:16</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>radio [1] - 38:21 radius [1] - 10:22 raise [2] - 18:23, 20:5 raised [1] - 28:22 ran [1] - 6:18 ranch [8] - 12:25, 13:19, 29:18, 30:25, 31:2, 41:4, 55:15, 63:13 Ranch [45] - 4:18, 12:6, 17:4, 17:9, 19:13, 19:14, 19:21, 19:24, 20:15, 20:19, 24:16, 24:17, 29:10, 30:4, 30:23, 31:10, 31:14, 31:16, 33:2, 39:2, 39:3, 39:16, 39:21, 39:22, 41:17, 41:18, 51:10, 62:20, 62:21, 62:23, 63:3, 63:7, 63:11, 64:5, 64:18, 64:25, 65:4, 65:10, 76:5, 76:9, 76:21, 77:7, 77:11, 77:22 rancher [3] - 68:2, 69:20, 74:19 ranchers [4] - 49:19, 67:18, 68:1, 74:14 Ranches [1] - 21:7 ranches [1] - 13:17 ranching [1] - 63:16 range [6] - 12:22, 15:19, 72:12, 74:15, 75:15, 75:21 ranks [2] - 9:9, 9:10 rare [1] - 30:4 rather [2] - 25:1, 62:3 rattlesnake [1] - 37:22 read [1] - 47:23 realignments [1] - 14:8 really [32] - 2:21, 4:21, 7:6, 12:6, 15:22, 18:9, 18:12, 18:18, 18:20, 25:6, 26:11, 26:12, 33:11, 35:18, 35:23, 36:1, 39:19, 40:7, 40:23, 40:24, 41:17, 43:10, 44:18, 48:5, 49:18, 51:24, 63:15, 68:7, 75:15, 77:16 reams [1] - 44:13 reason [8] - 6:22, 26:6, 41:2, 42:25, 44:24, 60:6, 71:15, 75:16</p>
(701)255-3513	DENISE M. ANDAHL EMINETH & ASSOCIATES	Q	Page 9 to 9 of 12 30 of 33 sheets

<p>reasonable [2] - 5:25, 75:21 reasons [3] - 28:10, 43:7, 71:13 Rec [1] - 17:8 recent [2] - 55:8, 57:8 recently [2] - 54:18, 62:24 recognition [1] - 19:25 recognize [3] - 29:4, 29:7, 30:7 recognized [1] - 30:17 recollection [2] - 51:9, 51:13 reconstructed [3] - 11:14, 54:5, 65:6 reconstruction [6] - 12:3, 12:13, 13:7, 13:8, 13:10, 14:6 record [8] - 2:2, 18:6, 23:22, 23:24, 24:5, 39:23, 48:13, 80:7 recorded [2] - 52:20, 80:5 records [2] - 42:4, 74:16 recover [1] - 64:15 recreate [1] - 45:3 red [2] - 16:25, 75:19 refer [1] - 4:23 referred [1] - 27:22 referring [1] - 60:17 refuges [1] - 63:22 refused [1] - 29:21 regarding [2] - 19:10, 56:15 regardless [1] - 62:13 regards [1] - 7:11 register [1] - 74:22 Register [2] - 3:23, 19:16 Registered [2] - 80:3, 80:17 regrading [2] - 13:13, 13:15 regs [1] - 53:8 regulations [1] - 38:19 reimbursable [1] - 46:14 reimbursing [1] - 47:14 reissued [1] - 6:22 rejected [2] - 65:8, 77:24 reliable [5] - 8:12, 8:17, 9:5, 22:24, 56:24 remember [3] - 68:2, 68:15, 73:8 remembered [1] - 16:22 remote [4] - 70:20, 70:23, 72:10, 72:14 repeat [2] - 51:19, 75:14 replace [1] - 53:10 reporter [5] - 2:13, 2:19, 17:21, 18:18, 78:9 Reporter [2] - 80:4, 80:17 REPORTER [1] - 80:1 represent [4] - 16:9, 39:2, 41:16, 74:9 representatives [4] - 3:5, 3:8, 46:20, 52:8</p>	<p>representing [3] - 19:4, 21:6, 24:16 republished [1] - 6:20 require [5] - 12:19, 13:6, 13:9, 13:15, 14:7 required [2] - 11:17, 16:6 requirement [1] - 26:3 requires [2] - 75:21, 75:22 requiring [1] - 10:2 resident [2] - 30:21, 58:23 residing [1] - 30:25 resource [1] - 63:15 resources [1] - 65:14 respect [1] - 56:1 respond [1] - 43:9 responds [1] - 66:23 rest [1] - 47:16 restated [1] - 58:25 result [1] - 7:19 resulted [1] - 72:25 resumed [3] - 7:25, 8:1, 8:3 review [1] - 20:20 revised [2] - 8:4, 8:5 ridiculous [2] - 43:15, 45:7 right-of-way [3] - 35:22, 36:5 rigs [2] - 37:8, 38:5 river [59] - 3:18, 3:20, 6:1, 8:25, 9:5, 11:17, 11:18, 12:15, 12:16, 12:17, 12:18, 12:19, 12:22, 13:1, 13:11, 13:13, 13:18, 13:19, 14:10, 14:13, 22:24, 23:2, 23:6, 23:10, 23:12, 26:1, 27:8, 27:13, 36:23, 42:16, 42:18, 48:1, 54:6, 55:10, 57:3, 57:15, 59:18, 59:19, 60:2, 60:3, 60:12, 62:14, 64:22, 66:14, 67:4, 68:6, 69:4, 69:19, 69:23, 72:6, 72:13, 72:14, 72:20, 78:7, 78:14, 78:15, 78:20, 78:22 River [20] - 1:4, 2:8, 8:20, 8:22, 9:1, 9:23, 14:18, 19:11, 20:2, 20:21, 23:12, 31:18, 42:20, 50:8, 59:9, 61:7, 61:24, 63:1, 67:13 riverbanks [1] - 37:21 rivers [2] - 73:8 Road [16] - 11:12, 12:2, 12:10, 12:11, 14:4, 14:5, 31:17, 31:18, 37:24, 57:4, 57:13, 57:14, 57:16 road [26] - 10:14, 10:16, 10:17, 10:19, 11:14, 11:15, 13:8, 13:9, 13:14, 14:7, 29:17, 30:8, 40:9, 51:15, 51:22, 52:22, 52:25, 54:5, 54:19, 57:5, 57:14, 60:23, 61:23, 62:2 roads [21] - 13:11, 34:5,</p>	<p>49:22, 50:6, 50:16, 55:14, 55:15, 55:18, 57:1, 57:2, 57:3, 57:12, 57:18, 59:18, 59:19, 60:24, 62:9, 62:13, 64:22, 71:7 roadway [5] - 9:1, 11:15, 12:4, 12:5, 15:2 roadways [7] - 3:19, 6:2, 7:10, 8:24, 9:13, 62:6 Rob [1] - 51:8 Rocky [1] - 72:13 Rod [1] - 52:8 role [1] - 32:6 roll [1] - 38:3 rolling [1] - 12:9 room [4] - 27:7, 44:9, 44:21, 56:9 Roosevelt [28] - 4:14, 4:15, 4:18, 17:5, 19:13, 29:11, 51:10, 61:19, 62:22, 62:24, 63:7, 63:9, 63:12, 63:16, 64:1, 64:4, 64:13, 64:20, 65:2, 65:20, 74:9, 74:11, 74:17, 75:10, 76:5, 76:22, 77:3, 77:16 Roosevelt's [6] - 19:20, 19:24, 20:15, 20:19, 29:18, 74:25 rough [2] - 11:16, 13:12 roughly [1] - 9:17 route [12] - 13:17, 14:3, 14:6, 14:10, 14:12, 25:8, 57:10, 58:1, 59:17, 60:8, 60:10, 60:22 routes [8] - 13:10, 24:20, 24:25, 25:1, 25:2, 25:6, 25:7 ruin [1] - 50:16 rules [1] - 53:8 RUMMEL [1] - 67:23 RUMMEL [6] - 66:7, 67:15, 68:11, 68:14, 68:18, 68:21 Rummel [2] - 66:9, 67:8 run [5] - 11:9, 37:2, 70:23, 71:7, 78:10 running [2] - 12:18, 71:14 Ruth [2] - 28:21, 50:20</p>	<p>sarcastically [1] - 43:8 save [1] - 19:6 saving [1] - 20:9 savings [1] - 59:17 scarred [1] - 29:20 schedule [4] - 16:19, 17:17, 18:8, 18:14 Schrader [1] - 53:24 scoria [2] - 38:7, 55:15 screening [1] - 28:11 seasonal [1] - 9:24 second [2] - 9:9, 22:6 section [2] - 10:17 secure [2] - 72:16, 73:11 see [18] - 4:21, 5:17, 6:5, 6:13, 10:19, 13:2, 13:13, 15:17, 16:11, 16:25, 25:13, 33:5, 37:19, 37:21, 37:25, 38:1, 74:18 seem [1] - 44:17 selected [1] - 16:4 sell [1] - 51:25 senate [1] - 52:6 Senator [1] - 52:15 sense [2] - 30:16, 59:21 sensed [1] - 29:11 sensitivity [1] - 51:1 sentiments [2] - 29:4, 51:3 sereneness [1] - 29:19 Service [10] - 4:4, 17:10, 17:12, 28:7, 49:5, 49:8, 51:13, 64:19, 77:6, 77:10 service [2] - 70:24, 71:3 services [7] - 34:8, 34:12, 42:7, 66:12, 66:17, 67:1, 72:16 set [1] - 57:11 sets [1] - 28:4 setting [1] - 63:20 seven [1] - 14:9 several [7] - 11:4, 23:11, 24:20, 25:10, 57:12, 57:18, 72:24 share [1] - 19:18 shared [1] - 19:9 sheepish [1] - 44:17 Sheri [3] - 18:22, 47:10, 67:5 shoot [1] - 10:24 SHORT [19] - 13:20, 39:1, 42:14, 49:15, 55:11, 55:19, 56:16, 56:18, 57:20, 57:21, 61:1, 65:24, 68:9, 68:13, 68:17, 68:19, 68:23, 73:13, 73:22 Short [27] - 13:21, 21:6, 24:17, 30:23, 30:24, 31:10, 31:14, 31:16, 33:2, 39:1, 39:2, 39:5, 39:11, 39:16, 39:20, 40:15, 41:15, 41:16, 41:17, 42:15, 49:16, 55:11,</p>
		<p>S</p>	
		<p>safe [3] - 8:10, 8:16, 56:23 safety [2] - 69:8, 73:6 SAKARIASSEN [2] - 19:2, 72:8 Sakariassen [2] - 19:3, 72:8 SAND [2] - 51:8, 53:18 Sand [1] - 51:8 Sandy [3] - 30:22, 41:15, 55:11</p>	

<p>55:19, 58:24, 73:14 shortcut [2] - 29:17, 61:6 shorter [1] - 16:1 shortest [1] - 16:3 shorthand [2] - 80:6, 80:11 Shorts [1] - 33:20 Shorts' [1] - 34:15 shot [1] - 52:7 show [2] - 10:4, 59:6 showed [1] - 16:6 showing [1] - 60:24 side [32] - 8:20, 8:21, 11:16, 12:16, 12:17, 12:18, 12:21, 12:25, 13:12, 13:14, 13:17, 13:19, 14:9, 14:10, 14:13, 17:6, 49:9, 49:10, 55:10, 57:15, 60:3, 60:6, 60:13, 61:24, 66:14, 66:15, 66:22, 66:23, 66:24, 67:1, 77:24 sign [3] - 3:4, 23:24, 24:5 sign-in [1] - 3:4 signed [1] - 20:24 significance [1] - 20:1 significant [11] - 20:17, 25:16, 26:23, 26:24, 31:6, 32:6, 63:12, 63:24, 64:12, 65:10, 76:17 similar [4] - 15:1, 20:16, 54:15, 54:17 simple [1] - 69:21 single [1] - 74:12 sit [10] - 17:17, 32:23, 33:4, 33:19, 34:1, 34:14, 34:20, 34:24, 44:14, 49:14 site [5] - 15:23, 16:1, 16:13, 16:14, 63:11 sites [6] - 15:18, 20:11, 20:14, 76:11, 76:13, 76:16 Sitting [1] - 52:10 sitting [3] - 16:22, 40:15, 40:16 situation [5] - 11:24, 38:13, 66:19, 67:14, 68:15 sixth [1] - 9:10 slide [2] - 22:25, 23:5 slipping [1] - 51:9 slow [1] - 78:17 slows [1] - 69:24 small [1] - 72:14 smaller [1] - 54:18 snail [1] - 17:23 soak [1] - 30:13 social [4] - 31:22, 31:23, 32:7, 35:22 socially [1] - 78:18 society [1] - 29:7 solitude [3] - 29:9, 64:18, 64:20 someday [2] - 68:16, 68:21 someone [3] - 51:4, 78:15,</p>	<p>78:19 someplace [2] - 43:12, 43:13 sometimes [1] - 69:23 Somewhat [1] - 53:20 somewhat [1] - 57:19 somewhere [2] - 18:6, 67:3 son [1] - 41:15 sorry [5] - 39:13, 42:2, 49:15, 53:7, 69:22 sound [1] - 71:1 South [1] - 4:15 south [3] - 59:4, 60:5, 61:9 southeast [1] - 59:7 southern [1] - 4:13 SPEAKER [14] - 11:23, 23:16, 24:1, 41:22, 41:25, 51:18, 61:14, 65:21, 66:3, 67:22, 70:2, 70:4, 70:14, 70:17 speaking [1] - 29:5 speaks [1] - 30:14 special [2] - 77:1, 77:19 specific [3] - 16:13, 23:21, 62:12 specifically [2] - 9:5, 22:11 speed [1] - 10:20 spend [1] - 7:9 spending [2] - 56:4, 78:6 Spending [1] - 56:19 spent [6] - 42:6, 42:9, 42:12, 46:13, 69:5, 78:15 spiritual [2] - 30:13, 74:24 spot [3] - 34:2, 34:23, 53:25 spots [1] - 34:3 spurring [1] - 9:12 squad [1] - 68:20 squatter [1] - 74:14 squatting [1] - 75:6 stage [1] - 22:2 stand [4] - 23:18, 30:8, 30:9, 49:15 standard [4] - 10:21, 23:1, 23:3, 23:7 standards [7] - 9:2, 11:1, 11:2, 13:16, 15:2, 15:3, 15:9 standing [1] - 30:10 standpoint [3] - 12:8, 59:25, 76:4 start [2] - 44:8 started [8] - 2:5, 3:11, 4:24, 52:13, 52:14, 52:15, 66:22, 68:19 state [8] - 2:19, 13:22, 18:19, 27:16, 28:19, 50:19, 51:16, 69:7 State [4] - 52:1, 52:2, 52:6, 74:10 statement [6] - 2:16, 18:5,</p>	<p>48:3, 61:21, 62:11, 77:25 statements [1] - 18:11 states [2] - 56:23, 64:10 States [2] - 62:25, 71:25 stay [1] - 52:19 steep [1] - 12:16 step [1] - 16:21 steps [1] - 5:6 still [2] - 5:18, 36:15 stinky [1] - 51:24 stop [4] - 29:20, 38:17, 71:7, 71:18 stopped [3] - 49:24, 50:1 stopping [1] - 49:21 straight [4] - 26:2, 59:23, 60:3, 61:9 Street [1] - 1:16 stretch [1] - 72:20 striving [1] - 18:13 struck [1] - 25:21 stuck [7] - 32:20, 68:6, 69:3, 69:19, 69:22, 78:19, 78:21 students [1] - 29:6 studied [3] - 6:7, 27:25, 58:6 studies [2] - 7:13, 7:23 study [36] - 4:11, 4:12, 4:19, 4:23, 5:3, 5:9, 5:20, 6:23, 7:17, 7:20, 7:23, 9:18, 11:6, 16:6, 16:8, 16:24, 21:14, 28:3, 28:12, 32:25, 40:17, 40:20, 40:21, 45:21, 47:15, 55:23, 57:7, 57:11, 57:18, 58:11, 58:18, 59:22, 59:24, 60:1, 60:2, 61:13 studying [3] - 5:13, 6:17, 7:2 stuff [1] - 15:2 submit [1] - 17:22 substantiate [1] - 71:4 successful [1] - 20:12 sue [1] - 44:21 suffered [1] - 72:23 summer [1] - 57:8 Sunday [1] - 67:16 superintendent [1] - 75:10 support [2] - 30:23, 72:2 supported [1] - 52:4 supporting [1] - 52:6 supposed [1] - 33:4 surely [1] - 68:9 surrounded [1] - 30:3 surroundings [2] - 15:12, 16:17 survey [2] - 7:12, 7:22 suspended [1] - 22:11 sympathize [1] - 36:20 system [8] - 8:13, 8:14, 8:16, 9:4, 10:4, 15:5, 61:23, 64:8</p>	<p>T T.R.'s [1] - 63:14 table [3] - 3:4, 17:22, 40:25 tannish [1] - 17:8 tape [1] - 75:19 target [2] - 18:9, 18:11 Tarrymore [3] - 21:6, 24:16, 39:2 tax [1] - 74:19 tax-paying [1] - 74:19 taxes [3] - 66:2, 66:4, 74:16 taxpayer [2] - 53:8, 54:11 taxpayers [1] - 53:9 teacher [1] - 29:5 team [2] - 5:22, 6:25 Ted [2] - 21:5, 41:20 Teddy [2] - 29:11, 65:20 ten [2] - 54:4, 61:8 term [1] - 51:11 terms [1] - 62:1 terrain [3] - 11:16, 12:8, 13:12 testified [1] - 52:5 themselves [1] - 50:21 Theodore [25] - 4:13, 4:15, 4:18, 17:5, 19:13, 19:20, 19:23, 20:15, 20:19, 61:19, 62:22, 62:23, 63:7, 63:9, 63:12, 64:4, 74:9, 74:11, 74:17, 74:25, 75:10, 76:5, 76:21, 77:3, 77:16 thinking [1] - 41:1 third [2] - 22:4, 22:17 Thompson [1] - 3:7 thousand [1] - 15:20 thousands [2] - 56:19, 76:20 threatening [3] - 66:19, 68:15, 68:22 threats [2] - 20:1, 20:5 three [15] - 13:3, 21:7, 40:23, 40:24, 42:23, 43:2, 55:25, 56:10, 59:13, 63:5, 69:2, 72:18, 72:21 throughout [1] - 28:12 throw [1] - 60:6 Thursday [1] - 2:2 tie [1] - 13:3 tied [1] - 44:19 timeline [2] - 5:8, 21:25 timelines [1] - 53:15 today [11] - 5:2, 5:17, 6:5, 6:11, 17:17, 19:18, 25:21, 29:7, 55:15, 58:4, 58:22 tonight [12] - 2:7, 2:24, 3:6, 3:8, 3:11, 17:20, 19:4, 42:17, 71:20, 75:16, 75:17, 76:2 tools [1] - 20:8</p>
--	--	---	---

<p>top [2] - 76:10, 76:15 topography [1] - 55:5 Torgerson [1] - 3:4 total [1] - 22:11 touch [2] - 4:11, 38:9 tourists [2] - 34:10, 50:9 town [2] - 38:15, 72:19 TR [1] - 30:17 TR's [2] - 29:18, 30:9 traffic [14] - 9:6, 9:14, 21:11, 21:14, 21:21, 22:4, 22:10, 24:23, 25:15, 34:7, 41:3, 57:2, 59:25, 65:1 Trail [1] - 69:3 transcribed [1] - 78:10 TRANSCRIPT [1] - 1:10 transcript [5] - 2:14, 2:17, 2:23, 18:20, 80:11 transition [1] - 59:8 transparency [1] - 40:13 Transportation [6] - 3:10, 4:1, 7:15, 28:6, 47:11, 57:6 transportation [5] - 8:9, 8:12, 8:19, 8:21, 72:16 treasures [1] - 20:6 tremendous [1] - 67:11 tried [2] - 15:15, 53:3 truck [9] - 21:11, 21:21, 24:22, 25:14, 41:9, 60:21, 64:25, 68:6, 68:10 trucks [5] - 26:2, 37:25, 56:11, 56:12, 71:14 true [2] - 70:17, 74:13 truly [1] - 26:13 Truman [1] - 20:25 Trust [8] - 19:4, 19:10, 19:21, 20:3, 20:24, 63:4, 76:9, 76:19 Trust's [1] - 19:19 try [6] - 14:21, 16:16, 26:7, 32:10, 38:21, 53:10 trying [13] - 15:11, 38:16, 55:21, 55:24, 56:5, 56:8, 56:9, 56:16, 59:16, 61:5, 70:25, 71:1, 72:1 TSP [1] - 22:11 turn [5] - 10:7, 14:14, 16:18, 28:20, 38:4 Turnbow [1] - 3:1 TURNBOW [40] - 1:21, 2:4, 16:20, 21:13, 21:22, 22:12, 22:20, 23:9, 23:14, 23:23, 24:3, 24:8, 24:10, 27:15, 27:18, 27:20, 35:12, 35:16, 45:13, 45:15, 45:17, 45:20, 46:5, 46:9, 46:17, 46:20, 46:24, 47:6, 47:25, 48:12, 48:20, 49:2, 49:9, 49:11, 50:19, 57:22, 58:14, 67:5, 78:2, 78:23</p>	<p>two [13] - 4:2, 5:18, 15:20, 17:6, 30:24, 33:15, 39:20, 45:25, 49:2, 69:2, 69:11, 72:20, 76:7 type [2] - 17:15, 22:3 types [1] - 9:25 typewritten [1] - 80:10 typical [2] - 10:16, 10:17</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>U.S [11] - 3:21, 4:3, 4:16, 8:18, 17:9, 17:12, 28:6, 28:7, 56:25, 77:10 ultimate [1] - 48:16 ultimately [1] - 60:10 unacceptable [1] - 65:9 UND [1] - 28:23 under [1] - 4:4 unfeasible [1] - 65:8 UNIDENTIFIED [14] - 11:23, 23:16, 24:1, 41:22, 41:25, 51:18, 61:14, 65:21, 66:3, 67:22, 70:2, 70:4, 70:14, 70:17 Unit [10] - 4:13, 4:15, 4:18, 17:5, 19:13, 62:21, 62:23, 64:5, 76:5, 76:9 United [2] - 62:25, 71:25 units [1] - 64:7 University [1] - 74:10 unless [2] - 41:14, 60:24 unreliability [1] - 62:6 unreliable [1] - 9:24 untrue [1] - 39:15 up [37] - 5:24, 7:4, 7:8, 10:25, 16:18, 18:15, 18:25, 23:17, 25:20, 26:6, 26:8, 30:8, 30:9, 30:10, 30:21, 33:5, 34:1, 34:17, 38:3, 38:5, 40:25, 41:23, 42:1, 43:24, 44:3, 44:12, 49:16, 49:22, 50:6, 51:23, 52:5, 52:23, 53:3, 53:22, 55:20, 78:8, 78:11 update [1] - 5:5 updated [1] - 17:13 upgrade [2] - 8:23, 10:15 upgrading [1] - 3:19 Upper [3] - 21:13, 21:22, 57:6</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vague [1] - 57:17 Valerie [1] - 75:9 Valerie's [1] - 75:7 validity [2] - 41:13, 42:20</p>	<p>value [2] - 64:17, 74:24 values [1] - 65:15 variation [1] - 15:17 varied [1] - 54:23 variety [2] - 35:20, 45:25 vary [1] - 55:8 vehicles [1] - 10:1 vehicular [1] - 8:9 versa [1] - 59:7 versus [3] - 31:9, 31:17, 31:19 vertical [1] - 12:8 viable [1] - 77:25 vice [1] - 59:7 view [1] - 63:14 virtually [1] - 62:8 visitors [1] - 77:15 visits [1] - 65:4 volume [1] - 57:5</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>Wade [4] - 3:3, 12:23, 14:14, 16:20 wait [1] - 37:21 waiting [2] - 17:3, 57:5 walk [1] - 5:8 walked [1] - 44:9 wants [2] - 34:11, 50:4 war [1] - 68:23 washed [1] - 67:24 washing [1] - 68:4 Washington [1] - 51:2 waste [1] - 53:16 watch [1] - 33:22 water [2] - 31:13, 73:19 ways [3] - 51:25, 52:24, 69:11 weather [2] - 62:7, 62:10 website [2] - 8:6, 42:5 week [2] - 19:9, 37:16 weekend [1] - 66:21 weird [1] - 43:10 welcome [2] - 28:24, 50:23 well-being [1] - 30:16 wells [3] - 9:18, 55:13 Wendall [1] - 24:8 west [20] - 3:20, 8:21, 12:18, 12:21, 12:25, 13:12, 13:14, 13:17, 14:9, 33:1, 49:10, 55:10, 57:15, 57:18, 58:2, 59:3, 59:18, 60:1, 66:14, 66:24 Westerheim [1] - 57:16 western [4] - 4:16, 9:11, 21:14, 62:9 whoa [3] - 13:20 whole [8] - 25:23, 32:13, 32:18, 41:16, 44:1, 45:19,</p>	<p>51:24, 55:23 wide [3] - 10:20, 35:20, 75:15 widening [2] - 14:6, 14:8 wife [2] - 29:12, 64:14 wilderness [5] - 63:18, 70:13, 70:15, 70:18, 72:3 wildlife [2] - 63:17, 63:22 WILLIAMS [3] - 30:20, 35:5, 67:7 Williams [2] - 30:21, 67:7 windows [2] - 38:3, 38:5 winter [1] - 62:8 witnessed [1] - 63:16 wondering [2] - 54:13, 54:14 word [1] - 8:15 works [1] - 19:6 WORKSHOP [1] - 1:11 workshop [4] - 2:8, 2:15, 5:22, 19:8 workshops [2] - 5:11, 17:18 world [1] - 39:10 wow [1] - 76:13 write [1] - 41:6 writing [1] - 43:4 written [1] - 62:12</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>year [5] - 20:6, 31:11, 37:9, 73:17, 77:15 years [8] - 5:7, 11:25, 26:6, 43:2, 66:12, 69:2, 69:12, 72:12 yesterday [1] - 19:21</p>
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