

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

SCS Carbon Transport LLC
Midwest Carbon Express CO2 Pipeline
Project Siting Application

Case No.
PU-22-391

TRANSCRIPT OF FORMAL HEARING

June 4, 2024

Linton, North Dakota

APPEARANCES

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Substitute Decisionmaker Timothy J. Dawson

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LLC

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C O N T E N T S

INTERVENOR EMMONS COUNTY WITNESS

ERIN MAGRUM

Direct Examination by MR. BRAATEN	13
Cross Examination by MR. DUBLINSKE	28
Cross Examination by MR. PELHAM	29
Cross Examination by MR. JORDE	37
Questions by COMMISSION	39
Redirect Examination by MR. BRAATEN	46
Recross Examination by MR. DUBLINSKE	48
Recross Examination by MR. PELHAM	48
Recross Examination by MR. JORDE	51
Questions by COMMISSION	55

PUBLIC TESTIMONY

JULIA STRAMER	59
KARI CURRAN	80
MIKE KLABO	88
RON MATHERN	93
LYLE KENNER	98
DAVID YOUMANS	110
ROBERT SCHAEFER	114
LYNNE SCHNEIDER	120
CRAIG MILLER	128
DAVID MOCH	132

C O N T E N T S (cont.)

JULIE SMITH 146

JACK NAGEL 155

CECILE LONG 162

STEPHANIE DOOLITTLE . . . 167

FRANCES ROBINSON 181

TERRY WANZEK 189

PATRICK MARTIN 202

LARRY WALL 211

LINDA HAGEN MATHERN . . . 229

JEFF MAGRUM 245

INTERVENOR/LANDOWNER WITNESS

MITCH KERTZMAN

Direct Examination by MR. JORDE 262

Cross Examination by MR. SCHOCK 278

Cross Examination by MR. BRAATEN 278

Questions by COMMISSION 279

1 ALJ HOGAN: Okay. We are going to get started.
2 Good morning. It is 9:08 a.m. on June 4th, 2024. This
3 is the time and date set by the notice of public hearing
4 issued by the North Dakota Public Service Commission on
5 March 21st, 2024, for a hearing in Case No. PU-22-391.
6 This hearing is being held today at Our Club in Linton,
7 North Dakota.

8 My name is Hope Hogan. I'm an administrative
9 law judge that's been designated at the request of the
10 Public Service Commission to serve as a hearing officer
11 for today's hearing.

12 As we begin, I would ask everybody, please check
13 your cell phones to make sure they're either silenced or
14 turned off so that we don't have cell phone
15 interruptions as we proceed today.

16 I know that most people in attendance today have
17 strong feelings regarding this case and the subject
18 matter of this case. I would ask that everybody please
19 refrain from any clapping, cheering, or verbal outbursts
20 during our hearing. This is an administrative hearing
21 and I do plan to maintain decorum as we proceed today.
22 And I would just ask that everybody please be respectful
23 of others even if you disagree with the content of their
24 testimony or comments.

25 There are some attendance sheets. I believe

1 there's one by the front door, there's one back by the
2 maps, and then there's one up on the witness table. The
3 Commission would ask that everybody please sign the
4 attendance sheet so that they have a record of all who
5 attended today's hearing. If you want to offer public
6 testimony today, please indicate that on the attendance
7 sheet. That just helps me get an idea of how many
8 people who would like to testify today and to allocate
9 time accordingly.

10 This hearing concerns the application of SCS
11 Carbon Transport LLC for a certificate of corridor
12 compatibility and route permit concerning approximately
13 320 miles of carbon dioxide pipeline ranging from 4.5 to
14 24-inch diameter and associated facilities in Burleigh,
15 Cass, Dickey, Emmons, Logan, McIntosh, Morton, Oliver,
16 Richland, and Sargent counties, North Dakota. On August
17 4th, 2023, the Commission issued findings of fact,
18 conclusions of law, and an order denying the
19 application. On September 15th, 2023, the Commission
20 issued an order granting the Applicant's petition for
21 reconsideration.

22 This hearing has been scheduled to focus
23 primarily on adjustments in Emmons, Logan, and McIntosh
24 counties. The notice of hearing specified the issues to
25 be considered in this as the proposed route adjustments

1 and supplemental filings and deficiencies noted in the
2 Commission's August 18th, 2023, order and includes the
3 following questions:

4 Number one. Will construction, operation, and
5 maintenance of the facility at the proposed location
6 produce minimal adverse effects on the environment and
7 upon the welfare of the citizens of North Dakota?

8 Number two. Is the proposed facility compatible
9 with environmental preservation and the efficient use of
10 resources?

11 And number three. Will construction, operation,
12 and maintenance of the facility at the proposed location
13 minimize adverse human and environmental impact while
14 ensuring continuing system reliability and integrity and
15 ensuring that energy needs are met and fulfilled in an
16 orderly and timely fashion?

17 As I indicated, the Commission has re-opened
18 this case which means all the evidence that was
19 previously accepted into the record, including
20 testimony, remains a part of the report. The purpose of
21 this hearing is to address the deficiencies noted in the
22 Commission's order and the route adjustments. The
23 purpose is not to address issues the Commission has
24 already determined it does not have jurisdiction over or
25 items the Commission has already determined were

1 appropriately addressed.

2 I'm now going to ask the parties to indicate
3 their appearance for the record.

4 Mr. Dublinske or Mr. Gludt.

5 MR. GLUDT: Good morning, Your Honor. Tyler
6 Gludt, Fredrikson & Byron PA on behalf of the Applicant,
7 SCS Carbon Transport LLC. And sitting to my right is
8 Mr. Bret Dublinske, also of Fredrikson & Byron.

9 ALJ HOGAN: Thank you.

10 Mr. Pelham.

11 MR. PELHAM: Good morning, Judge. Zachary
12 Pelham, special assistant attorney general on behalf of
13 the Public Service Commission. To my right is Public
14 Utilities Director Victor Schock.

15 ALJ HOGAN: Mr. Braaten.

16 MR. BRAATEN: Thank you, Your Honor. Derrick
17 Braaten with Braaten Law Firm here on behalf of Emmons
18 County board of county commissioners, and I have with me
19 Desirae Zaste, my paralegal.

20 ALJ HOGAN: And appearing remotely today is
21 Mr. Jorde.

22 Mr. Jorde, can you note your appearance for the
23 record, please?

24 MR. JORDE: Yes, Your Honor. Brian Jorde,
25 Domina Law, on behalf of landowner intervenors.

1 ALJ HOGAN: All right. Thank you.

2 I'll now take opening comments from the
3 commissioners.

4 Commissioner Christmann.

5 COMMISSIONER CHRISTMANN: Thank you, Your Honor.

6 So, first of all, just a reminder, we've done, I
7 think, about a dozen public hearings now on this case.
8 Some of them have been in Bismarck. I think this is the
9 second one here. We've done a couple in Wahpeton. We
10 were in Mandan. We were in Gwinner. The crowds have
11 been wonderful.

12 I just want to remind you again, if we have new
13 people who haven't attended any of our hearings in the
14 past, this is an official legal hearing, not a political
15 rally. We don't wave signs around, we don't boo, we
16 don't applaud. You know, it's to allow people to
17 respectfully testify and present evidence to us. And so
18 appreciate that in the first 10 or 12 hearings we've
19 had, whatever the total is right now, and would
20 appreciate it again today.

21 We're out here and we've been to the other towns
22 because we want to hear from people. Our decisions are
23 based on the law. And sometimes we like the law as it's
24 written, sometimes we don't like the law as it's
25 written, but we base our decisions on what the law calls

1 for on making these siting decisions.

2 There are some areas of the law that give us
3 some discretion and it's very important that we go out
4 and that we know what people are thinking. That's why
5 we come out here. It's a lot simpler for us to do this
6 in Bismarck, but we come out to towns across the state
7 because we want to make it at least somewhat convenient
8 for you. That's why we scheduled it the day after a
9 rain day so that you wouldn't be busy in the fields.
10 No, we lucked out there. But we're out here because we
11 want to hear from you. It requires a little patience.
12 We want to hear from the intervening parties, Emmons
13 County and their witnesses first, which have been
14 prearranged, so please be patient. But we are here, we
15 want to hear from you, and so please stick around for
16 that.

17 The last thing I want to do, and I hope I'm not
18 missing anybody, it's always hard when the rooms are
19 pretty big like this, but we have several of our state
20 legislators here. Forgive me if I'm missing somebody,
21 but I know I've seen Senator Jeff Magrum from right here
22 in this district, Senator Terry Wanzek from over in the
23 Jamestown area, and Representative Mike Brandenburg from
24 over in the Edgeley area. If I'm missing anybody else,
25 I'm sorry. But welcome. We appreciate our elected

1 officials that come to hear what the public has to say
2 or potentially testify, as well as -- and I believe
3 he'll be testifying today, your county commissioner
4 chairman, Erin Magrum.

5 ALJ HOGAN: Thank you.

6 Commissioner Haugen-Hoffart.

7 COMMISSIONER HAUGEN-HOFFART: Good morning,
8 everybody. It was a nice drive up here to see things so
9 plush and green. I appreciate people being here and
10 your interest and I look forward to hearing from many of
11 you.

12 ALJ HOGAN: Thank you.

13 Mr. Dawson.

14 SUBSTITUTE DECISIONMAKER DAWSON: I think this
15 is our last planned public hearing so I hope we saved
16 the best for last and I look forward to the hearing
17 today.

18 ALJ HOGAN: All right. Thank you.

19 As Commissioner Christmann noted, we are going
20 to start with Emmons County's witnesses this morning and
21 then I plan to take public testimony, and then following
22 public testimony the landowner intervenors have a couple
23 of witnesses to call as well today. We will take a
24 morning break, roughly, at 10:30 or so, we will take a
25 lunch break, and then we'll also take an afternoon break

1 later today.

2 And before we proceed to testimony, I'll just
3 ask if there's any other preliminary matters the parties
4 would like to discuss before we get started. Is there
5 anything on behalf of the Applicant?

6 MR. GLUDT: No, Your Honor.

7 ALJ HOGAN: Mr. Pelham.

8 MR. PELHAM: No, Your Honor.

9 ALJ HOGAN: Mr. Braaten.

10 MR. BRAATEN: No, Your Honor.

11 ALJ HOGAN: And Mr. Jorde.

12 MR. JORDE: No, Your Honor.

13 ALJ HOGAN: All right. Then I'll turn to you,
14 Mr. Braaten. You can call your first witness.

15 MR. BRAATEN: Emmons County calls the chair of
16 the board of county commissioners, Erin Magrum.

17 ALJ HOGAN: Good morning, Mr. Magrum. I'm going
18 to have you turn that microphone on if it's not on. You
19 should get a green light if it's on.

20 ERIN MAGRUM: Is it on?

21 ALJ HOGAN: It sounds that way, but I'm going to
22 have you pull that close because we've got a big room
23 and we want to make sure we can hear you.

24 ERIN MAGRUM: I'm notoriously quiet so we should
25 make sure we keep it --

1 ALJ HOGAN: So use the voice you use to yell at
2 your dog today.

3 ERIN MAGRUM: I don't yell at my dog. My dog
4 listens so...

5 ALJ HOGAN: Yours is better than mine then.
6 I'll have you start by stating your full name
7 for the record and spelling your last name.

8 ERIN MAGRUM: My name is Erin Magrum,
9 M-A-G-R-U-M. I am --

10 ALJ HOGAN: Go ahead.

11 ERIN MAGRUM: I am commissioner of District 2 in
12 Emmons County. I'm also the current chairman of the
13 county.

14 ALJ HOGAN: Before you testify this morning,
15 Mr. Magrum, I'm required by law to advise you on the
16 penalties for perjury in the state of North Dakota.

17 Perjury is a Class C felony, punishable by a
18 maximum fine of \$10,000, a maximum five years'
19 imprisonment, or both.

20 Do you understand what perjury is?

21 ERIN MAGRUM: I'm not sure.

22 ALJ HOGAN: All right. So perjury is lying
23 about a material fact to a case once you've been sworn
24 in is kind of the simplified explanation of that.

25 And with that understanding, do you promise to

1 tell the truth in this case today?

2 ERIN MAGRUM: I do.

3 ALJ HOGAN: All right. Thank you.

4 You can go ahead, Mr. Braaten. And,
5 Mr. Braaten, I'm going to ask you to pull your mic a
6 little bit closer too so we can hear you. Thank you.

7 MR. BRAATEN: And to be fair, I actually do
8 speak quiet.

9 We have passed out some written testimony and so
10 I'm going to do my best to be efficient here and we
11 won't necessarily go through and read the entire
12 testimony, but we'll try to cover that in an abbreviated
13 manner. And there are also some exhibits attached to
14 that testimony for convenience.

15 **ERIN MAGRUM,**

16 being first duly sworn, was examined and testified as
17 follows:

18 DIRECT EXAMINATION

19 BY MR. BRAATEN:

20 Q. Commissioner Magrum, are you familiar with the
21 Emmons County zoning ordinance?

22 A. Yes, I am.

23 Q. And is Exhibit EC-1 attached to the written
24 testimony, is that an accurate copy of the Emmons County
25 zoning ordinance?

1 A. Yes, it is.

2 Q. And are you familiar with the provisions related
3 to liquid transmission pipelines and amendments to those
4 provisions in the last few years?

5 A. Yes, I am.

6 MR. DUBLINSKE: Your Honor, I'm going to lodge
7 an objection, and I was hoping Mr. Jorde's witnesses
8 would go first so we didn't have to start the day this
9 way, but I've had a quick chance to review the testimony
10 and it appears to be entirely about the ordinance and
11 how it would apply and there's some discussion of
12 preemption. As Your Honor and the Commission is aware,
13 we had a separate hearing on preemption. The Commission
14 has already made its ruling on preemption. It's
15 basically -- the testimony basically reads like a motion
16 to reconsider. As the Commission and Your Honor are
17 likely aware, this issue is on appeal which is where it
18 will ultimately be decided.

19 And so I don't know that it makes sense for us
20 to relitigate the ordinance and its applicability and
21 the preemption issues in the public comment hearing
22 today. That already has a proper legal venue and that
23 is with the courts right now.

24 ALJ HOGAN: Mr. Braaten, did you want to address
25 that objection?

1 MR. BRAATEN: Yes, Your Honor. Thank you.

2 The appeal that was filed was filed as a
3 precautionary measure and, as Mr. Dublinske knows, his
4 firm agreed to put that appeal on hold pending the final
5 decision of the Public Service Commission. We
6 stipulated to put that and stay that appeal pending a
7 final decision. But given the nature of the PSC's
8 decision in this matter and the ambiguity as to whether
9 that was a final decision, particularly considering that
10 Burleigh County brought a petition to reconsider that
11 decision which was taken up and decided, it is ambiguous
12 right now as to whether that was a final decision.

13 In order to be efficient, what we did is
14 stipulate to stay that appeal until this is concluded.
15 Given that there are likely going to be a number of
16 appeals filed, they would be consolidated at that time
17 as a procedural matter. And so in terms of the
18 procedural posture of a pending appeal, I think that
19 part is irrelevant.

20 The other thing I would say is that this
21 Commission ruled as a matter of law that Emmons County's
22 ordinance is preempted. Emmons County was never allowed
23 to put on any factual evidence related to that decision.
24 We are now in Emmons County and the board of the Emmons
25 County Commission is at the stand and we are trying to

1 put on the factual evidence related to the Emmons County
2 ordinance. I understand this Commission has ruled to
3 preempt, but I would ask for an explicit ruling that we
4 are also being prevented from putting on factual
5 evidence of that if that is the way the objection will
6 be ruled on.

7 ALJ HOGAN: Mr. Pelham, any position?

8 MR. PELHAM: I'm not going to join in the
9 objection. I think that the legal decision by the
10 Commission has been made. At the same time, we are here
11 and the -- I believe Mr. Braaten will efficiently put
12 forth what he believes on behalf of his client is
13 necessary in order to establish a record. Thank you.

14 ALJ HOGAN: Given the status of the pending
15 appeal and motions, and since we're here and the
16 Commission does not intend to hold any other hearings, I
17 would note the Applicant's objection and concerns
18 regarding the Commission's prior ruling on preemption,
19 but I will allow Emmons County to present its evidence
20 on this issue.

21 MR. BRAATEN: Thank you, Your Honor.

22 Q. (BY MR. BRAATEN) Commissioner Magrum, when were
23 the provisions for transmission pipelines most recently
24 amended?

25 A. I believe it was February of 2023.

1 Q. Okay. And where -- within the Emmons County
2 ordinance itself, where do those provisions appear?
3 What section of the ordinance or what article?

4 A. In Article VI we address a number of conditional
5 uses and the requirements for obtaining a conditional
6 use permit for those uses. They include commercial
7 recreational parks, liquid transmission pipelines,
8 salvage and junkyards, and subsurface mining and surface
9 extraction.

10 Q. All right. And so I'm going to go off script
11 here a little bit, Mr. Magrum, but the Article VI in
12 Exhibit EC-2, page 15, is that the article of the land
13 use code that addresses the conditional use
14 requirements?

15 A. Yes.

16 Q. And so on page 15, if we look at subsection A,
17 that deals with commercial recreation parks, tourist and
18 trailer camps, and sets out the land use ordinance for
19 those; is that right?

20 A. Yes.

21 Q. Then when we go to page 16, subsection B deals
22 with the electric transmission facilities and previously
23 dealt with water, gas, oil or coal slurry transmission
24 pipelines. Is that subsection B the subsection that was
25 amended?

1 A. Yes.

2 Q. Okay. And then finishing out the conditional
3 use requirements and the different types of conditional
4 uses for Emmons County, we start with the commercial
5 recreation parks, then we have the electric transmission
6 facilities and pipelines. And additionally, as
7 conditional uses, am I right that Emmons County also
8 regulates salvage and junkyards and subsurface mining
9 and surface extraction as conditional uses?

10 A. Yes, it does.

11 Q. And at the beginning of Article VI there's a
12 definition of "conditional uses" that states that they
13 are uses which may be permitted in a district, but
14 because of their specific needs or because there may be
15 a potential for conflict with other permitted uses,
16 special requirements may need to be met to alleviate any
17 concerns that specific conditional use will not conflict
18 with the intent of the district.

19 Is that how Emmons County would define a
20 "conditional use" under its land use ordinance?

21 A. Yes.

22 Q. And what you're regulating is essentially the
23 compatibility of different land uses within Emmons
24 County. Is that fair?

25 A. Yes.

1 Q. Prior to the proposal from Summit, had anyone
2 ever, to your knowledge, proposed locating a pipeline
3 for transmission of carbon dioxide across Emmons County?

4 A. Not to my knowledge, no.

5 Q. And prior to hearing about that project, did the
6 Emmons County zoning ordinance specifically and
7 explicitly address pipelines transmitting carbon
8 dioxide?

9 A. No, but the -- it's stated, a somewhat vague
10 description that maybe could have been considered that,
11 but we weren't quite sure.

12 Q. Okay. And so was the purpose of amending it
13 just to make it explicit that it was intended to cover
14 CO2 pipelines?

15 A. Yes. I believe the original conversation was,
16 is gas could cover it, but we weren't expertise enough
17 to know if it was considered gas, liquid, and so we
18 wanted to make sure that we -- it was specifically in
19 there as well as everything else.

20 Q. Okay. And so because you weren't sure given the
21 physics of how they transport CO2, whether that would be
22 considered liquid or gas, you adopted language just to
23 address CO2 specifically?

24 A. Yes.

25 Q. And I'll also note there's language added, "any

1 other substance deemed to be hazardous by PHMSA." Well,
2 tell me what the intent of that language was.

3 A. Well, the intent was that since we were
4 revisiting the conditional use permit, we wanted to make
5 sure that we weren't specifically targeting any one
6 thing but that we were addressing several issues that
7 could come up in the future so that we're not revisiting
8 it every time a project comes up.

9 And I would just add that, you know, the idea of
10 even mentioning PHMSA or anything was -- it was just to
11 try and create an avenue for us to at least try and look
12 at something that maybe we didn't fully understand.

13 Q. And when you say "any other substance deemed to
14 be hazardous by PHMSA," is it -- is it generally the
15 intent with these amendments to simply cover any of the
16 major transmission lines regardless of what they're
17 transporting?

18 A. Yes. I think the big thing with us is to just
19 -- Emmons County's ordinances tend to get updated as
20 things come along. We wanted to make sure that we were
21 updating it as proper as we could.

22 Q. Okay. And with respect to those updates and the
23 amendment, there were provisions filed by Emmons County
24 at Docket No. 49, and that's attached as Exhibit EC-2.
25 Is that a copy of the amendments?

1 A. Are you speaking to the -- I guess mine doesn't
2 say "EC-2" on it. I have the "Ordinance No. 23-01-01"
3 on top.

4 Q. Okay. And is that Ordinance 23-01-01, is that
5 the amendment to the Emmons County zoning ordinance that
6 was submitted to the Public Service Commission?

7 A. Yes, it is.

8 Q. Okay. And it appears attached to your written
9 testimony as Exhibit EC-2?

10 A. I guess I could just follow those, yeah.

11 Yes, it is.

12 I was a C-student. I didn't follow along all
13 the time so...

14 Q. You're doing great.

15 So if you look at the second page of Exhibit
16 EC-2 with Ordinance No. 23-01-01, other than adding the
17 CO2 explicitly as we just discussed, were there other
18 changes made to the ordinance through this amendment?

19 A. Yes. We also made adjustments to the setback
20 requirements.

21 Q. Okay. And so you added the -- any additional
22 substances in terms of the pipelines, you updated the
23 setbacks within that conditional use ordinance. Is
24 there anything else that you did as part of that
25 amendment?

1 A. We also added in a variance.

2 Q. And what was the purpose of that?

3 A. The purpose of the variance was for the ability
4 to the landowners to negotiate with any company that
5 comes in. So if they believe that the setbacks were
6 unnecessary or there was some kind of way to negotiate
7 with that company, they could come to some kind of an
8 agreement that would basically, for lack of a better
9 word, make the ordinance really not exist.

10 Q. So it would be fair to say the position of
11 Emmons County is that if the landowners and the company
12 can work out a deal, Emmons County isn't going to stand
13 in the way of that?

14 A. Absolutely. And it's actually happened on other
15 projects in the county.

16 Q. And are these amendments to the Emmons County
17 ordinance applicable to all pipeline projects in the
18 county?

19 A. I would say with the description we've given it,
20 yes.

21 Q. And I should be careful with that language.
22 Obviously not all pipeline projects, but within the
23 definition it refers to pipelines for non-potable fresh
24 water, for the gas, and the other substances covered by
25 PHMSA. In terms of pipelines transporting those

1 substances, the intent is that the ordinance covers all
2 of them?

3 A. Yes.

4 Q. Did Emmons County learn at some point that
5 Summit was attempting to preempt and supersede its law?

6 A. I don't -- I don't know exactly if Emmons County
7 as a whole knew about it, but it was kind of information
8 that was, you know, given to us secondhand by other
9 sources and other parties involved.

10 Q. And so when Summit filed a motion with the
11 Public Service Commission to strike down the Emmons
12 County laws, they didn't provide you any notice of that?

13 A. Not to my knowledge.

14 Q. After you learned from other third parties that
15 Summit was attacking the Emmons County laws, what did
16 you do?

17 A. I think our first reaction was to seek legal
18 counsel as far as what our options were.

19 Q. Have other pipeline companies routed pipelines
20 across Emmons County?

21 A. Could you repeat that? I was flipping through
22 pages here.

23 Q. Sorry. Have you had other pipelines, major
24 pipelines, cross Emmons County in the past?

25 A. Yes, we have.

1 Q. Did they attack your local laws?

2 A. To my knowledge, no.

3 Q. Did Dakota Access build its pipeline across
4 Emmons County?

5 A. Yes, it did.

6 Q. And if we look at Exhibit No. EC-3 attached to
7 your testimony, did Dakota Access obtain a conditional
8 use permit from the Emmons County zoning --

9 MR. DUBLINSKE: Objection, Your Honor, on
10 relevance. The witness has admitted that this ordinance
11 has been changed since Dakota Access came through. So
12 whether Dakota Access could or couldn't come through the
13 county with or without a permit or with or without
14 attacking the ordinance isn't relevant to the facts on
15 the ground today or the issues before the Commission.

16 ALJ HOGAN: Mr. Braaten.

17 MR. BRAATEN: Certain aspects of the ordinance
18 have been changed, but largely they were minor aspects
19 that were changed, and the point is that they still
20 follow the conditional use permit. To the extent those
21 requirements are different now than they were for Dakota
22 Access, we have the best witness on the stand to explain
23 what those differences are and how they may or may not
24 have applied for Dakota Access.

25 ALJ HOGAN: I have concerns about relevance, but

1 I know at the prior hearings we had lots of testimony
2 about Dakota Access pipeline and permitting. So to that
3 extent I'll allow it and the Commission can decide how
4 much weight to give this line of questioning, if any at
5 all.

6 Q. (BY MR. BRAATEN) Commissioner Magrum, Exhibit
7 EC-3 attached to your written testimony, can you tell me
8 what that is?

9 A. It appears to be an application for an
10 industrial conditional use permit for the Dakota Access
11 pipeline in Emmons County.

12 Q. And who submitted that application?

13 A. Looks like Lawrence Bender on behalf of Dakota
14 Access.

15 Q. Okay. And other than submitting an application
16 for a conditional use permit for the pipeline itself,
17 did Dakota Access come to Emmons County for any other
18 types of local government approvals for its project?

19 A. For the pipeline itself, I can't speak fully to
20 that because I wasn't a commissioner at the time, but I
21 know for the pumping station they were very open and out
22 front with us in the beginning, asking for -- basically
23 asking us what permits would be needed to get the
24 project going, and also basically addressing any
25 landowner concerns of anybody that was attending the

1 meetings.

2 Q. And is Exhibit EC-4, attached to your written
3 testimony a copy of the application and approval for the
4 conditional use permit for that pumping station?

5 A. Yes, it is.

6 Q. And you mention landowner concerns. Were there
7 any landowner concerns expressed about that pumping
8 station when you were involved?

9 A. There was one landowner who was probably the
10 closest proximity, the neighbor if you will, that was
11 concerned about noise. And I don't remember exactly
12 what happened, if Dakota Access invited him to a similar
13 building or if he went on his own, but those issues were
14 addressed and there was no concerns of noise. Because
15 once that person visited that site that -- they were
16 seeing that -- they were satisfied with whatever was
17 going on there.

18 Q. And there was some discussion a moment ago about
19 a motion from Summit to preempt ordinances that related
20 primarily to setbacks. And so I want to just ask one
21 question to be clear. Other than having a requirement
22 for certain setbacks within the provisions for a
23 conditional use for this type of pipeline, are there
24 other kinds of requirements that Summit would need to
25 comply with if it were complying with the local land use

1 ordinance?

2 A. There will also be a haul road agreement that we
3 have with any kind of major project that goes on in the
4 county that they would have to sign and abide by.

5 Q. And, in general, whether the setbacks were there
6 or not, would Emmons County generally still require a
7 conditional use permit and a permit fee?

8 A. Absolutely.

9 Q. Has Summit submitted any applications to Emmons
10 County for any type of zoning approvals for its project?

11 A. To my knowledge, no.

12 MR. BRAATEN: No further questions at this time.

13 ALJ HOGAN: Are you going to offer the exhibits?

14 MR. BRAATEN: I would offer the exhibits as well
15 as to the extent we're offering the written testimony.
16 I honestly just don't know if that's what everybody's
17 been doing. If others have offered the written
18 testimony into the record, I'd offer that with the
19 exhibits.

20 ALJ HOGAN: All right. They have and we've been
21 labeling it with an exhibit number. So is there any
22 objection to labeling the direct testimony as EC-5?

23 MR. BRAATEN: No.

24 ALJ HOGAN: Other than your other objections you
25 noted, Mr. Dublinske, I'll note them on the exhibit

1 list, but did you have additional objections to the
2 exhibits?

3 MR. DUBLINSKE: No, Your Honor. Same objection.
4 We see this legally in the same position as the material
5 that has been kept out on the basis of the protective
6 order and the paper legal fight about the protective
7 order. So we just restate our prior objections.

8 ALJ HOGAN: All right. And, Mr. Pelham, any
9 objection to the exhibits?

10 MR. PELHAM: No objection.

11 ALJ HOGAN: And Mr. Jorde.

12 MR. JORDE: No objection.

13 ALJ HOGAN: All right. I will note the
14 Applicant's -- or Summit's objections, but I will admit
15 Exhibits EC-1 through EC-5.

16 Mr. Dublinske, did you have any questions for
17 Mr. Magrum?

18 MR. DUBLINSKE: Just a couple.

19 CROSS EXAMINATION

20 BY MR. DUBLINSKE:

21 Q. Mr. Magrum, just to clarify, Dakota Access was
22 constructed and in operation prior to the amendments in
23 the current ordinance; correct?

24 A. Yes.

25 Q. Have there been any major pipeline projects that

1 have been built through Emmons County under the new
2 ordinance?

3 A. No.

4 Q. Nothing -- and just to be clear, Emmons County,
5 regardless of when or how it got noticed, did have
6 opportunity to participate in the motions regarding
7 preemption; correct?

8 A. I'm not a legal expert, but there was probably
9 some type of process with that. I would have to --

10 MR. DUBLINSKE: Nothing further, Your Honor.

11 ALJ HOGAN: Mr. Pelham, any questions?

12 MR. PELHAM: Yes.

13 CROSS EXAMINATION

14 BY MR. PELHAM:

15 Q. Good morning, Commissioner. Just following up
16 on the last question about applications -- rather, for
17 conditional use permits, I think you were asked if any
18 have been approved. Have there been any applications
19 since the amendments to the ordinance?

20 A. Not for pipelines probably but there -- no.

21 Q. Prior to February 2023, how long had the
22 ordinance been in effect without amendment?

23 A. Well, the amendment parts and everything were
24 all existent. It was just we were amending those
25 amendments. So the setbacks part and everything did

1 exist. It's just we amended those so...

2 Q. Sure, I understand. Appreciate that response,
3 sir.

4 My question is just a little bit different. I'm
5 wondering when, if you know, the zoning ordinances, when
6 were they enacted in the form as presented by EC-1 here,
7 if you know?

8 A. That, I believe, is at the front page of the
9 book. Sometime -- 1982. That's why it's still in type.

10 Q. Sure. Understood. And I've seen a lot of
11 these. It's just like a --

12 So since 1982, what was the reason for the
13 amendment that is Exhibit EC-2 that was done?

14 A. I believe that the main reason is this -- this
15 specific amendment was trying to address a project that
16 this county hasn't seen before nor has a neighboring
17 county, to our knowledge, seen before.

18 Q. Understood.

19 And specifically, what is it about this proposed
20 project that specifically caused the county to adopt the
21 ordinance or the amendment?

22 A. It's hard to say that this specific project did
23 anything specific. I guess to explain a little bit, in
24 Emmons County we're pretty rural. We're a little more
25 reactionary. We don't have a giant zoning office with

1 individuals. You know, our legal counsel is our state's
2 attorney who's prosecuting people while dealing with
3 fence-line issues. You know, it's -- a project comes
4 in, we evaluate it the best we can. If we feel like it
5 fits the needs of the county or something, then we go
6 forward. When it's something we don't understand such
7 as this, we felt like our ordinance was inadequate.

8 Q. What is it that wasn't understood?

9 A. Just that we don't understand the substance
10 really coming through it. There's really not a lot of
11 information been given to us other than just --
12 depending on where you get it from, which, you know,
13 that's -- when it came to things like DAPL or even the
14 Northern Border Pipeline, people use natural gas in
15 their homes. You know, we're familiar with oil for the
16 uses we have. CO2 is -- in Emmons County is new.

17 Q. At some point did it become understood by the
18 county and you as a commissioner, as a county
19 commissioner?

20 A. I don't know if it really has because it seems
21 to be a really complicated process or at least -- I
22 mean, to be honest with you, the information given to us
23 by Summit seems vague and sometimes one-sided. And when
24 we hear it from anybody else, through any other
25 information, it's completely opposite. It's hard to

1 know what is true and what's not. And I'm a plumber.
2 I'm not a CO2 expert. So I just try and make decisions
3 the best I can for the good of my county.

4 Q. So specifically as to the ordinance -- as to the
5 amendment, it looks like the subsection that was amended
6 making the -- "pipeline right of way does not pass
7 within two miles of the corporate boundaries of any
8 organized city, a mile and a half of an established
9 residence, within 500 feet of any other building or
10 surface water body."

11 How were those distances determined to be
12 appropriate by the county?

13 A. Those distances were just discussions as a
14 group, as county commissioners. You know, we're elected
15 by the people to make the decisions in our best
16 abilities for the county. We put our knowledge and our
17 common sense and our, you know, years of living here
18 together to try and make a decision we felt would be
19 agreeable for our people. And it's a reason why we also
20 included the variance, because if people feel we made a
21 mistake, they have more than enough power to negotiate
22 with that company and basically decide what setback they
23 want essentially.

24 Q. Sure, I appreciate that. I understand that, I
25 think. But I'm still trying -- in my mind, I'm trying

1 to understand a little bit better, Commissioner,
2 from 1982 until February 2023, the existing ordinance
3 was in place. This proposed project comes along and
4 there's additional setback requirements. I'm wondering
5 specifically how it was determined as to the reason for
6 having setbacks set for -- since 1982 hadn't been
7 required by the county?

8 A. Mostly probably just a difference in opinion on
9 the people participating, the differences in the
10 projects, I guess, I mean as far as --

11 Q. Well, forgive me, sir, but you are the one
12 that's -- one of the three that are deciding so I'm
13 asking you, as a commissioner, what was -- what was the
14 rationale that you had for determining that the setback
15 requirements should be changed after a period of 1982
16 not having had any setbacks anywhere near what they are
17 now?

18 A. Well, there's five of us --

19 MR. JORDE: I would object -- I would object
20 just to the extent that it calls for anything that
21 happened in executive committee in terms of those types
22 of discussions between the board members.

23 Q. (BY MR. PELHAM) Did anything happen in
24 executive committee, sir?

25 A. No.

1 Q. All right. And I apologize, I thought there
2 were three commissioners. There's five. I'm mistaken
3 on that; right?

4 A. Yes, there's five.

5 Q. Okay. I apologize for that.

6 ALJ HOGAN: I guess the objection is noted but
7 sustained -- or overruled.

8 A. I guess to answer your question, it was a broad
9 conversation with multiple public hearings basically,
10 because we had a general public hearing where we had
11 over a hundred people in our auditorium offering
12 testimony. Summit was allowed 45 minutes at least in
13 that meeting. We had an open discussion. Everybody
14 knew we were discussing this ordinance and knew that we
15 were looking to revamp it. We were doing it at the
16 request of the landowners who had concerns, a variety of
17 concerns. And we did our best to create an ordinance
18 that we felt addressed the needs of our citizens.

19 Q. What were the requests of the landowners that
20 you heard at those meetings, sir?

21 A. Well, there's different -- I mean, there's all
22 kinds of requests coming to all five of us, everything
23 from the defense of their property rights to safety
24 aspects to -- I mean, there's all kinds of requests.
25 People request things of us all the time, even whether

1 we're experts or not at it.

2 Q. As to the variance, the provisions were amended
3 as to that. And you described the land use purposes.
4 You understand the purposes of zoning so I won't
5 specifically ask you that, but the creation of this
6 variance, do you think it creates potential for a
7 patchwork of zoning across the county with variances
8 being permitted on a sort of ad hoc basis?

9 MR. BRAATEN: Objection. Calls for speculation,
10 irrelevant.

11 ALJ HOGAN: The objection --

12 MR. JORDE: I --

13 ALJ HOGAN: Go ahead, Mr. Jorde.

14 MR. JORDE: I'm sorry. I just joined in, Your
15 Honor.

16 ALJ HOGAN: Oh, okay. The objection is noted,
17 but I'll allow him to answer.

18 Do you need the question again?

19 A. No.

20 I guess I just -- my concern as a commissioner
21 is not to worry about patchwork of zoning but for the
22 ability of our landowners to negotiate fairly and in
23 good faith with companies knowing that their government
24 subdivision is doing their best to defend their property
25 rights.

1 Q. (BY MR. PELHAM) So if a landowner is okay with
2 a pipeline existing within -- within the prescribed
3 setbacks, as far as you're concerned, that's okay if the
4 landowner is okay with it?

5 A. Yes. And that also currently exists in the
6 county.

7 Q. Have there been any variance requests under the
8 new ordinance, do you know?

9 A. No.

10 Q. Why were water -- potable water pipelines
11 excepted from the variance?

12 A. Mostly because Emmons County, a big part of
13 Emmons County is -- has piped water from South Central
14 -- we call it "rural water," South Central Water
15 District. And we didn't want to impact the growth and
16 expansion of the water district and to the -- you know,
17 the benefit it provides people that are looking for that
18 versus another source of water.

19 Q. Thank you, sir. I don't have any other
20 questions for you. Appreciate it.

21 A. Thank you.

22 ALJ HOGAN: Mr. Schock, any questions?

23 Mr. Jorde, any questions?

24 MR. JORDE: Yes, Your Honor, I have some
25 questions.

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CROSS EXAMINATION

BY MR. JORDE:

Q. Sir, would you agree that zoning laws are important because they (inaudible) orderly development of a community?

A. Yes.

Q. And also maintain property values?

A. Yes.

Q. And can be used to ensure compatibility between different land uses in, say, a general area?

A. Yes.

Q. And are important also because they can assure that development occurs in the most convenient and efficient manner?

A. Yes.

Q. And then, lastly, generally that zoning laws and the tools underneath them essentially help with using the land intelligently based on the community's needs and requirements?

A. Yes.

Q. Now had Summit not simply ran to the courthouse, sued your county and, by extension, all the taxpayers of the county, how would Summit have gone about complying with your ordinance? Can you walk me through, if I'm Summit and I show up to your county, what would they use

1 (inaudible) to comply with the ordinance?

2 A. Well, I believe that, you know, the general idea
3 would be that they would have to show up and apply for a
4 conditional use permit and then provide all the
5 information that is required to comply with any
6 ordinances and to acquire that conditional use permit.

7 Q. And when there's a conditional use permit
8 application, I suppose then there's due process, there's
9 notice, there's a hearing and Summit can be heard, other
10 individuals in the community can be heard; is that
11 correct? There's an open forum process?

12 A. Yes.

13 Q. And if the conditional use permit was not
14 granted, then there's another layer. Would that be the
15 variance process?

16 A. I think the variance process would be for the
17 acquisition of easements more than the acquisition of a
18 conditional use permit.

19 Q. Okay. Very good. And so the variance then, I
20 take it, that essentially puts the power in the hands of
21 the citizens, Summit and citizens, or pipeline company X
22 and citizens can reach an understanding then that
23 infrastructure could be located in a closer proximity to
24 a particular landowner's residence; correct?

25 A. Yes.

1 Q. And during the Emmons County process of
2 modifying the 1982 ordinance, there were public meetings
3 and Summit was allowed to participate and present
4 information and arguments; is that right?

5 A. Yes.

6 Q. Was there any public meeting related to this
7 topic where you as the commission prevented Summit from
8 participating in a public open meeting?

9 A. No.

10 Q. I don't have anything further. Thank you, sir.

11 ALJ HOGAN: Commissioner Christmann.

12 COMMISSIONER CHRISTMANN: First of all, Your
13 Honor, I want to say since I talked previously before we
14 started, Representatives SuAnn Olson and Brandon
15 Prichard have shown up. And as I was mentioning before
16 with Representative Brandenburg and Senators Wanzek and
17 Magrum, these people, they're not here on paid time,
18 they're here trying to do their best to represent their
19 constituents, and I always appreciate that and like to
20 acknowledge them.

21 As are you, Mr. Magrum. Thanks for being here.

22 A few questions. I know you said you weren't on
23 the commission when DAPL went through.

24 THE WITNESS: Yes.

25 COMMISSIONER CHRISTMANN: But -- and I know the

1 answer to this, I'm just clarifying for the record. You
2 did live here then; right?

3 THE WITNESS: Yes.

4 COMMISSIONER CHRISTMANN: And did you hear a lot
5 of pushback? I don't believe, from reviewing your old
6 ordinance here, that there was any setback from
7 residences. So that would have been sited based on
8 state code that the PSC goes by, that they needed to
9 stay, presumably, 500 feet or more without a waiver from
10 residences. Did you hear a lot of pushback from people
11 that are upset that that pipeline is within a mile of
12 their house or something and causing them problems?

13 THE WITNESS: Not in Emmons County.

14 COMMISSIONER CHRISTMANN: Okay.

15 THE WITNESS: We did hear the drums from the
16 other side of the river, though.

17 (Laughter)

18 COMMISSIONER CHRISTMANN: Moving right along, I
19 -- my next question. I was a little confused at the
20 beginning, but then I felt better because you said you
21 were too. This first exhibit, number one, that's the
22 old ordinance. And so now, as I understand it,
23 Exhibit 2 replaces Section B of the old ordinance;
24 correct?

25 THE WITNESS: Yes.

1 COMMISSIONER CHRISTMANN: So all of page 16 and
2 half of -- the first half of 17 are gone and Exhibit 2
3 is what goes in there; right?

4 MR. BRAATEN: Erin, take a close look at the
5 ordinance.

6 And, Commissioner, I don't mean to interject,
7 but I don't think it's the case that this wholesale
8 replaced it. It amends and revises parts of article --

9 COMMISSIONER CHRISTMANN: Oh.

10 MR. BRAATEN: -- Subsection B.

11 THE WITNESS: Right. And that was, I guess,
12 what I was reading into it too, is that we -- just like
13 you said, only the specific labeled parts were the ones
14 amended.

15 COMMISSIONER CHRISTMANN: Okay. Thank you.

16 And then -- so now I'm on number 2 here in that
17 middle paragraph. So keeping new pipelines 100 feet
18 from highway right of ways. So, presumably, in most
19 cases, that's -- does that count section lines too or
20 just upgraded highways?

21 THE WITNESS: Well, we have different setbacks
22 based on what we describe certain roads to be. So there
23 are even roads in the county that we consider a highway
24 that have a greater setback even for buildings, trees,
25 everything like -- for, say, our federal aid roads

1 versus a typical section line road or a county road.

2 So -- but to be clear with that highway one,
3 that was in the ordinance from 1982. We did not amend
4 that part. It was just included in there.

5 COMMISSIONER CHRISTMANN: Well, I think it's in
6 the new language in --

7 THE WITNESS: It is, but it's the same
8 language --

9 COMMISSIONER CHRISTMANN: Okay.

10 THE WITNESS: -- that was in --

11 COMMISSIONER CHRISTMANN: Okay. And is the
12 point of that, the 100 feet back, is that a safety issue
13 or is that more about in case you need to upgrade the
14 road and you need room to work?

15 THE WITNESS: Typically with --

16 MR. BRAATEN: Sorry. And, Commissioner, I do
17 apologize, but given the sensitive nature of it, I'm
18 going to object just one time to any questions
19 concerning legal conclusions.

20 And, with that, I'll just ask for a standing
21 objection.

22 ALJ HOGAN: Sure. And the objection is noted
23 and understood that it's not a legal conclusion since
24 Mr. Magrum is not an attorney, but he can answer in his
25 own opinion.

1 THE WITNESS: Would say the intent of setbacks
2 from the roads is for construction basis mostly.

3 COMMISSIONER CHRISTMANN: Okay. And then the
4 setbacks from water bodies, is that basically to protect
5 the water bodies or is it a --

6 THE WITNESS: Yes, I'd --

7 COMMISSIONER CHRISTMANN: -- for fear of people
8 working that close to the water bodies?

9 THE WITNESS: Well, that was another provision
10 that was in the 1982 comprehensive plan so, you know, we
11 just -- basically, it was an inclusion.

12 COMMISSIONER CHRISTMANN: Okay. And then the
13 mile and a half from residences, that's a safety issue
14 for the residences?

15 THE WITNESS: I wouldn't say it's a safety
16 issue. I would just say it's an issue where there were
17 people that wanted it a distance from their house
18 further than the current ordinance had. There were a
19 lot of people that requested two miles, three miles,
20 five miles. Some people requested even more. We did
21 our best as a commission to come up with a distance that
22 we felt was at least applicable but yet still gave
23 landowners some sort of comfort that it was far enough
24 from their house.

25 COMMISSIONER CHRISTMANN: For a residence, who

1 has to sign the waiver if there's a rental? Is it the
2 person living there or the person who owns the property?

3 THE WITNESS: It describes anything as an
4 established residence so it would probably basically be
5 any area that has a 911 address, you know, some kind of
6 facility.

7 To be clear on that, the reason why we did that
8 in Emmons County is because there are residences in the
9 county that people don't reside in full time. There's
10 farms that people have inherited. It's their parents'
11 place, they live in Fargo, but they come out here six
12 months out of the year, eight months out of the year.
13 They don't like the winter here. But they come out,
14 they plant trees, they maybe graze cattle for the
15 summer, things like that.

16 And so we wanted to make sure that we included
17 that as well, because those people also had concerns
18 that -- that they may live there one day. A lot of them
19 have plans to live there one day and they don't want to
20 build a home next to something that they feel is going
21 to impact their property or their enjoyment of it.

22 COMMISSIONER CHRISTMANN: I was thinking more
23 of, you know, the farm family that retires, maybe moves
24 to Bismarck, maybe they move to Arizona, rent the land
25 out to a neighbor who has their own farm. So the house

1 gets rented out to somebody who works here in town, just
2 wants to live out in the country. They rent the house.
3 This pipeline -- and maybe the landowner is okay with
4 it.

5 Who has to sign that waiver if it's a mile and a
6 half from that house? The person renting and living
7 there or the person who owns that house?

8 THE WITNESS: I would say the person that the
9 property is deeded to.

10 COMMISSIONER CHRISTMANN: Okay. And up in
11 Mercer County, we don't have organized townships. And
12 so when I got in the legislature is when I first started
13 learning about organized townships. So, sorry, I don't
14 know the answer to this. Do you have organized
15 townships in Emmons County?

16 THE WITNESS: We have one.

17 COMMISSIONER CHRISTMANN: One.

18 THE WITNESS: It's in the northeast corner of
19 the county, north of Kintyre.

20 COMMISSIONER CHRISTMANN: So it's probably not
21 too much of a factor, but I'm just curious, do they have
22 their own ordinances?

23 THE WITNESS: To my knowledge, no.

24 COMMISSIONER CHRISTMANN: Would you support some
25 of your other townships organizing and adopting their

1 own ordinances?

2 THE WITNESS: Yes.

3 COMMISSIONER CHRISTMANN: And so something --
4 like if the township was where a pump station got
5 located, if that township had organized and said, "No,
6 we just don't want it here at all," you would be okay
7 with that?

8 THE WITNESS: I believe local government and
9 local control should control.

10 COMMISSIONER CHRISTMANN: Okay. I don't have
11 any other questions. Thank you.

12 ALJ HOGAN: Commissioner Haugen-Hoffart.

13 COMMISSIONER HAUGEN-HOFFART: I have no
14 questions.

15 ALJ HOGAN: Mr. Dawson.

16 SUBSTITUTE DECISIONMAKER DAWSON: Thank you,
17 Your Honor. I have no questions.

18 ALJ HOGAN: All right. Mr. Braaten, any
19 redirect?

20 MR. BRAATEN: Yes, Your Honor. Thank you.

21 REDIRECT EXAMINATION

22 BY MR. BRAATEN:

23 Q. Mr. Magrum, did you guys hold public hearings
24 when you were adopting the amendments that we've been
25 discussing?

1 A. Yes.

2 Q. And did you take input from the public the way
3 the Public Service Commission takes input from the
4 public before you made your decision?

5 A. Yes.

6 Q. Did you and the other commissioners make a
7 reasoned decision and adopt a new ordinance based on
8 that reasoned decision?

9 A. Yes.

10 Q. Did holding a public hearing in Linton on
11 June 4th present any difficulties for the Emmons County
12 Commission?

13 A. It did because today is typically our regular
14 county commission meeting day so we had to reschedule it
15 to yesterday.

16 Q. Okay. Was there any coordination about that
17 prior to the scheduling of this hearing?

18 A. Coordination seemed kind of limited.

19 Q. You had indicated a little bit ago that when we
20 started your testimony you'd asked for some
21 clarification on the meaning of perjury. Was that
22 because of these proceedings and confusion that arose
23 about what's happened in these proceedings?

24 A. Yes.

25 Q. Specifically in Mandan?

1 A. Yes.

2 MR. BRAATEN: No further questions.

3 ALJ HOGAN: Mr. Dublinske, any further
4 questions?

5 MR. DUBLINSKE: Just one, Your Honor.

6 RECROSS EXAMINATION

7 BY MR. DUBLINSKE:

8 Q. Commissioner Magrum, if -- let me ask this: the
9 route that Dakota Access is operating on today would not
10 be in compliance with the new setbacks you've adopted;
11 correct?

12 A. I can't speak to that. I'm not familiar with
13 the entire route.

14 ALJ HOGAN: Mr. Pelham, any other questions?

15 RECROSS EXAMINATION

16 BY MR. PELHAM:

17 Q. Mr. Braaten just asked you about the public
18 hearings held as far as the adoption of the amendments
19 and the ordinance and if input was taken, and I believe
20 you told me, sir, that some of the input that was
21 received by the commissioners at those meetings related
22 to property rights and safety; right?

23 A. Generally, yes.

24 Q. Anything else?

25 A. I guess I don't understand what you're asking.

1 Q. Was there anything else that was specifically
2 stated when you received input; when you, being the
3 commission, as a commissioner, received input at the
4 hearing as to whether or not to adopt the ordinance
5 amendment.

6 A. I would say property rights and safety concerns
7 were the primary issue as well as probably a lack of
8 trust in Summit themselves.

9 Q. As far as the safety aspect, did that play into
10 the determination as to the setback amounts that were
11 determined by the commission?

12 A. I would say no because none of us are safety
13 experts.

14 Q. So then how did you determine as a commission
15 the setback distances?

16 MR. BRAATEN: Objection. Asked and answered.
17 Calls for legal conclusions. Calls for attorney
18 product. Calls for attorney/client privileged
19 information with the state's attorney.

20 MR. DUBLINSKE: Your Honor, I --

21 MR. JORDE: Join.

22 MR. DUBLINSKE: I'm sorry, Mr. Jorde, did you
23 just say "joined"?

24 MR. JORDE: Yes.

25 MR. DUBLINSKE: Didn't mean to talk over

1 Mr. Jorde. But if -- I don't see how that can be
2 attorney/client privilege, Your Honor. We're talking
3 about a public decision in a legislative capacity to
4 pass an ordinance. I think that that question is
5 perfectly legitimate.

6 MR. BRAATEN: I think the language in the
7 question could be reasked in a way that would not be
8 objectionable.

9 ALJ HOGAN: Can you rephrase your question,
10 Mr. Pelham?

11 MR. PELHAM: Well, I mean, I would just add on
12 the witness has already testified that these were open
13 hearings and that there were no executive sessions. I'm
14 not asking him about input from -- from lawyers so I
15 think he can answer the question that was asked. I
16 don't know how else to ask the question.

17 ALJ HOGAN: Well, don't give us anything that
18 might be privileged or something you discussed with the
19 attorneys. So I think the bounds of the question are,
20 you know, what was discussed at the public meetings or
21 anything that would be in a public domain.

22 A. The setback distance was a collaborative effort
23 by the commissioners based on input that we received
24 from our people. We believe that, as elected officials,
25 our constituents should give us instruction on things.

1 We took the best information we could. Some of them
2 maybe were a little extreme, in our opinion, some maybe
3 weren't enough. Together with the five of us, we voted
4 on something and we unanimously passed it.

5 Q. (BY MR. PELHAM) Understood. I appreciate that
6 response.

7 And just a follow-up question as to your people.
8 Are you referring to your constituents as your people or
9 others?

10 A. Yeah, I -- the citizens of Emmons County, yes.

11 Q. Thank you, sir. I don't have any other
12 questions for you.

13 ALJ HOGAN: Mr. Schock, any questions?

14 Mr. Jorde, any additional questions?

15 MR. JORDE: Yes.

16 RE CROSS EXAMINATION

17 BY MR. JORDE:

18 Q. Sir, you were asked a series of questions of how
19 you received input or what input you received from the
20 citizens of Emmons County. And you mentioned that there
21 were a couple -- a couple areas. I just want to confirm
22 that (inaudible) did you also receive input, and also
23 yourself, along with the other commissioners, consider
24 promoting the orderly development of the county when you
25 were (inaudible) making the decision?

1 well as several open, public county commission meetings
2 where people testified on and off about different
3 opinions, beliefs.

4 We have a pretty open forum in Emmons County's
5 meetings. If you're a citizen and you show up, we try
6 and let you speak. People came up and spoke even on
7 things we didn't expect them to say. You know, they
8 were there that day, that was their opportunity.

9 So I would say two official meetings and then we
10 take input all the time.

11 Q. Okay. And the input you take, as you say, all
12 the time, that includes people -- by oral comments and
13 (inaudible) concerns, and also, I'm sure, you receive
14 written information from the various parties throughout
15 this process?

16 A. Yes. Our citizens contact us any way possible.
17 We're -- we're a rural county. Our commissioners are
18 very open. Like I said, I am -- I have a plumbing
19 business. I get input when I'm fixing people's sinks so
20 I -- it's kind of a non-stop process. But officially,
21 yes, we had several public hearings.

22 Q. You were asked some questions related to
23 non-potable water. And will you agree that under the
24 zoning laws and the powers you have for (inaudible)
25 zoning, that you also can consider observing

1 environmentally vulnerable areas?

2 A. I would say we could. I -- I don't -- I don't
3 want to speak to any kind of specific expertise, but we
4 -- we consider all things as county commissioners that
5 happen inside our county. If there's things that we see
6 could be an issue, we do our best to try and resolve
7 them.

8 Q. And also taking into account during this process
9 the county's ability to do zoning to preserve the
10 character and identity of your community, are those
11 things that went into and helped form this ordinance?

12 A. I would -- I would say very little. It's
13 probably not a specific concern, but it's one of many, I
14 suppose.

15 Q. Okay. And I guess that's my point. You were
16 being kind of narrowed down to basically the only things
17 that factored in were safety and property rights, but
18 it's true, sir, that as you went through all these
19 meetings, public meetings, the other input, the physical
20 documents received that you considered along with your
21 fellow commissioners, there's a multitude of factors
22 coming up with this ordinance; correct?

23 A. Yes. I think we try and take every factor into
24 consideration, especially those brought forward by our
25 citizens. There might be things we don't think of that

1 they do that, you know, can come along later. Like you
2 said, certain aspects of the county, the community, yes,
3 we -- as elected officials, we try and do our best to
4 consider all aspects.

5 Q. Thank you very much. Nothing further.

6 ALJ HOGAN: Any additional commissioner
7 questions?

8 COMMISSIONER HAUGEN-HOFFART: I have a question.

9 ALJ HOGAN: Commissioner Haugen-Hoffart.

10 COMMISSIONER HAUGEN-HOFFART: Thank you.

11 Commissioner Magrum, when you've gone through
12 extensive public input and taken that into
13 consideration, I'm just curious, did you contact other
14 counties in developing this as far as looking at, you
15 know, setbacks and that, you know, like Oliver,
16 Burleigh, Morton?

17 THE WITNESS: I didn't specifically reach out to
18 anybody. I know other commissioners probably did. You
19 know, that was a part of the whole process and having
20 five of us, is there were different avenues and levels
21 of research. I know the neighboring counties, except
22 for Burleigh, are in similar situations with us where
23 they have pretty loose rural ordinances that usually
24 don't get addressed until something becomes an issue.
25 So we were, you know, probably a little bit in our own

1 league, other than comparing us to a bigger county such
2 as maybe Burleigh or something.

3 So, no, I didn't specifically reach out to
4 another county.

5 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you.
6 No further questions.

7 ALJ HOGAN: Any other questions?

8 All right. Thank you, Commissioner Magrum.

9 Mr. Braaten, do you have other witnesses?

10 MR. BRAATEN: I do not, Your Honor.

11 ALJ HOGAN: Okay. Well, we're going to -- why
12 don't we take our morning break and I will collect the
13 sign-in sheets, and when we return we'll do public
14 testimony. Let's reconvene at 10:30.

15 (Recess)

16 ALJ HOGAN: All right. As I indicated before
17 the break, we are going to now take public testimony.

18 If you would like to make -- or provide public
19 testimony today, I'd ask that you start making your way
20 to the front of the room. If you choose to testify
21 today, I'll ask you to come up to the witness table.
22 You will be sworn in like Mr. Magrum was and subject to
23 questions from all the parties along with the
24 commissioners today.

25 If you are a landowner, if you could start your

1 comments by providing a township, range, and section of
2 your property, that's always helpful for the
3 commissioners. Likewise, if you represent a group or an
4 entity, if you could identify the entity or group that
5 you are representing.

6 And I'd ask that you please keep in mind that
7 you are providing testimony in an evidentiary hearing.
8 It's not an opportunity to question the other parties,
9 witnesses, or commissioners. It's your opportunity to
10 provide information or evidence to the Commission.

11 And I'd ask that you please limit your testimony
12 to the areas that I indicated at the beginning of the
13 hearing that this matter is here to discuss. Likewise,
14 we have lots of people that have indicated they'd like
15 to provide public testimony today, which is great, but I
16 would ask that you please do not repeat concerns or
17 issues that somebody else has previously testified to.
18 You can just indicate that you agree with that prior
19 testimony. If the point has been made, the Commission
20 will consider it. Also, the testimony, including the
21 public testimony taken at our prior hearings, is still
22 part of the record for this case so there is no need to
23 provide that testimony again. The Commission is looking
24 for new evidence and new testimony that has not
25 previously been made.

1 And given the number of individuals that would
2 like to provide testimony today, I'd ask that you limit
3 your testimony to ten minutes. If you run longer than
4 ten minutes, I will kindly ask you to wrap up your
5 testimony. Today the Commission does want to hear from
6 as many people as possible. So to keep things moving, I
7 would ask that you please respect or keep your comments
8 or testimony to ten minutes.

9 So, with that in mind, do I have somebody that
10 would like to volunteer to go first?

11 Good morning. I'll take those. I can hand them
12 out. Thank you. First I'm going to ask if that
13 microphone is on. Do you have a green light?

14 JULIA STRAMER: I do.

15 ALJ HOGAN: All right. And can I get your name?

16 JULIA STRAMER: Julia Stramer.

17 ALJ HOGAN: Do you want to spell your last name?

18 JULIA STRAMER: S-T-R-A-M-E-R.

19 ALJ HOGAN: Ms. Stramer, were you in the room
20 this morning when I went through the penalties for
21 perjury?

22 JULIA STRAMER: I was.

23 ALJ HOGAN: And do you understand what perjury
24 is?

25 JULIA STRAMER: I do.

1 ALJ HOGAN: And being advised of the potential
2 penalties for perjury, do you promise to tell the truth
3 in this case today?

4 JULIA STRAMER: I do.

5 ALJ HOGAN: All right. I'll have you pull the
6 mic closer so we can hear you better. And I see that
7 you handed out some public comments --

8 JULIA STRAMER: Yes.

9 ALJ HOGAN: -- or written testimony. There's no
10 need to read this whole thing. It probably would be
11 most helpful if you could just highlight your major
12 concerns for the commissioners rather than reading all
13 of this for us this morning.

14 JULIA STRAMER: I get super nervous and I would
15 prefer to read, please.

16 ALJ HOGAN: Okay. This is ten pages long so --

17 JULIA STRAMER: Yes.

18 ALJ HOGAN: -- I'm concerned you're not going to
19 get through that in 10 minutes.

20 JULIA STRAMER: I'll read it fast.

21 ALJ HOGAN: Okay. Go ahead.

22 **JULIE STRAMER,**
23 being first duly sworn, testified as follows:

24 JULIA STRAMER: It's all new information. Did
25 you need the legal description at this time or --

1 ALJ HOGAN: Yes, please.

2 JULIA STRAMER: I have it written on the papers
3 I gave to you.

4 ALJ HOGAN: Why don't you just read it?

5 JULIA STRAMER: Emmons County township 135
6 north, range 76 west, section 26, E2E2 and W2E2.
7 Representing the Kertzman Farm Trust and the Dwight and
8 Wanda Kertzman Farm Trust.

9 Thank you, Commissioners, for hearing us in
10 Emmons County today. Appreciate that.

11 I've lived in Hazelton all of my life and my
12 family owns fourth generation cropland four miles east
13 of Hazelton in Emmons County. The proposed pipeline
14 would cut our property in half diagonally and would be
15 about 1,800 feet from the yard. This pipeline would
16 ruin development of our land for all future generations.

17 Here's the property and this is the proposed
18 pipeline cutting it right in half.

19 We were sent the first easement contract in
20 November of 2021. The amount of compensation was
21 insulting as was the language of the contract. We were
22 sent six more identical contracts, then an eighth. On
23 11 -- on July 11, 2022, we received our first threat
24 letter from Summit's right of way manager. On July 29,
25 2022, Summit's lawyers informed us that they were to

1 initiate legal action and advised us to retain an
2 attorney.

3 We did hire an attorney. If we were to take the
4 largest easement offer per year of the 99 easement years
5 and apply it towards the lawyer bill so far, it would
6 take us 27.71 years to pay it off. This would make me
7 92 years old before that was even paid off. And here's
8 my math.

9 At an early Summit meeting in Hazelton about two
10 years ago, I sat and listened to Wade Boeshans, Summit's
11 EVP, and others pitch their pipeline project. What was
12 said and what was real at that time were not the same.
13 I became disgusted and got up and walked out of the
14 meeting. As I was walking out to the parking lot, two
15 of Summit's people were following me. They confronted
16 me and demanded to know who I was and who my land agent
17 was. I told them nothing and got in my car and left.
18 And one of the land agents was one of their people that
19 was at the meeting and the other was Julie DiMeo, the
20 right of way manager.

21 Early on in this project we were aware of how
22 Summit's agents and representatives entered private
23 property without permission. For intimidation, they
24 arrived in out-of-state motorcades with their entourage,
25 including bodyguards who wouldn't speak and a film crew

1 and sometimes boring crews. We were on constant watch
2 to see if we would be next and we waited for the bullies
3 to invade our land, and I prayed that, when it happened,
4 I would have enough phone battery to call the sheriff
5 and when I'm standing out in the field I could call my
6 lawyer. I kept notes to myself in the back of the phone
7 so when the time came I followed my nine steps so I
8 could protect myself.

9 In several publications then we were called "the
10 radical landowners." We have also been compared to the
11 DAPL pipeline protesters. But we like pipelines. We
12 like water and fuel and gas and electrical and power and
13 services and all of the things that pipelines bring.
14 This potential pipeline brings only a senseless draining
15 of our resources and provides us with nothing but
16 constant dread.

17 Summit repeatedly states that they cover
18 liability for the pipeline. Our first easement contract
19 states in very small writing, and I'll read it to you,
20 "Landowner acknowledges and agrees that it releases and
21 forever discharges company from all damages and claims
22 relating to the pipeline." Did you hear that?
23 "Landowner acknowledges and agrees that it releases and
24 forever discharges company from all damages and claims
25 relating to the pipeline." That was the easement

1 contract they sent us and expected us to sign.

2 Then the actual wording in our latest easement
3 contract states "Company shall pay in- -- indemnify and
4 hold landowner harmless for any loss, damage, claim, or
5 action resulting from company's use of the easement."
6 From company's use of the easement.

7 Then we received the five-page letter from Jimmy
8 Powell, the form letter. Every single page is vague and
9 lawyered up and not truthful. So what he talks about in
10 his insurance comments, "Summit Carbon Solutions is
11 responsible for any and all liability associated with
12 the pipeline construction and operation." That's what
13 it says. Associated with pipeline construction and
14 operation.

15 So what I am reading is that there is no
16 liability coverage for farm equipment accidents,
17 weather-related catastrophes, landslides, earthquakes,
18 acts of God, human error, personal injury, loss of
19 livestock or loss of life. There is no protection for
20 the landowner if something happened now or 99 years from
21 now when Summit is long gone, has sold out, gone
22 bankrupt, or has abandoned the project when the money
23 dried up.

24 The insurance policy for our land has a
25 pollution exclusion and we will not commit -- and they

1 will not commit to cover anything related to a CO2
2 pipeline. We have been advised that even if we never
3 sign an easement and Summit takes our land by eminent
4 domain, we could still be liable for incidents and
5 lawsuits arising from the pipeline on our land for the
6 next 99 years. This is a letter from the insurance
7 company.

8 In that same five-page letter, Summit,
9 Mr. Powell, he states that CO2 will permanently and
10 safely be stored underground. Humans cannot predict the
11 future. This science experiment has never been done
12 before.

13 He goes on to state that there are many existing
14 pipelines in the Bismarck area, etcetera, etcetera.
15 Yes, there are many pipelines, but none of them are near
16 the size and pressure and danger of this pipe and it
17 cannot be compared to anything that is known. It's like
18 comparing a slight breeze to a tornado. Both move air,
19 but one is helpful and the other one is a catastrophe.
20 This pipe is only four feet deep. We bury people deeper
21 than that.

22 Mr. Powell declares in his letter also "There
23 have been zero fatalities and only a single injury
24 associated with CO2 pipelines in the last 25 years." So
25 is he saying that all 45 of the people who were injured

1 and hospitalized in Mississippi during that pipeline
2 rupture conspired or lied about the whole thing? How
3 can he state that in a letter?

4 This pipeline route is 1.8 miles from Hazelton.
5 Our fearless local volunteer firefighters and EMTs will
6 be powerless to deal with a CO2 disaster. This PSC
7 should be very concerned that it is planned to be built
8 only 1.8 miles from our population of 300 plus 97
9 students and staff at our school.

10 So here's their Emmons County map. Distorted.
11 Here's their distorted Emmons County map. Linton's in
12 the middle. Right up here, if you use some -- a lens,
13 you can see teeny-weeny, tiny writing of "Hazelton"
14 right there. And here's the pipeline. 1.8 miles from
15 Hazelton.

16 Also in his letter Mr. Powell states that
17 pipelines have not materially impacted property values.
18 There's no current data to reflect any information on a
19 24-inch toxic pipe because there's no data. There
20 hasn't been one before. No person with a choice would
21 choose a property with this pipeline over one without.
22 Anyone who is buying a property would certainly pay less
23 for a piece of land with this type of risk involved. If
24 this thing gets built and when the first accident
25 happens and news of it gets out, our properties could

1 become worthless.

2 It is not possible for a project of this
3 magnitude to be built without mistakes. A simple house
4 is not built without mistakes. A five-state, 2,000-mile
5 pipeline is an accident waiting to happen.

6 Mr. Powell in his letter goes on to describe
7 their high regard for cultural resources. So over a
8 year ago I testified at the first Emmons County PSC
9 hearing. If you remember, I was the one that had those
10 big rocks in my purse and I set them up here. Those
11 were cultural resources from our land. And I brought
12 some of the -- some of the items with and showed them
13 and set them here. Summit was sitting right over here.
14 They saw it all. After that hearing and to this day
15 there has been zero follow-up, no questions asked, no
16 letters or calls or any interest whatsoever from anyone
17 about the artifacts from the land. Summit has no regard
18 for our cultural resources.

19 Summit as a whole is a master manipulator with
20 words and promises that are not kept. I do not believe
21 anything they say. As children, we learn that people
22 who keep telling us lies are known as liars. I do not
23 trust them with my life and I do not trust them with the
24 lives of my children or my grandchildren. We cannot
25 allow this dishonest and misleading organization to

1 build a life-threatening monstrosity.

2 We submitted a request for a reroute nearly a
3 year ago and it was completely ignored. Summit states
4 that it was committed to pursuing good faith
5 negotiations with landowners in an attempt to reach
6 agreements. Wade Boeshans repeatedly states at public
7 meetings that "If you don't want it on your land, we can
8 move it." Governor Burgum states, "If you don't want
9 it, let the neighbor get the big check." Well, I have
10 informed Governor Burgum that we have not received an
11 offer of the big check.

12 We have again and again requested a reroute,
13 actually ten times; one time by our lawyer, three by
14 email, and six by certified mail with return receipt.
15 We did not receive a single phone call, letter, or any
16 communication with Summit regarding a reroute, not even
17 an acknowledgment of the requests.

18 I question their claim of moving it 5,000 times.
19 What happened to their testifying under oath that the
20 landowner is in charge and Mr. Boeshans' claim of "We'll
21 treat you right"?

22 So then just 13 days ago our lawyer received a
23 letter from Summit's attorney, Mr. Bender, stating that
24 Summit tried to communicate with us approximately 11
25 times about this reroute -- 11 times -- and that they

1 would not -- and that we wouldn't engage with Summit's
2 representatives. They have not contacted us in any way,
3 by phone, mail, agent, or representative. Not even one
4 time. If they're counting the eight easements that they
5 sent us by FedEx two years ago and the three threat
6 letters we received from their attorneys, then, yeah,
7 that's 11 times.

8 The letters to our lawyer also requested written
9 permission from us to survey the property in order to
10 determine whether the proposed reroutes are feasible.
11 They made the whole route plan without surveys. They
12 don't need a survey again to move it off my property.
13 Here's a letter from the attorney.

14 At the Friends of Ag and Energy meeting on April
15 18th, 2024, at BSC, speaker Scott Hennen stated at 46
16 minutes into the meeting, quote, "90 percent of
17 landowners have said 'yes' and have gotten upfront
18 payments. This is directly from the PSC who gets
19 reports from the pipeline company. It's in the filing,"
20 unquote. On April 22nd, three days later, at the
21 Burleigh County commission -- the Burleigh PSC hearing
22 in Mandan, Mr. Powell was questioned about this
23 90 percent and he confessed that it was not 90 percent.
24 And from what I have observed and known, I believe
25 Summit has been doctoring up the sign-up data from day

1 one.

2 At that same meeting, Scott Hennen states that
3 Summit Carbon Solutions fired 50 or more agents or
4 representatives because of the way the early easements
5 were obtained with threats. And I would surmise that
6 the early agents were advised by upper management. The
7 chief operating officer and the executive vice president
8 were not fired and the right of way manager was not
9 fired.

10 At the recent Burleigh PSC hearing, State
11 Representative Mike Brandenburg made light of the
12 seriousness of the easements by referring to the first
13 easy signups as "Summit's cherry-picking." If Summit
14 was truly concerned about the way the first easements
15 were acquired, they should go back to the landowners who
16 signed under duress and release them from their
17 contract. Honestly, what percent of these easements
18 were volunteer? I believe that if the landowners knew
19 the dangers and risk involved, this number should be
20 zero.

21 Another petty and unprofessional way that Summit
22 uses deception is by distorting the county and state
23 maps. They have done this from the beginning and
24 they're still doing it. And I have no doubt that this
25 is done for the benefit of Summit and maybe so -- so the

1 route looks further away from Bismarck and it looks
2 further away from Hazelton and other cities and it's to
3 keep us uninformed of where the route actually is.

4 So this is an early Summit map of North Dakota.
5 Here's Burleigh County. All distorted, Burleigh County.
6 Here's Emmons County. Look at this. Emmons County,
7 here's Linton, here's the pipeline. They took Hazelton
8 right off the map. It's not even on there. Right there
9 is Hazelton. Right by the pipeline. This is their map.
10 So here's our Emmons County map. This is the official
11 Emmons County map. Here's their North Dakota map.
12 Here's the North Dakota tourism map.

13 ALJ HOGAN: Ms. Stramer?

14 JULIA STRAMER: Yes?

15 ALJ HOGAN: I'll ask that you please wrap up
16 your comments.

17 JULIA STRAMER: Okay. Okay. I will wrap it up.

18 On the day of the initial route permit denial,
19 these are the reasons for your denial. You issued this
20 news release. And the issues that you were concerned
21 about because you denied their permit was concerns about
22 eminent domain, safety, sequestration, setbacks,
23 irreparable harm, ability to obtain liability insurance,
24 adverse effects on the value of the property, and the
25 Commission felt that Summit has not taken steps to

1 address outstanding legitimate impacts and concerns
2 expressed by landowners or demonstrated why a reroute
3 was not feasible.

4 So those are those reasons that -- of our denial
5 a year ago. None of those things have changed. None of
6 those things have changed. Considering that and using
7 common sense, it's not possible to approve this route
8 permit.

9 Since -- since your denial, we have seen only
10 more of the same bad practices, poor conduct, and
11 unorganized behavior from Summit. For nearly three
12 years we have witnessed their hurried mismanagement, and
13 we can assume that building of this pipeline would be
14 the same.

15 Please, Commissioners, we sincerely implore you
16 again to deny the Summit route permit.

17 ALJ HOGAN: Thank you.

18 Any questions, Mr. Gludt?

19 MR. GLUDT: No, Your Honor.

20 ALJ HOGAN: Mr. Pelham.

21 MR. PELHAM: I don't have any questions for you.

22 Thank you, ma'am.

23 ALJ HOGAN: Mr. Braaten.

24 MR. BRAATEN: No, Your Honor.

25 I would just note real quick, though, that I got

1 an email from Mr. Jorde and I don't know if he's able to
2 connect, but this is one of his witnesses.

3 ALJ HOGAN: Do we have audio?

4 Mr. Jorde, can you hear me?

5 MR. JORDE: Yes. Can you hear me?

6 ALJ HOGAN: Yep. Do you have any questions?

7 MR. JORDE: Yeah. Before this started, I was
8 trying to get attention but -- let's see.

9 Ms. Stramer, is Mitch Kertzman, is he going to
10 testify later today after the public comment period?

11 JULIA STRAMER: Yes, he is.

12 MR. JORDE: Okay. Very good. Then just limited
13 for you. The cultural resources picture, you held up
14 two photographs of cultural resources. Have you
15 submitted those to the PSC or sent them in or provided
16 them?

17 JULIA STRAMER: At the first Emmons County PSC
18 hearing Mr. Leibel had my statements. There were not
19 photographs in there; however, all my statements were in
20 there and words that talked about the cultural
21 resources.

22 MR. JORDE: Okay. I guess I would just ask if
23 you would be willing to pull those two --

24 JULIA STRAMER: Yes.

25 MR. JORDE: -- photos out --

1 JULIA STRAMER: Absolutely.

2 MR. JORDE: -- (indiscernible) photos.

3 JULIA STRAMER: It's three photos.

4 MR. JORDE: And -- there are three photos?

5 JULIA STRAMER: Yes.

6 MR. JORDE: Yep. And then if you could just
7 request that -- assuming you want them part of the
8 record, request that they be made part of the record and
9 then you can give them to the PSC. Okay?

10 JULIA STRAMER: Yes. Certainly.

11 MR. JORDE: Okay. So you're requesting those
12 three photographs to be made part of the record here?

13 JULIA STRAMER: You're asking me that?

14 MR. JORDE: Yes.

15 JULIA STRAMER: Yes, uh-huh.

16 MR. JORDE: Okay. All right. Very good. So
17 then I guess I would move the admission of those three
18 or have those three photographs uploaded with the
19 document you just provided the PSC, ma'am.

20 And, with that, I don't have anything further.
21 Thank you.

22 ALJ HOGAN: Mr. Jorde, all the documents that
23 have been coming in as part of the public testimony,
24 I've been including them as one exhibit. So I would
25 probably just include them with that documentation.

1 Is that acceptable to you?

2 MR. JORDE: Yeah, just those three photos are
3 the only things that I understood --

4 ALJ HOGAN: Okay.

5 MR. JORDE: That would be fine.

6 ALJ HOGAN: You can give them to me and I'll
7 include them with your written comments.

8 JULIA STRAMER: Okay. I don't have anything
9 written on there (inaudible).

10 ALJ HOGAN: That's fine. I'll include it with
11 this so...

12 All right. Commissioner Christmann, any
13 questions?

14 COMMISSIONER CHRISTMANN: I do.

15 And this first part, I probably asked you this a
16 year ago, but rather than me researching my records,
17 maybe you can just explain it again.

18 So you have land in section 26. I'm looking at
19 that map and I'm looking at an aerial map. Do you have
20 the east half of section 26? Do I understand that
21 correctly? These two quarters?

22 JULIA STRAMER: Yes, these two quarters. Are
23 you looking at map 26?

24 COMMISSIONER CHRISTMANN: Yes.

25 JULIA STRAMER: Okay. Yep, it shows on there --

1 COMMISSIONER CHRISTMANN: The east half of that
2 whole section or do you own two 40s?

3 JULIA STRAMER: It's two quarters.

4 COMMISSIONER CHRISTMANN: Okay. And --

5 UNIDENTIFIED SPEAKER: (Inaudible).

6 JULIA STRAMER: Yes.

7 COMMISSIONER CHRISTMANN: And I don't see a
8 residence there. Is your residence on a different
9 section?

10 JULIA STRAMER: The farm and the yard is right
11 here.

12 COMMISSIONER CHRISTMANN: Over in section 25?

13 JULIA STRAMER: It's in 26. Right there is the
14 farm and the yard.

15 COMMISSIONER CHRISTMANN: Oh, okay. I see it
16 now.

17 JULIA STRAMER: There's the yard. It's
18 1,800 feet from the yard.

19 COMMISSIONER CHRISTMANN: Okay. So then I got
20 that. And you showed a lot of maps and mentions of
21 Hazelton.

22 JULIA STRAMER: Uh-huh.

23 COMMISSIONER CHRISTMANN: In my notes as I
24 looked at these, and mine is not a map of, like, the
25 whole county, it's piece by piece as the pipeline goes

1 across the landscape, I made a note on here -- I just
2 want to see if I figured this out when I was combing
3 through this when we first received this whole book of
4 maps. Where this pipeline angles across yours and then
5 comes out on the west side of section 26, I put a note
6 there that that looked like it was about -- that
7 Hazelton was about three or four --

8 JULIA STRAMER: Yes.

9 COMMISSIONER CHRISTMANN: -- miles farther west.

10 JULIA STRAMER: Correct.

11 COMMISSIONER CHRISTMANN: So that would be the
12 close point. So it's about either three or four,
13 roughly, miles --

14 JULIA STRAMER: From Hazelton.

15 COMMISSIONER CHRISTMANN: Okay.

16 JULIA STRAMER: Okay.

17 COMMISSIONER CHRISTMANN: I wasn't sure if your
18 testimony was that this is real close to Hazelton --

19 JULIA STRAMER: The pipeline itself is 1.8 miles
20 from Hazelton. My property is nearly four miles from
21 Hazelton.

22 COMMISSIONER CHRISTMANN: Okay. Thank you for
23 that. No other questions.

24 ALJ HOGAN: Commissioner Haugen-Hoffart.

25 COMMISSIONER HAUGEN-HOFFART: Thank you.

1 I did not bring all my books with me so I'm
2 going to go on page 6 and the third paragraph. As part
3 of some of the information we have received has been
4 correspondence between a landowner and Summit Carbon.
5 And I'm just wondering, has that letter been submitted
6 to the PSC for -- in any of our documents?

7 JULIA STRAMER: Which letter?

8 COMMISSIONER HAUGEN-HOFFART: The correspondence
9 between you and your attorney to Summit on the reroute
10 that you suggest --

11 JULIA STRAMER: Oh, yes.

12 COMMISSIONER HAUGEN-HOFFART: And then this
13 letter, just 13 days ago you received correspondence --

14 JULIA STRAMER: Yes.

15 COMMISSIONER HAUGEN-HOFFART: -- from Summit's
16 attorney. Has that been submitted to us? We have
17 received numerous documentation --

18 JULIA STRAMER: Well, less than 48 hours ago
19 they did another talk about reroute, which means nothing
20 to me because it's a red line on a piece of paper, still
21 on my property. Changes nothing. 48 hours ago this
22 happened. And, yes, my attorney is aware of that.

23 COMMISSIONER HAUGEN-HOFFART: And your attorney
24 is Mr. Jorde?

25 JULIA STRAMER: Yes.

1 COMMISSIONER HAUGEN-HOFFART: Okay. So would
2 you say you're right now in negotiations with Summit on
3 a reroute?

4 JULIA STRAMER: No. Well, there has been no
5 contact with a representative or an agent. Summit just
6 sent my lawyer a piece of paper. I have it right here.

7 COMMISSIONER HAUGEN-HOFFART: Just for
8 clarification, is Mr. Jorde still on? Because the
9 screen is black. Okay.

10 MR. JORDE: Yes.

11 COMMISSIONER HAUGEN-HOFFART: Okay. Thanks.

12 JULIA STRAMER: So this is what we -- we -- my
13 lawyer received less than 48 hours ago, them showing
14 they're trying to consider a reroute pending this and
15 that and the other. And all they did was move it.
16 Instead of cutting my property across this way, they're
17 cutting it across this way on the southern part. It
18 changes nothing for us.

19 COMMISSIONER HAUGEN-HOFFART: It's hard to see
20 what you're doing.

21 JULIA STRAMER: Yep.

22 COMMISSIONER HAUGEN-HOFFART: So instead of
23 diagonally, they're cutting --

24 JULIA STRAMER: Straight across --

25 COMMISSIONER HAUGEN-HOFFART: -- straight

1 across.

2 JULIA STRAMER: -- the bottom.

3 COMMISSIONER HAUGEN-HOFFART: What's that land
4 used for?

5 JULIA STRAMER: Small grains, cropland.

6 COMMISSIONER HAUGEN-HOFFART: Okay. Okay. I
7 have no further questions. Thank you.

8 ALJ HOGAN: Mr. Dawson, any questions?

9 SUBSTITUTE DECISIONMAKER DAWSON: No, Your
10 Honor. Thank you.

11 JULIA STRAMER: Thank you.

12 ALJ HOGAN: All right. Thank you --

13 JULIA STRAMER: Thank you.

14 ALJ HOGAN: -- Ms. Stramer.

15 Who would like to go next? Come on up whoever
16 wants to go next.

17 Good morning. I'll have you start by stating
18 your full name and spelling your last name for the
19 record.

20 KARI CURRAN: I'm Kari Curran. It's
21 C-U-R-R-A-N.

22 ALJ HOGAN: And, Ms. Curran, were you in the
23 room earlier when I went through the penalties for
24 perjury?

25 KARI CURRAN: Yes.

1 ALJ HOGAN: And do you understand what perjury
2 is?

3 KARI CURRAN: Yes.

4 ALJ HOGAN: Being advised of the potential
5 penalties for perjury, do you promise to tell the truth
6 in this case today?

7 KARI CURRAN: Yes.

8 ALJ HOGAN: All right. Thank you. You might
9 want to pull the mic a little bit closer so we can hear
10 you.

11 COMMISSIONER CHRISTMANN: Your Honor, I missed
12 her first name.

13 ALJ HOGAN: Kari.

14 KARI CURRAN,
15 being first duly sworn, testified as follows:

16 KARI CURRAN: So I'm Kari Curran. I will be a
17 landowner of a life estate of the south half of the
18 southwest quarter, section 11, township 130, range 58,
19 and the northwest corner of the northwest quarter of
20 section 14, township 130, range 58 in Jackson Township,
21 Sargent County.

22 The Summit Carbon pipeline is proposed to run
23 through it. I believe we shouldn't be messing with it.
24 We need to protect our farmers and their land from
25 Summit and any other company that comes and tries to

1 take over even one inch of that land for their own
2 benefit.

3 I am also very concerned specifically for my
4 mom's welfare. She has recently been widowed and is now
5 having to fight a big company for land that is already
6 in her possession. Letting them take it will open up
7 her land for grabs by many other companies claiming it's
8 for the common good.

9 How can North Dakota let this happen? This is
10 her livelihood we are talking about. She has scrimped
11 and scraped all her life, and now Summit Carbon
12 Solutions wants to come and take what little she does
13 have. She has been worried for two years now, fighting
14 to keep what is rightfully hers, questioning how is she
15 going to pay a lawyer to fight for what is already hers?

16 How will she escape if there's a leak? Will she
17 get renters in the hills where the cows will be next to
18 this dangerous pipeline threatening their herd? Will
19 Summit block the cows from the stock pond while they are
20 constructing the pipeline? What about her new fence
21 that was just built and finally paid for? Who will man
22 the gates for the cows while all these people are
23 milling around out there? Certainly she won't be able
24 to manage renting the land while this is constructed.
25 How will she deal with losing rent money and pay for her

1 living expenses? What will they do with all the rocks
2 they dig up?

3 She has had to limit her travel to visit family
4 in order to pay a lawyer to fight for her future. This
5 is rugged terrain and can't even be traversed with a
6 tractor during certain times of the year. The cows have
7 to be moved down by the house during these times. You
8 would need a helicopter to get out there if there was a
9 leak. There is no road.

10 And there will be a leak. The frost lines are
11 always shifting. This is a sensitive environment with
12 native prairie grass and flowers, tepee rings and old
13 Native American burial sites. Huge rocks push to the
14 surface.

15 If this dangerous pipeline is allowed to go
16 through here and run 500 feet from my mother's bedroom
17 window, you will have my mother's and possibly me and my
18 family's blood on your hands, just for a private
19 company's profit. We take all the risk with no reward.
20 How much is your mother's life worth to you?

21 Thank you.

22 ALJ HOGAN: Hang on, we got to go through
23 questions.

24 Mr. Gludt, any questions?

25 MR. GLUDT: No, Your Honor.

1 ALJ HOGAN: Mr. Pelham.

2 MR. PELHAM: No.

3 ALJ HOGAN: Mr. Braaten.

4 MR. BRAATEN: No, Your Honor.

5 ALJ HOGAN: Mr. Jorde, any questions?

6 MR. JORDE: Yes.

7 Ma'am, who's your -- what's the name of your
8 mother?

9 KARI CURRAN: Valera Hayen.

10 MR. JORDE: Okay. And there's a binder in front
11 of you, or at least I hope there's a binder in front of
12 you, that should have --

13 ALJ HOGAN: Mr. Jorde, there's no binder.

14 MR. JORDE: Okay. So maybe the exhibits didn't
15 get here from the other hearings.

16 Have you talked to your mother about potential
17 reroutes and more appropriate routes given the terrain
18 and Native American artifacts, the challenges, and the
19 location of residences?

20 KARI CURRAN: Yes.

21 MR. JORDE: Okay. And are you aware if she
22 submitted recently an exhibit relative to potential
23 reroutes that she's discussed with the township
24 supervisor that would avoid all these issues?

25 KARI CURRAN: Yes.

1 MR. JORDE: Okay.

2 And, Your Honor, when you talked about it, I was
3 going to (inaudible), and I may or may not have offered
4 it, but if I didn't, I would offer Exhibit 54. And
5 those are Ms. Hayen's reroute suggestions in response to
6 Mr. Boeshans' prefiled testimony.

7 ALJ HOGAN: Give me the number one more time.
8 Did you say 54?

9 MR. JORDE: Yes, 5-4, 54.

10 ALJ HOGAN: I feel like you did, but I do not
11 see it on my list so I will put it on my list for today.

12 UNIDENTIFIED SPEAKER: I have a copy
13 (inaudible). One copy.

14 ALJ HOGAN: That's fine. We'll get it through
15 Mr. Jorde.

16 But is there any objection to 54?

17 MR. GLUDT: Is this the letter from Mr. Jorde to
18 Mr. Bender?

19 MR. JORDE: That's already in evidence. This is
20 a single page of a plat map with reroutes in response to
21 Mr. Boeshans. I used it with him yesterday and I
22 thought I offered it. I'm just cleaning it up for the
23 record here.

24 ALJ HOGAN: Oh, let me look at my other --

25 UNIDENTIFIED SPEAKER: Oh, hang on. I'm trying

1 to see if we have a -- I think Roseanne may have
2 uploaded a copy, but let me confirm.

3 ALJ HOGAN: Yeah, I have it marked as admitted
4 from yesterday. That's correct. I was looking at the
5 Wahpeton exhibits. But, yeah, it was admitted
6 yesterday.

7 UNIDENTIFIED SPEAKER: And we -- yeah --

8 MR. JORDE: Very good. Thank you. Then I don't
9 have anything further, Your Honor. Thank you.

10 ALJ HOGAN: All right. Commissioner Christmann,
11 any questions?

12 COMMISSIONER CHRISTMANN: Like the previous
13 lady, I think I got some of this information down in
14 Wahpeton already, but you said you have the south half
15 of the southwest quarter of section 11?

16 KARI CURRAN: Yes.

17 COMMISSIONER CHRISTMANN: And the northwest
18 quarter of? That's where I didn't --

19 KARI CURRAN: That's kind of confusing. The
20 northwest quarter of the northwest quarter of section
21 14, township 130, range 58.

22 COMMISSIONER CHRISTMANN: Which section?

23 KARI CURRAN: Section 14.

24 COMMISSIONER CHRISTMANN: Okay. And is this
25 where -- you don't live out here; right?

1 KARI CURRAN: I don't, no.

2 COMMISSIONER CHRISTMANN: But Valera does?

3 KARI CURRAN: She doesn't live up in the hills,
4 but she lives on another section where the pipeline will
5 be running 500 feet from her window.

6 COMMISSIONER CHRISTMANN: Where is that one?

7 KARI CURRAN: Section 12.

8 COMMISSIONER CHRISTMANN: Your Honor, could I
9 maybe come back, let the others ask questions? I want
10 to look up that one too --

11 ALJ HOGAN: Sure.

12 COMMISSIONER CHRISTMANN: -- to make sure I
13 don't have any other questions regarding that.

14 ALJ HOGAN: Commissioner Haugen-Hoffart.

15 COMMISSIONER HAUGEN-HOFFART: Thank you. I have
16 no questions for you.

17 ALJ HOGAN: Mr. Dawson.

18 SUBSTITUTE DECISIONMAKER DAWSON: No questions.
19 Thank you.

20 ALJ HOGAN: All right. We'll just pause for a
21 second and see if Commissioner Christmann can find --

22 COMMISSIONER CHRISTMANN: It was way at the west
23 side of section 12.

24 KARI CURRAN: Yeah.

25 COMMISSIONER CHRISTMANN: And you feel it's --

1 when you say "500 feet," is that the distance that shows
2 on the map? Is it -- 500 feet is an important number --

3 KARI CURRAN: Yes.

4 COMMISSIONER CHRISTMANN: -- because that's
5 within the code.

6 KARI CURRAN: Yeah.

7 COMMISSIONER CHRISTMANN: Are you saying it's
8 less than 500 feet or is it more? Do you have anything
9 more exact? Because if you're saying 1,100 feet, I
10 wouldn't be concerned, but since 500 feet is what's in
11 the code, it's really important.

12 KARI CURRAN: Yeah, I believe that information
13 has been submitted previous. I'm not exactly sure.

14 COMMISSIONER CHRISTMANN: We'll dig into it
15 then.

16 KARI CURRAN: Okay.

17 COMMISSIONER CHRISTMANN: Thank you so much for
18 being here.

19 KARI CURRAN: Thank you.

20 ALJ HOGAN: All right. Thank you, Ms. Curran.

21 All right. Whoever wants to go next, if you
22 could come forward.

23 Good morning. I'll have you start by stating
24 your full name and spelling your last name for the
25 record.

1 MIKE KLABO: My full name is Mike Klabo. Last
2 name is spelled K-L-A-B-O.

3 ALJ HOGAN: And, Mr. Klabo, were you in the room
4 this morning when I went through the penalties for
5 perjury?

6 MIKE KLABO: I was.

7 ALJ HOGAN: And do you understand what perjury
8 is?

9 MIKE KLABO: Yes.

10 ALJ HOGAN: And being advised of the potential
11 penalties for perjury, do you promise to tell the truth
12 in this case today?

13 MIKE KLABO: I do.

14 ALJ HOGAN: All right. Thank you. Go ahead.

15 **MIKE KLABO,**
16 being first duly sworn, testified as follows:

17 MIKE KLABO: Yeah, so I guess several concerns,
18 and I wasn't sure where this hearing was going to go
19 today. I actually was doing a little bit of preparation
20 as to the CO2 question. I had a lot of questions about
21 actually the CO2 implications for the -- for the ag and
22 those types of things.

23 The reason that I was looking at that is I was
24 concerned about eminent domain. Eminent domain, to me,
25 is dependent upon the categorization of a necessary

1 utility. So if Carbon Solutions pipeline does not go
2 through, if it did not go through, what would the
3 negative consequences be to people in Emmons County and
4 all the other counties where this pipeline is scheduled
5 to travel through?

6 To me, the eminent domain question should be one
7 of the main questions. We're asking landowners to give
8 up their land. And I think, especially in the last two
9 years, I think sometimes we forget the struggles that
10 people that live here on the land have gone through to
11 -- to establish their residences and establish their
12 holdings. These properties, these farms, are a legacy.
13 They're a family legacy.

14 My great grandparents homesteaded in the
15 St. Mike's area. I'm a history major among other
16 things. And I had a lot of detailed discussions with my
17 grandparents and my great grandfather. I heard stories
18 of seven years of no moisture, grasshoppers so thick
19 that they ruined the meat. If you ate a chicken on a
20 farmstead during the Depression, it was inedible. And
21 the people in this room are the byproduct and the
22 ancestors of the people that have worked so hard over
23 the last hundred years to establish themselves here.

24 I am very upset with how these people have been
25 treated, willy-nilly disregarded, things twisted around.

1 That is, to me, unconscionable, not acceptable. Filing
2 suit against the county rather than going through proper
3 protocols with local government is not acceptable.

4 I currently live on the Missouri River. I can
5 attest to the amount of recreation. I live one mile
6 south of Beaver Bay, and I can tell you there are boats
7 constantly in the Beaver Bay area, the Cattail Bay area.
8 The Hazelton boat ramp is absolutely swamped this time
9 of year. Has anybody given any consideration to the
10 fact that this pipeline crosses the river? What are the
11 implications? Do we really know and understand the
12 total implication if there's a rupture going across or
13 near the river? Do we really understand? Has anybody
14 really examined the implications in Mississippi when 45
15 people were injured? This is serious.

16 And the bottom line is everybody here that is
17 hearing this information should be working for or be
18 concerned about the people out here. These are the
19 people that determine how things go. We're a
20 representative government and the people that own the
21 land are the ones that should have the ultimate say.
22 And I think that gets lost in the equation.

23 I have no other comments, but I think we need to
24 really take a serious look at this. Look at the
25 environmental issues. Is this really necessary?

1 You know, I've done some research on agronomy.
2 The ideal levels of CO2 in an agronomy setting are
3 between 400 and up to 1,200, which enhances -- enhances
4 the growth of agronomy, various -- even marijuana,
5 whatever, whatever the case may be, it actually enhances
6 the growth of these crops. And I am not just sold on
7 the fact that CO2 is a villain. CO2 is plant food. End
8 of conversation. We need greenhouse grasses to keep the
9 heat in the atmosphere. I am just not sold on this at
10 all. I totally am not sold on it.

11 So, with that, I'm done.

12 ALJ HOGAN: All right. Mr. Gludt, any
13 questions?

14 MR. GLUDT: No, Your Honor.

15 ALJ HOGAN: Mr. Pelham.

16 MR. PELHAM: I don't. Thank you.

17 ALJ HOGAN: Mr. Braaten.

18 MR. BRAATEN: No, Your Honor.

19 ALJ HOGAN: Mr. Jorde.

20 MR. JORDE: No, Your Honor.

21 ALJ HOGAN: Commissioner Christmann.

22 COMMISSIONER CHRISTMANN: I have none, but thank
23 you for being here.

24 ALJ HOGAN: Commissioner Haugen-Hoffart.

25 COMMISSIONER HAUGEN-HOFFART: No questions.

1 MIKE KLABO: Thank you.

2 ALJ HOGAN: And Mr. Dawson.

3 SUBSTITUTE DECISIONMAKER DAWSON: No, Your
4 Honor. Thank you.

5 ALJ HOGAN: All right. Thank you, Mr. Klabo.

6 Whoever would like to go next, if you could come
7 forward, please.

8 Good morning, I'll have you start by stating
9 your full name and spelling your last name for the
10 record.

11 RON MATHERN: Good morning. My name is Ron
12 Mathern, M-A-T-H-E-R-N.

13 ALJ HOGAN: Mr. Mathern, were you in the room
14 this morning when I went through the penalties for
15 perjury?

16 RON MATHERN: I was, yeah.

17 ALJ HOGAN: And do you understand what perjury
18 is?

19 RON MATHERN: I do.

20 ALJ HOGAN: Being advised of the potential
21 penalties for perjury, do you promise to tell the truth
22 in this case today?

23 RON MATHERN: Yep.

24 ALJ HOGAN: All right. Thank you. Go ahead.
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RON MATHERN,

being first duly sworn, testified as follows:

RON MATHERN: I'm just doing a follow-up on -- I don't consider this CO2 a villain either. It keeps heat on the earth and on and on. But besides, you know, the -- that it's not a greenhouse gas, we can't afford it. We cannot pay the interest on our debt. There just was a guy on the radio last night, was talking about our debt is being sold to other countries. They're going to charge more interest. And so I don't understand. It's not necessary to create more debt. And the grids cannot handle it. There are several reasons here to really look at this really hard before we even consider putting in a pipeline.

Mine is short and sweet. I just want to back Ed, that I agree with him that it's -- when we had -- I had done some research too. We had levels as high as 2,000, I even read up to 6,000 parts per million at one time and the earth survived. Our temperature has come up 1 degree in the last hundred years. We are cooler now than we were 2,000 years ago.

So very basic -- I don't even know why this discussion should be talked about, that it's not a villain.

ALJ HOGAN: All right. Mr. Gludt, any

1 questions?

2 MR. GLUDET: No, Your Honor.

3 ALJ HOGAN: Mr. Pelham.

4 MR. PELHAM: Just briefly.

5 Mr. Mathern, thank you for being here. I just
6 want to point out a couple things as far as the
7 jurisdiction of the Commission. The Commission is here
8 to site a pipeline that's been proposed.

9 RON MATHERN: Uh-huh.

10 MR. PELHAM: Do you understand that the
11 Commission doesn't have any authority or jurisdiction
12 over the federal policies that involve climate change or
13 carbon capture?

14 RON MATHERN: Okay.

15 MR. PELHAM: And as far as the prior witness,
16 and I think he might have referenced it, eminent domain,
17 the Commission doesn't have any jurisdiction over
18 whether or not condemnation takes place or not. Do you
19 understand that?

20 RON MATHERN: Yes. But it's a place for us to
21 make our voice.

22 MR. PELHAM: I understand. And I appreciate
23 that. And I'm glad you took the time to be here today
24 and testify. I'm just -- I just want you to understand
25 that.

1 RON MATHERN: Very good.

2 MR. PELHAM: Thank you, sir.

3 ALJ HOGAN: Mr. Braaten, any questions?

4 MR. BRAATEN: No, Your Honor.

5 ALJ HOGAN: Mr. Jorde, any questions?

6 MR. JORDE: Sir, just a clarifying question.

7 When you said "We don't need more debt," the United
8 States doesn't need more debt, is that in referring to
9 the billions of dollars of tax credits associated with
10 these pipelines? Or what was the debt?

11 RON MATHERN: I was listen -- talk with Michael
12 Bell and he said the Federal Government will pay around
13 20 percent or something like that. And that's billions
14 of dollars. We keep piling up debt upon debt upon debt.
15 Our biggest expenditure this coming year, the way he was
16 -- I heard, is going to be interest on our debt.

17 And so unless -- I could see it if we were at
18 10,000 parts per million. Now we have to do something
19 with this carbon. We need to bite the bullet. But at
20 this point, more unnecessary. And renewable energy
21 constantly needs to have subsidies years after it is
22 started. And that's -- if they want to spend money,
23 reduce the debt. You know, that might not make sense,
24 but yeah.

25 MR. JORDE: So, sir, do you believe that

1 approving this -- if the PSC were to approve the
2 application for them, that that would have negative
3 impacts on the welfare of the citizens of North Dakota?

4 RON MATHERN: Yeah. Let's just have more debt.
5 There's just no end to it. And I think it is negative.
6 We need to get the spending under control. And this is
7 just one facet of it, I realize that, but it is a facet.

8 MR. JORDE: Thank you, sir. Nothing further.

9 ALJ HOGAN: Commissioner Christmann.

10 COMMISSIONER CHRISTMANN: I just want to be
11 clear. We welcome testimony from everyone not just
12 landowners along the route. I just want to make sure
13 that we didn't miss something here. Do you have land
14 along the route?

15 RON MATHERN: No. I'm just a concerned citizen.

16 COMMISSIONER CHRISTMANN: Okay. And then on
17 your concerns specific to the debt, do you have the same
18 concerns about the debt that rises up because of
19 subsidies for ethanol plants and for wind farms as well?

20 RON MATHERN: Yes. Absolutely. Yep.

21 COMMISSIONER CHRISTMANN: Thank you for being
22 here.

23 ALJ HOGAN: Commissioner Haugen-Hoffart.

24 COMMISSIONER HAUGEN-HOFFART: Ron, I appreciate
25 your testimony. I have no further questions.

1 RON MATHERN: Thank you.

2 ALJ HOGAN: Mr. Dawson.

3 SUBSTITUTE DECISIONMAKER DAWSON: I may have
4 missed it, but where do you live?

5 RON MATHERN: Bismarck.

6 SUBSTITUTE DECISIONMAKER DAWSON: No further
7 questions.

8 ALJ HOGAN: All right. Thank you, Mr. Mathern.

9 Who would like to go next? I saw somebody stand
10 up over here.

11 Good morning. I'll have you start by stating
12 your full name and spelling your last name for the
13 record.

14 LYLE KENNER: My name is Lyle Kenner,
15 K-E-N-N-E-R.

16 ALJ HOGAN: And, Mr. Kenner, were you in the
17 room this morning when I went through the penalties for
18 perjury?

19 LYLE KENNER: Yes, I was.

20 ALJ HOGAN: And do you understand what perjury
21 is?

22 LYLE KENNER: Yes.

23 ALJ HOGAN: And being advised of the potential
24 penalties for perjury, do you promise to tell the truth
25 in this case today?

1 LYLE KENNER: Yes.

2 ALJ HOGAN: All right. Thank you, go ahead.

3 LYLE KENNER: Okay.

4 LYLE KENNER,

5 being first duly sworn, testified as follows:

6 LYLE KENNER: As I said, my name is Lyle Kenner.
7 I'm a veterinarian here in Linton.

8 Let's see if we can get these things organized.
9 I worked on this quite a while last night.

10 First of all, thank you for holding a new round
11 of hearings again here and including Linton. I was just
12 thinking about your job of sitting here for hours and
13 hours of listening, and I have a hard time staying awake
14 for 20 minutes with a pastor's sermon. So anyway...

15 There's a couple dates that come out in this
16 whole issue. 2019 we have the Green New Deal by AOC,
17 concerns about global warning, climate change, carbon
18 footprint, etcetera. And then as we go forward a few
19 years to May 22nd -- or May 2nd of 2022 -- actually, at
20 that time I was semen testing a bunch of bulls in the
21 clinic and this client says, "Did you hear about the
22 press conference?" And I said, "What press conference?"
23 He said, "The three billionaires' press conference."
24 "Oh, okay. What about it?" "Well," he said, "they're
25 going to take -- move CO2 -- they're putting in a CO2

1 pipeline and it's going in the ground in Oliver and
2 Mercer counties."

3 So who are the three billionaires? Okay. It's
4 Governor Burgum, Senator Hoeven, and a representative
5 for Harold Hamm, men who have a good reputation in their
6 own right for other reasons.

7 I said, "You're putting CO2 in the ground.
8 You're taking it out of wherever." I said, "To me --"
9 and in that setting I speak quite freely. I said, "I
10 think this is ludicrous."

11 So why is carbon sequestration ludicrous? You
12 heard some of that already. CO2 is a key component of
13 the atmosphere. Right now it's approximately
14 .04 percent or 400 parts per million. Atmosphere also
15 has 78 percent nitrogen and 20 percent oxygen which is
16 so critical for life, especially if you have a heart and
17 a lung, you need oxygen.

18 Okay. So we've had that -- some have referenced
19 to it. We need CO2 for photosynthesis. Photosynthesis
20 makes plants grow. Plants are the basis for so much of
21 everything. Photosynthesis needs CO2, water, sunshine.
22 And I would add it is 100 percent safe at normal
23 pressure, normal concentration. Atmospheric CO2 is
24 absolutely safe. So from a common sense point of view,
25 I would say CO2, just let it be. Perhaps more CO2, more

1 plant growth.

2 A couple things. In this whole issue I managed
3 to read through this little book called "Hot Talk, Cold
4 Science" made by -- written by Dr. Fred Singer who is a
5 renowned cosmic physicist-turned-expert on about
6 anything to do with climate. It's a very interesting
7 read. You might get sleepy reading it, though.

8 In his book, he states in 1951 CO2 was about
9 312 parts per million. In 2019, CO2 was about 412 parts
10 per million. It's an increase of 32 percent. Other
11 things in this time frame, from 1961 to 2010,
12 approximately 50 years, the world population doubled.
13 Also, from 1961 to 2010, food production tripled. Not
14 too many people talk about that. Population doubled,
15 food production tripled.

16 Okay. Another thing in this book that's quite
17 interesting, in 1990, and I think this was a UN
18 Commission finding, 23.3 percent of the world population
19 was undernourished. Approximately a quarter of the
20 world. In 2015 that number is only 12.9 percent. So in
21 easy figures, we cut the starvation rate in half if you
22 want to use those easy terms. The observation is
23 atmospheric CO2 went up, world starvation went down. So
24 what are we concerned about? Are we concerned about
25 global warming today?

1 In Dr. Singer's expertise, he has done a lot
2 with satellite weather systems. And a lot of his work
3 deals with satellite data which takes out a lot of
4 variables. Such as if you're going to take, say, a
5 temperature reading outside of Bismarck, well, the heat
6 from Bismarck, town, somewhat skews what the airport is
7 going to report. Satellite imaging does not have that
8 problem. Satellite shows very little annual change
9 since 1998. There was a little rise in temperature, I
10 think someone alluded to that earlier, and since 1998
11 it's basically flat so that, hence, we have less talk
12 about global warming, more talk about climate change.

13 An interesting little tidbit that I happened to
14 catch on TV was this Dr. Patrick Moore, cofounder of
15 Greenpeace, a very environmental-oriented group. He's
16 flatly stated there's no significant global warming.
17 That's his opinion. I'm not a Greenpeace fan, but I'll
18 take his opinion on that.

19 With climate change there is some, but it seems
20 to me for the better. Just look around. I moved to
21 Emmons County in 2006 and that was actually a drought
22 year. But as I recall then, if we had a hundred-bushel
23 corn, farmers were growing hundred-bushel corn, that was
24 a pretty good thing. Now that number, I would say, has
25 probably moved to 150-bushel. Maybe somebody else will

1 come and testify later and adjust my numbers, but it
2 seems to me we are seeing a better growth of corn. I'm
3 -- just that one thing, is that due to the atmosphere?
4 Is that due to better no-till programs and so on? But
5 we are not going down. We are going up in productivity
6 in the face of a slight increase in CO2.

7 Also he noted in the satellite imaging, you're
8 seeing greener areas in the northern zones. So we're
9 growing crops, we're growing something further north
10 over time. And that -- I see nothing wrong with that.
11 Also in his books he also talks in the history of what
12 was called a "Medieval Warming Period," when it was very
13 warm, much warmer than now. Also in those hundreds of
14 years there was also a time called the "Little Ice Age."
15 During that Little Ice Age there was areas of Europe
16 that literally starved to death because they couldn't
17 grow anything. So climate changes. It will change.

18 He also makes the statement in the book, when
19 you -- you get to the final analysis and you take all
20 the politics out of it, what man does probably has very
21 little to do with it. There are many scientific factors
22 in play.

23 You can take things like sunspots. Do we have
24 more sunspots? Less sunspots? I don't know. I don't
25 look at the sun very good. But, you know, there's

1 scientific people that do it. And the radiation from
2 the sun can vary. It makes the earth warmer or cooler,
3 depending on which it is. You've also got things like
4 evaporation from the oceans. If there's more
5 evaporations, there's more clouds, it cools the earth
6 off, etcetera. So there's a lot of things you can argue
7 about there.

8 Now let's go back to the CO2 which is the big
9 factor in so-called greenhouse gases. And there's a lot
10 of postulation about how these greenhouse gases are,
11 what they are, methane is such a terrible thing. Well,
12 it's what all cows burp up. When a cow ruminates, it
13 creates methane. Hasn't hurt anything yet that I know
14 of. The question is do so-called greenhouse gases
15 insulate the earth and hold heat in, making it hotter?
16 That's what we've been told. That's the nice agenda.
17 There's also the other way to look at it. Or do
18 greenhouse gases reflect excessive sun radiation and
19 keep it cooler? Dr. Singer goes into a lot of
20 discussion on that. There's no real conclusion. But we
21 are here today based on the idea that greenhouse gases
22 are terrible things.

23 From this brief discussion, the proposed carbon
24 sequestration via carbon capture, pipeline, transport,
25 and injection into the earth has no -- no real solid

1 scientific basis. It seems to me it is really about
2 moving money from the taxpayers to the financial and
3 political elite. A little while ago we seen the list of
4 some of the investors in carbon -- in Summit Carbon
5 Solutions. A lot of these are foreign entities. I
6 guess maybe in an offhand way you would say it's moving
7 money from the serfs to Summit Carbon Solutions.

8 This project is harmful to the economic welfare
9 of the citizens of North Dakota.

10 I guess I should back up. I forgot my order of
11 things here.

12 In the publication here about why we're having
13 this PSC meeting, there's a question: will
14 construction, operations, and maintenance of the
15 facility at the proposed location produce minimal
16 adverse effects on the environment and upon the welfare
17 of the citizens of North Dakota?

18 ALJ HOGAN: Mr. Kenner, can you wrap up your
19 comments, please?

20 LYLE KENNER: Speaking of the welfare, this CO2
21 pipeline is incredibly dangerous to our physical health
22 potentially. I've just extolled the value of CO2 in
23 nature. But a 24-inch pipeline at 2,100-pound PSI is a
24 huge potential danger. Why? It is a gas that can
25 disperse oxygen -- displace oxygen. Continuous intake

1 of oxygen is vital to all creatures. It has specific
2 gravity higher than atmospheric air. Thus, in high
3 concentration it pushes oxygen up and out. It follows
4 the ground. At levels of 4 percent and above, it is
5 toxic due to oxygen displacement.

6 One of the problems we have with discussing the
7 plume. I asked a professional engineer about this some,
8 and you -- at 8 percent CO₂, if this line breaks, you
9 have an area of 33 miles diameter, height of eight
10 foot. That's a toxic -- huge toxic thing. Imagine a
11 giant round water tank with eight-foot side walls that
12 is 33 miles across and is filled with 8 percent CO₂.
13 That's what the math shows. This perfect cylinder is
14 never going to exist, but the volume of that pipeline,
15 390 million cubic feet of pure toxic CO₂, does exist.

16 Going back to the initial objective of minimal
17 adverse effects on the environment and upon the welfare
18 of the citizens of North Dakota, it is quite obvious
19 that what I just described is not good for the welfare
20 of the people of North Dakota.

21 To me, it is potentially as dangerous as a
22 Japanese tsunami except you can't see it coming, you
23 can't smell it, you can't taste it, perhaps you can't
24 even hear it, but there's a requiem to mark that moment
25 in history. Will that requiem be for one farmer, his

1 family, construction crew, the population of a small
2 town, perhaps Hazelton? Perhaps it is just the kids
3 that are under four-foot tall playing in a park by the
4 lake out in the country.

5 In closing, I firmly believe we will be better
6 off if this CO2 pipeline is not built; better for Emmons
7 County, better for North Dakota as we get
8 (indiscernible) here, better for the United States, and
9 I think even better for our world. Thank you.

10 ALJ HOGAN: All right. Thank you.

11 Mr. Gludt, any questions?

12 MR. GLUDT: No, Your Honor.

13 ALJ HOGAN: Mr. Pelham.

14 MR. PELHAM: No.

15 ALJ HOGAN: Mr. Braaten.

16 MR. BRAATEN: No, Your Honor.

17 ALJ HOGAN: Mr. Jorde.

18 MR. JORDE: No, Your Honor. Thank you.

19 ALJ HOGAN: Commissioner Christmann.

20 COMMISSIONER CHRISTMANN: Well, I will just say,
21 Mr. Kenner, although none of it was a revelation to me,
22 I loved how you brought together the perspective that in
23 somewhat the same time frame that planetary CO2 levels
24 have gone up from, roughly, 300 to 400 parts per
25 million, that the population doubled, food production

1 tripled, and starvation numbers have dropped. That's --
2 if that's not trademarked, I'm going to probably use
3 that from time to time.

4 LYLE KENNER: It's quite revealing. Thank you.

5 COMMISSIONER CHRISTMANN: I do want your
6 reaction to -- if I were to tell you that I disagree
7 with your point that we're here today -- maybe I
8 misunderstood it too -- that we're here today under the
9 premise that CO2 is a bad thing, I don't feel like that
10 is my premise in what I'm trying to accomplish here. I
11 am looking at an application that came in and we have a
12 statutory duty to make a decision on it based on North
13 Dakota laws and rules, not because I think any of us are
14 on some mission about CO2.

15 Would you disagree with me on that?

16 LYLE KENNER: I wouldn't -- yes, I do disagree
17 with you because we're talking about the welfare of the
18 people of North Dakota. And this has tremendous ability
19 to be bad for our welfare.

20 When you look at how many cubic feet a 20-mile
21 section -- that's what it's based on. I don't know if I
22 communicated all that, that the 390 million cubic feet
23 of pure CO2 is coming from a 24-inch line 20 miles long,
24 that is just too much of a very heavy anoxic gas to have
25 in the environment. It's not going to be in this giant

1 tank that I described, obviously, but it is going to
2 come out and it is going to be on the ground. And a
3 certain percentage of it is going to move.

4 Now where that break in that line occurs, as
5 we've seen in Satartia, we've seen it recently in, was
6 it Sulphur, Louisiana -- actually, in answering your
7 questions, one of the things, there's an article I was
8 reading on, it's written in New Journalism style, talks
9 about this lady and her cats and she -- her cats didn't
10 come back. Well, I wonder, the reason her cats didn't
11 come back is because this is a heavy gas. It is toxic
12 at those levels of 8 percent, 10 percent. Where are her
13 cats? They're under your feet. They're low. So the
14 gas that may be on the ground that kills these cats,
15 wherever they went to, may not affect you simply because
16 you're five feet taller.

17 COMMISSIONER CHRISTMANN: Thank you for being
18 here.

19 LYLE KENNER: Thank you.

20 ALJ HOGAN: Commissioner Haugen-Hoffart.

21 COMMISSIONER HAUGEN-HOFFART: I have no
22 questions, but thank you so much for your testimony.

23 ALJ HOGAN: Mr. Dawson.

24 SUBSTITUTE DECISIONMAKER DAWSON: No questions,
25 Your Honor. Thank you.

1 ALJ HOGAN: All right. Thank you.

2 LYLE KENNER: Okay. Thank you for having me.

3 ALJ HOGAN: Who would like to go next?

4 I'll have you start by stating your full name
5 and spelling your last name for the record.

6 DAVID YOUMANS: My name is David Alton Youmans.

7 My last name is

8 Yankee-Oscar-Uniform-Mike-Alpha-November-Sierra. That's

9 Y-O-U-M-A-N-S to all civilians. Okay. I live --

10 ALJ HOGAN: Hang on, hang on. I've got to swear
11 you in first.

12 DAVID YOUMANS: Okay.

13 ALJ HOGAN: Were you here when I went through
14 the penalties for perjury?

15 DAVID YOUMANS: Yes, ma'am.

16 ALJ HOGAN: And do you understand what perjury
17 is?

18 DAVID YOUMANS: Yes, Your Honor.

19 ALJ HOGAN: And being advised of the potential
20 penalties for perjury, do you promise to tell the truth
21 in this case today?

22 DAVID YOUMANS: Yes, Your Honor.

23 ALJ HOGAN: All right. Thank you. Go ahead.

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DAVID YOUMANS,

being first duly sworn, testified as follows:

DAVID YOUMANS: I'm glad that you all came out here and made the long trip from Bismarck and all to the little city of Linton, you know, in Emmons County. I'm glad you can all make it.

But the reason why we're even here today is because of AOC and the Squad and this New Green Deal. That's the only reason why we're here. AOC and the Squad is probably rolling over laughing right now knowing that we North Dakotans who are supposed to be conservative and Republicans -- yeah, RINOs -- are -- are -- AOC has got us hopping around. Oh, climate change, CO2. Yeah, right. If the CO2 is so bad, why don't they put a muzzle on everybody and fricking put a fricking cork in everybody's butt. I mean, it's crazy, it's nuts.

And I know you're doing your job and all. You know, when this first started, you said we couldn't clap or cheer or have fun but -- I know that's decorum and all, but there's people in the back row sleeping. I mean, people here would love to cheer, clap, you know, have fun. You take all the fun out of this. It's why even go to it, you know? But, you know, I know you're doing your job and all.

1 And also, as far as this perjury, what do you
2 mean perjury? You mean lying? If I was a Democrat in
3 Washington, DC, or a Marxist, I can lie all day long and
4 nothing will happen to me. But I'm here in North Dakota
5 and I can't what, perjure? Lie? Really? If I -- it's
6 -- it's two-tiered justice and we all know that.

7 And I think that we're all here today for the
8 wrong reason. I think this pipeline, this CO2 pipeline,
9 should be rerouted across the Great Lakes all the way
10 across down to New York and New Jersey and all the way
11 to Washington, DC. And it shouldn't have CO2. It
12 should have raw sewage from North Dakota. Raw sewage
13 going straight to Washington, DC.

14 That's all I have to say.

15 ALJ HOGAN: All right. Mr. Gludt, any
16 questions?

17 MR. GLUDT: No, Your Honor.

18 ALJ HOGAN: Mr. Pelham.

19 MR. PELHAM: I don't. Thank you.

20 ALJ HOGAN: Mr. Braaten.

21 MR. BRAATEN: No, Your Honor.

22 ALJ HOGAN: Mr. Jorde.

23 MR. JORDE: I have a question.

24 Sir, thanks for being here. What do you think
25 about the fact that the Republican governor of North

1 Dakota is the main cheerleader on this project?

2 DAVID YOUMANS: You don't want to ask me that
3 question. "RINO" comes to mind. And I don't think he
4 should be Trump's vice president pick because he
5 couldn't last one second in Trump's shoes. Trump's a
6 big man. I don't think any one of us could last one
7 second in Trump's shoes. He gets persecuted. He gets
8 mud thrown at him. He's a strong man, very strong man.
9 And I don't think that Doug Burgum even can hold a
10 candle to Donald Trump. He's not the right man to be
11 vice president. That's for sure.

12 MR. JORDE: No further questions.

13 ALJ HOGAN: Commissioner Christmann.

14 COMMISSIONER CHRISTMANN: Just one. As I asked
15 someone else earlier, I'm just wanting to clarify, did
16 you have any land along the route?

17 DAVID YOUMANS: No. I live five houses from
18 here.

19 COMMISSIONER CHRISTMANN: Okay.

20 DAVID YOUMANS: Retired.

21 COMMISSIONER CHRISTMANN: Thanks for joining us
22 today.

23 DAVID YOUMANS: Okay.

24 ALJ HOGAN: Hang on, hang on.

25 Commissioner Haugen-Hoffart.

1 COMMISSIONER HAUGEN-HOFFART: Thank you for your
2 testimony. I have no questions.

3 DAVID YOUMANS: Okay. Thanks.

4 ALJ HOGAN: Mr. Dawson.

5 SUBSTITUTE DECISIONMAKER DAWSON: No, Your
6 Honor. Thank you.

7 ALJ HOGAN: All right. Now you can leave.
8 Thank you.

9 Morning. I'll have you start by stating your
10 full name and spelling your last name for the record.

11 ROBERT SCHAEFER: Robert J. Schaefer. That's
12 S-C-H-A-E-F-E-R.

13 ALJ HOGAN: Mr. Schaefer, were you in the room
14 this morning when I went through the penalties for
15 perjury?

16 ROBERT SCHAEFER: Yes, I was.

17 ALJ HOGAN: Do you understand what perjury is?

18 ROBERT SCHAEFER: I sure do.

19 ALJ HOGAN: And being advised of the potential
20 penalties for perjury, do you promise to tell the truth
21 in this case today?

22 ROBERT SCHAEFER: Yes, I do.

23 ALJ HOGAN: All right. Thank you. Go ahead.
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ROBERT SCHAEFER,

being first duly sworn, testified as follows:

ROBERT SCHAEFER: On the lighter side, it really won't make a whole lot of difference whether you vote for or against it. If you vote against it, you'd have to think of how do you get rid of forest fires? Because dealing with the forest fires last year, the fires in California, Montana, Canada, and Australia produced more carbon than the world will produce in all of the plants for the rest of our lifetime. Because that's all trees are, is carbon. They drink in CO2 and they use carbon to make trees and we use it to build stuff. Those four places with fires -- and there were a thousand other fires.

So this pipeline is kind of like a straw in the ocean. It makes no difference. It's only the money involved. If you take the 27,000 airplane flights every day, commercial flights in the United States, at 35,000 feet burning billions of pounds of fuel, now you've got something different than a little, teeny pipeline.

Now it was kind of interesting, last month the Chinese did a disbursement test, CO2 pipeline, which you guys won't give us landowners a look at it. They did it. It was on the public -- you could watch it on your

1 television. They ruptured a pipeline, CO2 pipeline, and
2 it came out like an atomic bomb. It didn't go in the
3 air and disappear. It settled back down on the earth
4 and dispersed for miles. Nobody wants to see that. I
5 tried to get a video of it so you guys could watch that.
6 So the Chinese are playing the same game, trying to
7 figure out.

8 You can't get rid of CO2. Everything here, when
9 you plow the ground, CO2 is coming out of your soil.
10 Soil is a trap for CO2. As the veterinarian said, we're
11 growing -- I taught the adult farm management program
12 and worked as an instructor in the university, in the
13 engineering. You can't get rid of CO2. It is -- it is
14 our life, you know. The only thing is, when you
15 concentrate it, anything above 2, 3, 4, 5 percent, you
16 and I don't have to buy beer because we think we're
17 drunk. At 7 or 8, those with a breathing problem will
18 be dead. At 9 or 10, everybody in this room will be
19 dead. They've got it at a hundred percent in that pipe.
20 If you're anywhere close to it, anywhere.

21 And if you want to hide in your basement, the
22 military -- I have a son who's a general; commands a
23 division of our troops. He said, along with drones,
24 we're looking at CO2 as a bomb. We can drop it on a
25 city, everybody hides in the basement, their trenches.

1 What does it do? It kills them all. And we save all
2 the infrastructure. It's not a gas as far as the Geneva
3 Convention goes, but it is a lethal weapon. So when I
4 look at this and I look at the Chinese one, I said, you
5 know, I get excited about this.

6 They want to screw up three of my quarters of
7 land, kitty corner across. I got to be one of their
8 best friends. I don't know if they're still in here.
9 They finally decided that I was so friendly. Being a
10 marine sniper in Vietnam, I got to stand at coffins of
11 my 18-year-old buddies that don't get the chance that I
12 have today to address you, to fight for freedom, and
13 they want to take three of my quarters which my sons now
14 have. And they said, "Can we build a farm there?" "No,
15 you can't." Within the setbacks, if they kitty corner a
16 section, you no longer can build a home. You no longer
17 can build a feedlot. You can no longer do anything
18 other than farm it.

19 So, with that, I thought I'd give you a little
20 lighter look at it. Because when the 9/11 accident
21 happened, terrorist attack, planes were grounded for,
22 like, 10, 12 days. The 27,000 flights did not happen.
23 There was a significant change in the air quality in the
24 United States. This is information you can get from the
25 bureaus. And the fires is God's way of giving us the

1 carbon back.

2 We can fool around with pipelines coming out of
3 ethanol plants that we subsidize, and three years from
4 now 90 percent of what we produce ethanol is bought by
5 California, Washington, Oregon, and they are telling us
6 today they're not buying it in a few years. So I'm not
7 sure what we're going to raise in this. Because they
8 want to run a 2,000 -- or a 2-foot pipe through my farm,
9 plus hooking one coming from the other part of the
10 state. So not only that, I'd have a junction in the
11 middle of the farm.

12 With that, I'll let you guys go.

13 ALJ HOGAN: All right. Thank you.

14 Mr. Gludt, any questions?

15 MR. GLUDT: No, Your Honor.

16 ALJ HOGAN: Mr. Pelham.

17 MR. PELHAM: Good morning, Mr. Schaefer. Thanks
18 for being here.

19 As far as the proposed route, does it cross your
20 property that you own in Emmons County?

21 ROBERT SCHAEFER: No. I happen to be in
22 McPherson County, just a little while across in South
23 Dakota.

24 MR. PELHAM: Okay. I understand. So you're
25 from South Dakota. You're here testifying --

1 ROBERT SCHAEFER: I live not very far from here.
2 In North Dakota there's a pipeline that would reach my
3 house if it breaks south of Oakes.

4 MR. PELHAM: I see. But as far as the pipeline
5 route as proposed in North Dakota, you don't own any
6 property in North Dakota, it's just in South Dakota --

7 ROBERT SCHAEFER: I own property in North
8 Dakota. It's not on my property but it's close enough
9 to be --

10 MR. PELHAM: Okay.

11 ROBERT SCHAEFER: -- a concern of mine.

12 MR. PELHAM: But in South Dakota you own --

13 ROBERT SCHAEFER: Property it's crossing.

14 MR. PELHAM: -- where it's crossing. I see.

15 All right. Thank you for your testimony, sir.

16 ROBERT SCHAEFER: Yeah.

17 ALJ HOGAN: Mr. Braaten, any questions?

18 MR. BRAATEN: No, Your Honor.

19 Thank you for your testimony.

20 ALJ HOGAN: Mr. Jorde, any questions?

21 MR. JORDE: No.

22 Thank you, sir, for being here.

23 ALJ HOGAN: Commissioner Christmann.

24 COMMISSIONER CHRISTMANN: I do not, but thank
25 you for being here and thank you for your service and

1 for your son's service.

2 ROBERT SCHAEFER: Thank you, sir.

3 ALJ HOGAN: Commissioner Haugen-Hoffart.

4 COMMISSIONER HAUGEN-HOFFART: Yeah, but I think
5 Mr. Christmann -- Commissioner Christmann took it. I
6 was going to ask you, what does your hat say?

7 ROBERT SCHAEFER: "'61 to '65 Uncle Sam let me
8 tour the Far East."

9 (Laughter)

10 ROBERT SCHAEFER: As a marine in the 1st Marine
11 Air Wing unit off of an -- on an aircraft carrier lift.

12 COMMISSIONER HAUGEN-HOFFART: Well, with that, I
13 thank you for your military service.

14 ROBERT SCHAEFER: Thank you.

15 ALJ HOGAN: Mr. Dawson, any questions?

16 SUBSTITUTE DECISIONMAKER DAWSON: Did you
17 testify before in this matter?

18 ROBERT SCHAEFER: Yes. Wahpeton. I did in
19 Aberdeen for the South Dakota one.

20 SUBSTITUTE DECISIONMAKER DAWSON: Thank you.

21 ROBERT SCHAEFER: Thank you.

22 ALJ HOGAN: All right. Thank you, Mr. Schaefer.
23 Maybe take one more individual before we take
24 our lunch break.

25 LYNNE SCHNEIDER: Is it still morning?

1 ALJ HOGAN: Barely, but yes.

2 LYNNE SCHNEIDER: Good morning. I won't be too
3 long. I promise. My name is Lynne Schneider and I'm
4 in --

5 ALJ HOGAN: Hang on, hang on. I've got to swear
6 you in first.

7 LYNNE SCHNEIDER: Oh, I'm sorry.

8 ALJ HOGAN: Do you want to spell your last name?

9 LYNNE SCHNEIDER: S-C-H-N-E-I-D-E-R.

10 ALJ HOGAN: And, Ms. Schneider, were you in the
11 room earlier when I went --

12 LYNNE SCHNEIDER: Yes, ma'am.

13 ALJ HOGAN: -- through the penalties for
14 perjury? And do you understand what perjury is?

15 LYNNE SCHNEIDER: Yes, ma'am.

16 ALJ HOGAN: And being advised of the potential
17 penalties for perjury, do you promise to tell the truth
18 in this case today?

19 LYNNE SCHNEIDER: Yes, ma'am.

20 ALJ HOGAN: All right. Thank you. Go ahead.

21 **LYNNE SCHNEIDER,**

22 being first duly sworn, testified as follows:

23 LYNNE SCHNEIDER: As I stated, my name is Lynne
24 Schneider. I am a landowner in Logan County. I'm in
25 the northwest quarter of 133 -- 133 north, 73 west, and

1 30. My cousin owns the other three quarters of that
2 property which is where the pipeline will go across.
3 The pipeline itself will be less than half of a mile
4 from where my house is located on the property. So it's
5 a danger.

6 I just want people to note that I agree with all
7 the information that's been said before, before my
8 testimony, and this -- what I am providing you is new
9 information. So as I stated, the pipeline will be less
10 than a half a mile from my house. It will also go over
11 two natural spring feeds, and those spring feeds go --
12 they give me a stock pond, so I have a six-acre stock
13 pond which that water feeds.

14 The fact that the pipeline is not going to be
15 buried more than four feet deep is sort of ludicrous
16 because I think badgers go at least that deep in our
17 land as we know the big holes that we walk across all
18 the time in our fields. I also have tepee rings in that
19 area which will be affected.

20 I'm very concerned about the effects on the
21 aquifer because my water comes from those spring feeds
22 and the aquifers are below that. Any explosion will
23 take out my home. You're talking about -- if you look
24 at the photographs that are online from these CO2
25 explosions, it will take out my house, the livestock,

1 possibly my family, my nieces and nephews.

2 I mostly just wanted to testify that I'll be
3 personally affected as a landowner closest -- close to
4 the pipeline. As I said, everybody else here has pretty
5 much said everything that I would probably have enforced
6 or encouraged them to say and they have already said.

7 I've not seen any -- I've looked online. I've
8 not seen any quantitative analysis of any of the
9 pipeline explosion information. There's a lot of
10 emotion, a lot of qualitative analysis, but I haven't
11 found any three-way ANOVAs or two-way ANOVAs. There's
12 nothing to tell me quantitatively what the details
13 really are, what the impact is, other than the
14 veterinarian providing some information that he's been
15 able to find.

16 I've spent 35 years in the military. I just
17 recently retired. I spent three years at Aberdeen
18 Proving Ground where explosions are called CBRNEs; chem,
19 bio, nuclear, radiological, and explosives. And I'm
20 about to go back into that program in July. And I will
21 agree that we are looking at all kinds of things for
22 weapons including -- including using CO2. So it's
23 considered a weapon of mass destruction in the category
24 at the Pentagon.

25 What I've noted -- and I'll stop shortly here --

1 but mostly these CO2 pipeline projects are just
2 capturing taxpayer money. We -- this organization
3 alone, Summit, will get over \$10 billion just in tax
4 credits. That doesn't include all the money they'll
5 make for the carbon capture project itself. There's an
6 organization -- there's an article called "Carbon
7 Capture: Billions of Federal Dollars Poured Into
8 Failures." Summit itself was sued by the Department of
9 Energy recently for a pipeline project that failed in
10 Texas.

11 And, lastly, I just want to say, in all the
12 different countries that I've been in, any time
13 politicians are paid off to make a policy change or
14 other people are -- they call it "donations," but they
15 funnel it through multiple different organizations so
16 you almost can't trace back where the money has gone.
17 We call it a bribe. So I'll just leave it at that. And
18 not sure what the return on investment is for North
19 Dakota, but I'm sure there's lots of politicians getting
20 money so...

21 ALJ HOGAN: Hang on. We're going to see if
22 there's any questions.

23 Mr. Gludt, any questions?

24 MR. GLUDT: No, Your Honor.

25 ALJ HOGAN: Mr. Pelham.

1 MR. PELHAM: Thanks for being here, still this
2 morning.

3 LYNNE SCHNEIDER: Yes, in one minute.

4 MR. PELHAM: One minute, right. I'll be brief.
5 You said you're a landowner in Logan County and you gave
6 the description. Does the proposed route cross property
7 that you own?

8 LYNNE SCHNEIDER: So a section is made of four
9 quarters.

10 MR. PELHAM: Right.

11 LYNNE SCHNEIDER: I'm in the northwest quarter.
12 The pipeline goes against -- across the southwest
13 quarter.

14 MR. PELHAM: Okay.

15 LYNNE SCHNEIDER: So my cousin still owns that
16 property and, of course, he's not here because he makes
17 money off of the pipeline so -- but doesn't live there.
18 Lives in Mandan so it's a long ways away, yes.

19 MR. PELHAM: Okay. Understand. And that was
20 just a clarification I had. I appreciate your
21 testimony, ma'am. I have no other questions.

22 ALJ HOGAN: Mr. Braaten, any questions?

23 MR. BRAATEN: No, Your Honor.

24 ALJ HOGAN: Mr. Jorde, any questions?

25 MR. JORDE: So, ma'am, I take it your testimony

1 is that you believe that if the PSC were to approve the
2 application for them, that that would produce more than
3 minimal adverse impacts on the welfare of the citizens
4 of North Dakota?

5 LYNNE SCHNEIDER: Yes, I believe that it would,
6 based on my professional experience.

7 MR. JORDE: And same question. Do you believe
8 approval of these applications would produce more than
9 minimal adverse impacts on the cultural resources and
10 the environment of North Dakota?

11 LYNNE SCHNEIDER: Yes, I would. Thank you.

12 MR. JORDE: Okay. Thank you. Nothing further.

13 ALJ HOGAN: Commissioner Christmann.

14 COMMISSIONER CHRISTMANN: You said your cousin
15 owns the southwest quarter and makes money. So I
16 presume that means he did an easement?

17 LYNNE SCHNEIDER: Oh, yeah. Yeah.

18 COMMISSIONER CHRISTMANN: And I see --

19 LYNNE SCHNEIDER: It's called cha-ching, you
20 know.

21 COMMISSIONER CHRISTMANN: I see on the southeast
22 -- near the southeast corner --

23 LYNNE SCHNEIDER: I apologize. Southeast -- no,
24 southwest.

25 COMMISSIONER CHRISTMANN: I'm asking a different

1 question.

2 LYNNE SCHNEIDER: Okay.

3 COMMISSIONER CHRISTMANN: I see near the
4 southeast corner of your northwest quarter there's a
5 farm there. Is that where you live?

6 LYNNE SCHNEIDER: That's where I live, yes.
7 Most of the time, yes.

8 COMMISSIONER CHRISTMANN: And that is what?
9 15 miles east of Linton about? Am I --

10 LYNNE SCHNEIDER: Approximately.

11 COMMISSIONER CHRISTMANN: -- right spot?

12 LYNNE SCHNEIDER: Uh-huh.

13 COMMISSIONER CHRISTMANN: Okay.

14 LYNNE SCHNEIDER: But a half -- less than half a
15 mile from the pipeline, yeah.

16 COMMISSIONER CHRISTMANN: Thank you for being
17 here.

18 LYNNE SCHNEIDER: Yes, sir.

19 ALJ HOGAN: Commissioner Haugen-Hoffart.

20 COMMISSIONER HAUGEN-HOFFART: Lynne, thank you
21 for your testimony. I have no questions.

22 LYNNE SCHNEIDER: Thank you.

23 ALJ HOGAN: Mr. Dawson.

24 SUBSTITUTE DECISIONMAKER DAWSON: No questions.
25 Thank you.

1 ALJ HOGAN: All right. Thank you,
2 Ms. Schneider.

3 LYNNE SCHNEIDER: Thank you.

4 ALJ HOGAN: All right. We are going to take our
5 lunch break. We will reconvene at 1:00. And when we
6 come back, we will finish public testimony.

7 (Recess)

8 ALJ HOGAN: All right. We are going to continue
9 with public testimony. I just want to reiterate, I know
10 this morning with the public testimony we covered a lot
11 of topics. So, again, if you have a similar point
12 that's already been made, rest assured the Commission
13 will consider that and feel free to just reference and
14 say that you agree with that testimony or have those
15 concerns. We don't need to go through everything again.

16 So, with that in mind, who would like to go
17 next?

18 Good afternoon. Can you tell me if that
19 microphone is on? There should be a green light.

20 CRAIG MILLER: It's on.

21 ALJ HOGAN: All right. Can I get your name and
22 will you spell your last name?

23 CRAIG MILLER: Craig Miller, M-I-L-L-E-R.

24 ALJ HOGAN: And, Mr. Miller, were you in the
25 room this morning when I went through the penalties for

1 perjury?

2 CRAIG MILLER: Yes, ma'am.

3 ALJ HOGAN: And do you understand what perjury
4 is?

5 CRAIG MILLER: I sure do.

6 ALJ HOGAN: And being advised of the potential
7 penalties for perjury, do you promise to tell the truth
8 in this case today?

9 CRAIG MILLER: I will.

10 ALJ HOGAN: All right. Thank you. Go ahead.

11 **CRAIG MILLER,**

12 being first duly sworn, testified as follows:

13 CRAIG MILLER: Okay. First off, I'd like to
14 thank the Commission for the work they've been doing on
15 this, and I'd especially like to thank Commissioner
16 Christmann for encouraging us to read the Century Code
17 on a couple of these meetings on his -- on your
18 decision. And I'd like to ask: is any one Century Code
19 more important than the other? This Century Code was
20 put together to work together, to bring everything --
21 one part isn't any more important than another.

22 It's like our county. We have the commission,
23 we have the workers in the courthouse, we have the road
24 crew, we have the sheriffs on down. Without any of
25 these working together, the county would not function

1 together. And it would be the same with the Century
2 Code.

3 I read through Chapter 49 as you had asked us to
4 do with your decision and I went and asked -- and I read
5 some more. And in Chapter 11-33 it has the role of
6 county commissions. It's:

7 For the purpose of promoting health, safety,
8 morals, public convenience, general
9 prosperity, and public welfare, the board of
10 county commissioners of any county may
11 regulate and restrict within the county the
12 location and use of buildings and structures
13 and the use, condition of use, or occupancy
14 of lands for residence, recreation, and
15 other purposes. The board of county
16 commissioners and a county zoning commission
17 shall state the grounds upon which any
18 request for a zoning amendment or variance
19 is approved or disapproved, and written
20 findings upon which the decision is based
21 must be included within the records of the
22 board or commission.

23 I became a county commissioner last year to fill
24 in a seat. And when I became county commissioner, I
25 took an oath and that oath was to uphold the

1 Constitution, the U.S. law, and the Century Code. We
2 are responsible for our residents as described under the
3 Century Code 11-33.01 that I just read.

4 We have heard a lot of testimony about the
5 dangers of this pipeline and -- from CO2 from experts,
6 from first responders, and those affected from pipeline
7 breaks. The decision to decide which law takes
8 precedence, the other should not -- let's see here.

9 To decide which law takes precedence over the
10 other law I do not believe should really be up to the
11 Commission to decide. The Legislature, when they passed
12 some of these rules or laws in the Century Code, should
13 have taken into account the other Century Codes that
14 they were affecting. The 49th chapter of the Century
15 Code does mention CO2 pipeline and common carriers, but
16 it makes no mention of safety. And that's where Chapter
17 11-33 comes into play.

18 I would ask that this board make no decision
19 until the courts or the Legislature makes a decision on
20 which Century Codes should be followed.

21 ALJ HOGAN: Does that conclude your comments? I
22 didn't want to interrupt you.

23 CRAIG MILLER: I -- I keep it short.

24 ALJ HOGAN: All right. Thank you.

25 Mr. Gludt, any questions?

1 MR. GLUDT: No, Your Honor.

2 ALJ HOGAN: Mr. Pelham.

3 MR. PELHAM: Thanks for your testimony. I don't
4 have any questions.

5 ALJ HOGAN: Mr. Braaten.

6 MR. BRAATEN: No, Your Honor.

7 Thank you for your testimony, Commissioner. I
8 appreciate you being here.

9 ALJ HOGAN: Mr. Jorde, any questions?

10 MR. JORDE: No.

11 Thank you, sir.

12 ALJ HOGAN: Commissioner Christmann.

13 COMMISSIONER CHRISTMANN: No questions, but
14 thanks for being here and thank you for following
15 through and studying it.

16 CRAIG MILLER: Thank you.

17 ALJ HOGAN: Commissioner Haugen-Hoffart.

18 COMMISSIONER HAUGEN-HOFFART: I have no
19 questions for you, Commissioner Miller.

20 CRAIG MILLER: Thank you.

21 ALJ HOGAN: And Mr. Dawson.

22 SUBSTITUTE DECISIONMAKER DAWSON: Thank you. No
23 questions.

24 CRAIG MILLER: Thank you.

25 ALJ HOGAN: All right. Thank you.

1 are within the manual. And the few that I looked up,
2 it's so important to get the surveying right for the
3 safety and the future of the pipeline.

4 And I kind of looked into surveying after I was
5 out of high school, just interest on our farm, so I knew
6 a lot of little things about it, where the markers were
7 and stuff. And the surveyors that I've spoken to,
8 pretty much Summit dropped these people in the state
9 without really checking the rules of what our North
10 Dakota surveyor manual tells, you know, what they're
11 supposed to do.

12 So now on my farm, it's pretty much surveyed. I
13 actually went out with two of the surveyor helpers, I
14 call them, because they weren't the true surveyors, and
15 I knew where some of the corner markers were from back
16 in the 1800s, late 1800s. And anyway, it took quite a
17 while and we looked and looked. Anyway, at the end of
18 the day, it took them, like, six months of coming and
19 going on my farm to get it done.

20 And then a surveyor, I think he was out of
21 Texas, Russell Garcia (phonetic), he signed off on it.
22 And I actually contacted him about a week ago by text
23 and I asked him -- there was four things they didn't do
24 quite right according to this manual. So I asked him if
25 he could complete that. And he was nice to me and he

1 says, "Well, some of those that you listed are
2 voluntary, to find the corners." So I can't argue with
3 him because I'm not a surveyor. But our surveyors say
4 that it should be done that way. But anyway, so what
5 I'm saying is they should have to do -- just to be fair,
6 they have to do the whole state the way they did my farm
7 because for the safety of where the pipeline lays.

8 And I met with Julie DiMeo and my lawyer and she
9 said -- this is back in November, December of '23. Mine
10 was the most advanced survey in the state at that time.
11 Well, that's because I knew a little bit about surveying
12 and I talked to these surveyors.

13 So I just feel that they should have to do it
14 all the right way for the future of the pipeline, for
15 the safety. And I don't think it's being done.

16 And if you talk to the courthouse, they're
17 filing these without exhibit B. And Summit said they'll
18 come back and do that when the project is done. So
19 maybe they will, maybe they won't. I don't know. But
20 I'm just letting you know. Because the lady in the
21 courthouse in Linton said they had to accept them, but
22 they're not filed correctly. So that's my deal on
23 surveying.

24 Okay. My next thing I'm going to tell you, and
25 it's been bothering me for over a year and I kind of got

1 to just get it off my chest. And maybe Sheri there will
2 remember this. But about a little over a year ago at
3 the Capitol, in the Great Hall, we had all the exhibits
4 of all the departments in the Capitol. So I thought I
5 would go up there and see what it's all about because I
6 heard there was going to be pipeline stuff there.

7 So I'm walking in the hall and I came across an
8 exhibit. They had the pore rock there so I learned all
9 about how it's going to absorb the carbon. Then after
10 that I went down a little ways and there was a pipeline
11 guy there. I actually have his card yet. He worked for
12 Pipeline Authority of North Dakota.

13 Well, then I just happened to turn around and
14 there's a PSC table. So, you know, I know who Randy is
15 and Sheri and Julie. And so anyway, I started rattling
16 off questions or comments to her and -- because I didn't
17 know any better that you weren't supposed to talk about
18 it because it was an open case, and she kind of got all
19 like this with her hand and said, "We can't talk about
20 this." So, okay, so I just kind of -- and she was
21 fumbling for her phone. And then I just stepped over a
22 little ways because she was talking on her phone.

23 And there was somebody else standing there and
24 he kind of looked at me. And I didn't know who he was
25 and he just kind of like what -- you know, "What are you

1 talking about?" And I said, "Well, this is a private
2 company and they're getting eminent domain power and
3 common carrier status." And I said, "I don't agree with
4 this pipeline coming in." And he goes -- and it turned
5 out to be Mr. Dawson there. So he kind of snapped at me
6 and he said, "Well, there's no -- there's no problem
7 with this pipeline going in -- or going --" and I don't
8 know if he was going to say "going in" or "constructed,"
9 but then she had called John Schuh upstairs and told him
10 to come down. So just before he finished his sentence,
11 John came up beside me and interrupted. And then I
12 talked to John for like a half an hour. He was real
13 nice to me.

14 So if that was his opinion then, I don't see how
15 we're going to get a fair vote if he was in that
16 statement for the pipeline. You know, I know he could
17 have changed his mind by now, but I'm just telling you
18 what was said on that day. So that's what I'm concerned
19 about.

20 So I guess I could talk for another two hours
21 but I'll just keep it at that.

22 ALJ HOGAN: All right. Thank you.

23 Mr. Gludt, any questions?

24 MR. GLUDT: No, Your Honor.

25 ALJ HOGAN: Mr. Pelham, any questions?

1 MR. PELHAM: Yes.

2 Good afternoon, Mr. Moch. Where is your
3 property located that's affected by the line?

4 DAVID MOCH: It's northwest of Hazelton. Do you
5 need the legals?

6 MR. PELHAM: Well, let me ask you this first:
7 have you reached an agreement with the company as far as
8 a route?

9 DAVID MOCH: Yes.

10 MR. PELHAM: Okay. So you have a signed
11 easement with the company?

12 DAVID MOCH: Yes.

13 MR. PELHAM: As far as -- and you mentioned a
14 lawyer. I'm not going to ask you about your discussions
15 between you and your lawyer, but I'm just wondering
16 generally if you have an opinion as far as how the
17 interactions with Summit were during the negotiations?

18 DAVID MOCH: Stressful. Very stressful.

19 MR. PELHAM: Can you elaborate on that?

20 DAVID MOCH: The delays. Just like it took six
21 months to do the survey. They told me at one time it
22 would take, like, a week to get stuff done. It took,
23 like, ten weeks.

24 MR. PELHAM: As far as the route goes, had you
25 made requests for adjustments in the route or was it the

1 route that was proposed and that was it?

2 DAVID MOCH: Pretty much the route that was
3 proposed and that was it.

4 MR. PELHAM: When you say "pretty much," I'm a
5 lawyer so I always follow up with questions. Is there
6 something that you asked --

7 DAVID MOCH: Well, we had -- well, getting back
8 to the surveying, you have to -- many people signed a
9 blanket easement. They deny it, but the surveyors --
10 I'm going by what they're telling me. They're blanket
11 easements. Mine is specifically a strip easement. And
12 I don't think they like that, but they settled for it
13 because I knew that it had to show entry and exit on the
14 quarters and only so wide, you know, the whole story.

15 So there was just a lot of delays, I guess, but,
16 you know, overall, I guess they worked with me. But
17 it's -- a lot of sleepless nights and -- yeah. Two and
18 a half years, whatever.

19 MR. PELHAM: Thank you, sir. I don't have any
20 other questions for you.

21 ALJ HOGAN: Mr. Braaten, any questions?

22 MR. BRAATEN: No, Your Honor.

23 ALJ HOGAN: Mr. Jorde, any questions?

24 MR. JORDE: Yes, Your Honor.

25 Sir, you just -- and I don't know if, on the

1 screen, if you can hear or see me. You mentioned a
2 blanket easement versus a strip easement. Is it your
3 understanding that a blanket easement will allow Summit
4 to enter and exit and traverse your property anywhere
5 within the boundaries of the route?

6 DAVID MOCH: Yes. They can pretty much do
7 whatever they want. They could use it as a staging area
8 for pipelines. They would pay you damages, as I
9 understand, but they could go wherever they want on that
10 quarter. And that's why I was specific. I actually
11 kind of knew that before the surveyors told me, but we
12 got it in writing.

13 And what I got to say too about the lawyers, we
14 all spent money we didn't have. My bill was \$9,600 to
15 the lawyer just to rewrite a contract that was
16 one-sided. And we rewrote it.

17 MR. JORDE: And, sir, following up on that, so
18 you had to -- for cost and time and obviously
19 frustration, you had to negotiate for something that you
20 believe should have simply been (inaudible) upfront. Is
21 that fair?

22 DAVID MOCH: Right. And none of us wanted this
23 anyway, but with the threat of eminent domain out there
24 and the money that we have to spend, many people had no
25 choice. Every situation was different.

1 MR. JORDE: So do you take issue with the fact
2 that Summit claims it has X percentage of voluntary
3 easements?

4 DAVID MOCH: Oh, definitely. If you -- I talked
5 to so many people in the last two and a half years. And
6 every situation was different. You either ran out of
7 money or you knew eminent domain was coming, because
8 that was mentioned in the beginning by the land agents.
9 Mine didn't but other people did.

10 So many of this 80 percent, or whatever number
11 you want to use, I would say you might be in that
12 30 percent, 40, in my opinion, that actually want this.
13 Some people just took the money because they needed
14 money. Other people ran out of money or felt eminent
15 domain was the end result so they just got it over with.
16 So, yeah, it's --

17 MR. JORDE: And, sir, going back to the
18 conversation you had said you had with the PSC
19 individual, when was that?

20 DAVID MOCH: It was November or December. We'd
21 have to look that up, up at the Capitol. I just can't
22 remember.

23 MR. JORDE: Of 2023?

24 DAVID MOCH: '23, yes.

25 MR. JORDE: Okay. Is there anything more about

1 that conversation that you can recall that you haven't
2 already --

3 DAVID MOCH: No. It was just short. Like I
4 say, John Schuh stepped in and then he answered all my
5 questions for as long as I wanted to talk. Really nice
6 man.

7 MR. JORDE: Very good. Thank you, sir.
8 Appreciate it.

9 ALJ HOGAN: Commissioner Christmann, any
10 questions?

11 COMMISSIONER CHRISTMANN: You said you're north
12 and west of Hazelton?

13 DAVID MOCH: Yes.

14 COMMISSIONER CHRISTMANN: Do you know the legal
15 description --

16 DAVID MOCH: Yes.

17 COMMISSIONER CHRISTMANN: -- of the land that it
18 crosses?

19 DAVID MOCH: Yes. It's section 35-136-77 and
20 section 36-136-77.

21 COMMISSIONER CHRISTMANN: And do you live on one
22 of those?

23 DAVID MOCH: Yes.

24 COMMISSIONER CHRISTMANN: Which one?

25 DAVID MOCH: Well, no. I live on section 2.

1 COMMISSIONER CHRISTMANN: Okay.

2 DAVID MOCH: This is about less than a mile and
3 a half from my yard.

4 COMMISSIONER CHRISTMANN: Okay. Thank you. No
5 other questions.

6 ALJ HOGAN: Commissioner Haugen-Hoffart.

7 COMMISSIONER HAUGEN-HOFFART: Yes.

8 Good afternoon, Mr. Moch. I do recall the
9 event. There was a bunch of tables up there --

10 DAVID MOCH: Yeah.

11 COMMISSIONER HAUGEN-HOFFART: -- and different
12 agencies were up there. And you came up to me and you
13 started asking me questions about Summit Carbon
14 pipeline.

15 DAVID MOCH: Yes.

16 COMMISSIONER HAUGEN-HOFFART: Correct? And I
17 said because of ex parte communication I could not talk
18 to you.

19 DAVID MOCH: Exactly.

20 COMMISSIONER HAUGEN-HOFFART: Is that correct?

21 DAVID MOCH: Yep.

22 COMMISSIONER HAUGEN-HOFFART: But I said I'd be
23 happy to get you someone who could talk to you.

24 DAVID MOCH: And that's when you grabbed your
25 cell phone.

1 COMMISSIONER HAUGEN-HOFFART: And at that time I
2 said, "Can I call someone?" And I called our legal
3 counsel, Jack Schuh; correct?

4 DAVID MOCH: Oh, I thought it was John. Okay.

5 COMMISSIONER HAUGEN-HOFFART: Well, it's John
6 Schuh. I refer to him as "Jack."

7 DAVID MOCH: Okay.

8 COMMISSIONER HAUGEN-HOFFART: I stand corrected.
9 So John Schuh came down, and I believe you and
10 other people had communication with him. There got to
11 be more than just you standing around.

12 DAVID MOCH: I think after I started talking to
13 John, I think Todd McMichael stepped in there and
14 listened too and then some other man stepped up, got in
15 on the conversation, yes.

16 COMMISSIONER HAUGEN-HOFFART: And after you were
17 done with the conversation, I remember you coming up to
18 me and saying "Thank you. I learned a lot from
19 Mr. Schuh." Is that correct?

20 DAVID MOCH: Yes. Yes.

21 COMMISSIONER HAUGEN-HOFFART: Yeah. So I'm
22 going to say, first of all, thank you for being
23 understanding that, as a commissioner, I could not talk
24 to you about it.

25 DAVID MOCH: And I didn't know that at the time.

1 COMMISSIONER HAUGEN-HOFFART: Yep. And you were
2 understanding and you complied and it was -- in the
3 follow-up, I appreciated the follow-up you had with me
4 saying that Mr. Schuh answered all your questions, but I
5 also believe that Mr. Dawson wasn't there. It was -- I
6 thought it was another member of our PSC staff that I
7 was with.

8 DAVID MOCH: Well, see, I can't quite recall. I
9 thought I asked John who it was and he said it was
10 Burgum's replacement for the PSC. I don't know. He'd
11 remember if he was there. I just thought it was him.

12 COMMISSIONER HAUGEN-HOFFART: Yeah, yeah. So my
13 recollection, Mr. Dawson wasn't there.

14 DAVID MOCH: Okay. Well...

15 COMMISSIONER HAUGEN-HOFFART: But I just wanted
16 to put on the record that you and I did have the
17 conversation, you and I were in communication, and that
18 I did say to you that I could not talk to you because of
19 ex parte communication and then I did call Mr. Schuh
20 down so...

21 DAVID MOCH: Well, he must have a look-alike
22 then.

23 COMMISSIONER HAUGEN-HOFFART: So thank you for
24 your testimony. I have no further questions.

25 ALJ HOGAN: Mr. Dawson, any questions?

1 SUBSTITUTE DECISIONMAKER DAWSON: I really don't
2 have any questions. I don't remember meeting you at
3 that time and so --

4 DAVID MOCH: Well, if you weren't there, you
5 weren't there, I guess.

6 SUBSTITUTE DECISIONMAKER DAWSON: I just don't
7 have the memory.

8 DAVID MOCH: Okay.

9 ALJ HOGAN: Well, thank you, Mr. Moch.
10 Who would like to go next?

11 Good afternoon. I'll start by having you state
12 your full name and spelling your last name.

13 JULIE SMITH: Julie Smith, S-M-I-T-H.

14 ALJ HOGAN: And, Ms. Smith, were you in the room
15 this morning when I went through the penalties for
16 perjury?

17 JULIE SMITH: Yes.

18 ALJ HOGAN: And do you understand what perjury
19 is?

20 JULIE SMITH: Yes.

21 ALJ HOGAN: Being advised of the potential
22 penalties for perjury, do you promise to tell the truth
23 in this case today?

24 JULIE SMITH: Yes.

25 ALJ HOGAN: All right. Thank you. Go ahead.

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JULIE SMITH,

being first duly sworn, testified as follows:

JULIE SMITH: My residence is not on land that's got the pipeline going through it. My residence is right next to land that has the pipeline going through it. My residence is somewhere around 500, 600 feet, thereabouts. I don't know the exact measurement of the pipeline going through the property that is to the northeast of us. My residence location is in township 135, range 76. In the plat, it says it's section 22S, but it's section 22 according to our real estate documentation. We have eight acres out there.

And my biggest concern with the pipeline is that it is hazardous material that is being transported in something that is not proven based on the size of what's going through. So then I look at the safety aspect of it. Worst scenario, the break -- and I say "the break," it's not if a break will occur, it is when something will happen. We are not guaranteed anything that nothing will happen with this pipeline. This is new. This is nothing that's out there in its volume. So my concern is when is it going to occur?

This is like -- I worked in the field of technology, computers. And this is like being on the bleeding edge of technology or the bleeding edge of

1 trying to use something. And the bleeding edge always
2 has problems until you've gone into it for a period of
3 time that you've proven out or you've gone through all
4 the issues that can come out of that.

5 And so being on the bleeding edge, my concern is
6 safety. If there was a break to occur right at our
7 property corner, if the wind is coming out of the
8 northwest, we'll have some impact but probably not a
9 whole lot. It's going to fly by us. If the break comes
10 -- if the wind is out of the northeast, it will come
11 directly across our property.

12 And my issue with safety is how am I going to be
13 notified that it occurs? We've been hearing it's
14 odorless. You can't smell it, you can't see it, you
15 can't anything. So how do I know a break occurs out
16 there? And I don't. And my life is deemed expendable,
17 and that didn't need to be concerned about safety,
18 didn't need to have a way of notifying people, didn't
19 need to have any issue in regards to being able to
20 protect a person's life.

21 Any one person who loses their life because of a
22 tragedy that occurs with a pipeline such as what is
23 being considered is indeed a tragedy. And no life
24 should be considered expendable. No community such as
25 Hazelton, which I live three miles from, should be

1 considered expendable with anything that can cause a
2 accident or a issue with that pipeline.

3 Based on the pressure of that pipeline, should
4 something occur to that pipeline and it has an
5 explosion, there has been minor discussion in regards to
6 the plume, the plume going up, but also there's a aspect
7 of dispersion down at the bottom of any type of accident
8 or explosion that occurs. And at the pressure that it's
9 at, that it will move rapidly, within seconds. It will
10 travel a significant difference. That's no wind. Let's
11 add wind to the issue and you now know that it's going a
12 whole lot further, a whole lot faster, and a whole lot
13 more people or animals are going to be impacted.

14 With that, I ask the questions: who's going to
15 provide the safety issues that we need if something
16 should occur? First off, we have to be notified. But
17 if something should occur and we can't get out there, we
18 can't get out because we have gas vehicles, who's going
19 to provide us with an electric vehicle? Are we supposed
20 to buy one based on a pipeline is being built within our
21 state that is hazardous, toxic to humans, toxic to
22 animals? Are we supposed to buy a mask, a gas mask, a
23 oxygen tank, a whatever that will allow us to continue
24 to live even though we've got the carbon dioxide going
25 across us through our property?

1 And from a accident perspective, the emergency
2 people within a community are going to be dealing with
3 who's impacted in the community. We are not going to be
4 their number one priority. We live three miles out. So
5 there has to be some type of priority provided also for
6 those of us who live out in a rural-rural aspect of our
7 state. I'm not in a rural community. I'm outside of a
8 rural community. I live on land. I have land that
9 surrounds me all the way. My closest neighbor is a mile
10 away.

11 And so there is no consideration by what I hear
12 or see for safety. And that's where my concern is, is
13 in the safety. Not just for myself and not just for the
14 community that I live close to. My concern is for the
15 people of North Dakota and the concern of their safety,
16 anyone who's in the line of any kind of rupture from
17 this pipeline and it is flowing freely and moving
18 rapidly. Because as in North Dakota we have wind. We
19 have very few days that are calm. We have wind. And so
20 wind is going to push it and it's going to push it out
21 further to more people, more animals, more places.

22 And so I lay out the worst-case scenario. We
23 live in a four-season state. My scenario is it's in
24 winter, we're 30 below, the winds are gusting at
25 40 miles an hour. We have a blizzard out there. We

1 already have four to five feet in our yard. How do we
2 go about getting even out of our situation? These are
3 the kinds of things that people should be looking at and
4 considering when they think about this pipeline coming
5 through with toxic hazardous material being transported.

6 I thank you for your time and I thank you for
7 listening.

8 ALJ HOGAN: Thank you.

9 Mr. Gludt, any questions?

10 MR. GLUDT: No, Your Honor.

11 ALJ HOGAN: Mr. Pelham.

12 MR. PELHAM: No, Your Honor.

13 ALJ HOGAN: Mr. Braaten -- oh, Mr. Schock.

14 MR. SCHOCK: Just real briefly.

15 I want to make sure I have where your residence
16 is accurately. So in section 22, it looks to me like
17 you are in the southwest quarter of the southwest
18 quarter of the southeast quarter of section 22.

19 JULIE SMITH: Do you have a map?

20 MR. SCHOCK: I do.

21 JULIE SMITH: Do you see --

22 MR. SCHOCK: I think actually in that map book
23 that's in front of you --

24 JULIE SMITH: Oh, here?

25 MR. SCHOCK: Go to page 26.

1 And, okay, I'm talking about our property, but
2 to the east of us there is -- I call it a "slough."
3 There's a body of water there that they'll be either
4 crossing under or going close to. And then our aquifer,
5 as the lady mentioned this morning, you have the
6 possibility of your aquifer being impacted so...

7 MR. BRAATEN: Okay. Thank you. No further
8 questions.

9 ALJ HOGAN: Mr. Jorde, any questions?

10 MR. JORDE: Yes. Thank you.

11 Ms. Smith, has Summit committed to provide you
12 carbon dioxide monitors?

13 JULIE SMITH: No.

14 MR. JORDE: Have they committed to provide you
15 self-contained breathing apparatuses?

16 JULIE SMITH: No.

17 MR. JORDE: Has Summit provided you any CO2
18 dispersion data or modeling or predictions or
19 (inaudible)?

20 JULIE SMITH: No.

21 MR. JORDE: Summit's testified previously that
22 they might use fans that help disperse a CO2 plume. Do
23 you have a lot of plug-ins outside of your property for
24 fans?

25 JULIE SMITH: No.

1 MR. JORDE: As Summit explained that
2 shelter-in-place would be kind of the prescribed method
3 for people that can take care of themselves, would that
4 make you feel any better?

5 JULIE SMITH: No.

6 MR. JORDE: Thank you.

7 ALJ HOGAN: Commissioner Christmann, any
8 questions?

9 COMMISSIONER CHRISTMANN: Yeah, I do.

10 And first I'll say I have much more confidence
11 in having like a GIS map in front of me than just a
12 paper map. It looks to me like the buildings of yours
13 would be maybe slightly over 500 feet even from the
14 corridor, the extra hundred foot --

15 JULIE SMITH: That's what someone had indicated
16 to me early on.

17 COMMISSIONER CHRISTMANN: I think --

18 JULIE SMITH: Yes.

19 COMMISSIONER CHRISTMANN: I think it should sure
20 be researched, because like I say, the paper map, the
21 angle would be a little off. My question is, is your
22 home the red-roofed --

23 JULIE SMITH: Yes.

24 COMMISSIONER CHRISTMANN: -- or is that a shed
25 and the green or brown-roofed one is your home?

1 JULIE SMITH: My home is the building with the
2 red roof.

3 COMMISSIONER CHRISTMANN: Okay. That looks like
4 even slightly further than the other one, but it's very
5 close. I would -- I would just get a better
6 verification of that.

7 JULIE SMITH: Yes.

8 ALJ HOGAN: Commissioner Haugen-Hoffart.

9 COMMISSIONER HAUGEN-HOFFART: Thank you for your
10 testimony. I have no questions.

11 ALJ HOGAN: Mr. Dawson.

12 SUBSTITUTE DECISIONMAKER DAWSON: No questions.
13 Thank you.

14 ALJ HOGAN: Thank you, Ms. Smith.

15 Just so I know, can I get, by a show of hands,
16 how many more people want to provide testimony?

17 Okay. All right.

18 Sir, if you want to come up. I'll have you
19 state your name and spell your last name for the record.

20 JACK NAGEL: My name is Jack Nagel, N-A-G-E-L.

21 ALJ HOGAN: And, Mr. Nagel, were you in the room
22 this morning --

23 JACK NAGEL: Yes, I was.

24 ALJ HOGAN: -- when I went through the penalties
25 for perjury?

1 JACK NAGEL: Yes, I was.

2 ALJ HOGAN: And do you understand what perjury
3 is?

4 JACK NAGEL: Yes.

5 ALJ HOGAN: And being advised of the potential
6 penalties for perjury, do you promise to tell the truth
7 in this case today?

8 JACK NAGEL: Yes, Your Honor.

9 ALJ HOGAN: All right. Thank you. Go ahead.

10 **JACK NAGEL,**

11 being first duly sworn, testified as follows:

12 JACK NAGEL: I am testifying on behalf of the
13 Linton Fire District. I am the president of the fire
14 district, Linton Fire District. And I'm testifying -- I
15 guess that's why I kind of came up after her. I didn't
16 know what she was going to say, but she was talking
17 safety and I was asked to address safety meetings. And
18 since I wasn't there myself, I had to go through what I
19 was told by members of the fire department, first
20 responders, and the sheriff's office.

21 But, anyway, in visiting with members of the
22 Linton Fire Department and questioning if they have had
23 any type of training on what is the proper protocol if a
24 pipeline would rupture or what other safety protocols
25 should be followed or how fast can contaminated

1 emissions of CO2 spread, as firefighters and ambulance
2 personnel, they need the knowledge about this pipeline.

3 One member of the fire department who is also a
4 part of the Linton ambulance squad attended a Summit
5 Carbon meeting, supposedly a safety meeting, in
6 Bismarck. This firefighter/ambulance person stated it
7 was actually a propaganda talk on how safe the pipeline
8 was and there was actually nothing for the ambulance,
9 fire department to worry about. This person was not
10 convinced and had many safety concerns.

11 In the Bismarck Summit meeting, they once said
12 -- they said once the project was approved or completed,
13 they would then meet with first responders on safety
14 measures and discuss equipment needed but would not give
15 them basic safety information. Sounds like they were
16 hiding something.

17 You asked the lady if she got any air masks or
18 whatever. Our fire department doesn't even have it.

19 At another meeting when again asked about a
20 pipeline break, they were told to stay away from the
21 cloud until it dissipates. So, evidently, recovery is
22 just as good as rescue.

23 I was also told that Summit carb capture had a
24 safety meeting in Bismarck -- in Linton, but because our
25 fire department, ambulance was not notified, the first

1 responders did not attend the meeting. I understand
2 that only one from our area attended and that was
3 someone from the sheriff's department. The person from
4 the sheriff's department indicated that no safety
5 measures were given. The rumor that I heard on that
6 meeting was if no one was there, there would be no
7 backlash from non-supporters and they could say there
8 was no opposition.

9 And this is on my own, this is as a private
10 citizen. I would like to say that I was fortunate to
11 not have to deal with this company on this boondoggle.
12 What hurts me is the ill feeling created in the two
13 short years between rural neighbors and members of our
14 communities. And that's all the way from North Dakota
15 to Iowa. Because of this project, we now have people
16 not talking to each other. This was caused by you and I
17 hope you're all proud.

18 With that, I conclude.

19 ALJ HOGAN: All right. Thank you.

20 Mr. Gludt, any questions?

21 MR. GLUDT: No, Your Honor.

22 ALJ HOGAN: Mr. Pelham.

23 MR. PELHAM: Thank you, sir. I'm just wondering
24 if you have any more specifics about the one member who
25 attended the meeting in Bismarck. Was this member of

1 the Linton Fire Department?

2 JACK NAGEL: Yes.

3 MR. PELHAM: And do you know --

4 JACK NAGEL: He's also a first responder.

5 MR. PELHAM: Thank you. Do you know when that
6 meeting was?

7 JACK NAGEL: No.

8 MR. PELHAM: Okay.

9 JACK NAGEL: No.

10 MR. PELHAM: And I think you said -- and you
11 correct me if I'm wrong; I don't want to put words in
12 your mouth. Did you say there was a meeting, safety
13 meeting, here in Linton?

14 JACK NAGEL: Yes.

15 MR. PELHAM: And do you know when that was?

16 JACK NAGEL: I believe it was last fall
17 sometime. I don't know. All I did was I heard --
18 because it was not publicized anywhere. And the only
19 reason the fire department -- or the sheriff was there
20 is because it was held in the courthouse and that's
21 where their office is.

22 MR. PELHAM: And you said you're the president
23 of the Linton Fire District?

24 JACK NAGEL: I am.

25 MR. PELHAM: Forgive me here, my ignorance, fire

1 district, is it the same as a fire department or is it
2 different?

3 JACK NAGEL: I am actually in charge of the
4 Linton Fire Department. I don't -- I'm not a
5 firefighter, but we make all the decisions; if we're
6 going to buy a fire truck, if we're going to buy a grass
7 unit. The district makes that. And I am the president.
8 And we have about 15 directors.

9 MR. PELHAM: Understood. So as president of the
10 fire district, there's a fire chief, presumably.

11 JACK NAGEL: Yes.

12 MR. PELHAM: And you coordinate with the fire
13 chief as well.

14 JACK NAGEL: Yes.

15 MR. PELHAM: Are you aware or have you become
16 aware that there's what's been described as a grant for
17 counties that Summit would provide for purchase of
18 equipment? Are you familiar with that at all?

19 JACK NAGEL: No.

20 MR. PELHAM: No. Okay.

21 JACK NAGEL: No.

22 MR. PELHAM: Thank you, sir. I don't have any
23 other questions for you.

24 ALJ HOGAN: Mr. Braaten, any questions?

25 MR. BRAATEN: No, Your Honor.

1 ALJ HOGAN: Mr. Jorde, any questions?

2 MR. JORDE: No.

3 Thank you, sir.

4 ALJ HOGAN: Commissioner Christmann.

5 COMMISSIONER CHRISTMANN: Did you indicate that
6 the -- for the safety meeting that was held in Linton,
7 that the ambulance and fire people were not invited?

8 JACK NAGEL: Were not there.

9 COMMISSIONER CHRISTMANN: Were not there or
10 weren't invited?

11 JACK NAGEL: They didn't know about it.

12 COMMISSIONER CHRISTMANN: Do you know who was in
13 charge of the invitation list?

14 JACK NAGEL: Well, Summit called the meeting or
15 had the meeting so I would imagine they should have put
16 it in the paper or something.

17 COMMISSIONER CHRISTMANN: Okay.

18 JACK NAGEL: That's my understanding, that it
19 was not publicized. And the only reason that the
20 sheriff's department was there is because it was held in
21 the courthouse where their office is and they seen it.
22 I believe the Hazelton fire department was there.

23 COMMISSIONER CHRISTMANN: I'll have to refresh
24 on previous testimony. I thought I understood that each
25 county's local emergency director had -- had provided

1 the invitation list basically so --

2 JACK NAGEL: You know more than me.

3 COMMISSIONER CHRISTMANN: I'm not saying that
4 for sure. I'll have to go back and research the record.
5 So just wanted to make sure I understood what you were
6 saying. Thank you.

7 ALJ HOGAN: Commissioner Haugen-Hoffart.

8 COMMISSIONER HAUGEN-HOFFART: I have no
9 questions.

10 ALJ HOGAN: Mr. Dawson.

11 SUBSTITUTE DECISIONMAKER DAWSON: No questions
12 for me. Thank you.

13 ALJ HOGAN: Thank you, Mr. Nagel.

14 JACK NAGEL: Thank you.

15 ALJ HOGAN: Who would like to go next?

16 Okay. I'll have you state your full name for
17 the record and spell your last name.

18 CECILE LONG: Cecile Long, L-O-N-G.

19 ALJ HOGAN: And, Ms. Long, were you in the room
20 this morning when I went through the penalties for
21 perjury?

22 CECILE LONG: I was.

23 ALJ HOGAN: And do you understand what perjury
24 is?

25 CECILE LONG: Yes.

1 ALJ HOGAN: And being advised of the potential
2 penalties for perjury, do you promise to tell the truth
3 in this case today?

4 CECILE LONG: Yes, to the best of my abilities.

5 ALJ HOGAN: All right. Thank you. Go ahead.

6 CECILE LONG,

7 being first duly sworn, testified as follows:

8 CECILE LONG: I feel like I'm repeating myself
9 all of a sudden. I'm coming in in the area of concern
10 of safety. My husband is on the city board and so is my
11 son for Hazelton. And my son is also a fireman in
12 Hazelton.

13 And, yes, Hazelton, did attend that meeting. My
14 son did mention that Linton Fire Department wasn't
15 there, but they were. But he said the same thing. He
16 said they didn't get any answers as far as safety went.
17 Yes, they were offered a grant, but that was as far as
18 what he -- what he said.

19 My concern, again, is on safety but also on the
20 water situation. Where is the water coming from to push
21 this through? It's my understanding anyway that water
22 is needed. And everybody wants to take out of the
23 Missouri, but that runs scary low at times. So what's
24 the backup plan if the Missouri is running too low and
25 you can't use that water? And what kind of a problem

1 does that create? Also, Hazelton is one of the few that
2 has their own well. So if there's leakage out there and
3 we have a bunch of water that slowly trickles to our
4 well, what is that doing? What signs do we have to look
5 for?

6 My husband and I have been trained for years.
7 We have done a lot of rescues. We are trained and
8 certified under CRI, which is Crisis Response
9 International. So we have been trained in many areas.
10 We've been trained in triage. We've been trained in
11 chopper landings, flood control rescue, fire control
12 rescue, and we've actually participated in those
13 situations as well as first aid. We have been with the
14 volunteer weather watchers out of Bismarck for 25 years.
15 We've worked with propane tanks, natural gas leaks, oil
16 field explosions.

17 But I'll be honest with you, I don't have any
18 clue on what to do or if there is even time to do
19 anything with CO2. So as a concerned citizen, I guess I
20 want to know who's going to come in and help with those
21 things in time of trouble.

22 Our school has Hazelton, Moffit, and Braddock
23 children in it. There's 97 of them. So what happens
24 with them as far as the staff in that situation?
25 Because nobody has any -- any training or any knowledge

1 or anything on that right now. What happens to our
2 three daycare centers? They need training. They may
3 need air masks there. But nothing's been mentioned to
4 any of them. We also happen to be in a rural community
5 that has elderly or handicap that would truly need first
6 responders there to help them, and we don't have that.

7 Also, when the pipeline happens to be abandoned,
8 should that happen, what is the cleanup? How long does
9 it lay a mess and what's the hazards to the community in
10 that case? Will there be a program to help train
11 volunteers that are educated like us to help out in that
12 situation?

13 In Hazelton it's all volunteer, like in Linton,
14 so everybody has to participate in their own jobs and
15 live their own lives. So we have had a few situations
16 where the alarms have went off and maybe only two out of
17 the ten or however many there are were ones that were
18 able to respond. You can train all you want and drill
19 all you want, but you can't plan the day and the time
20 that an emergency is going to happen.

21 So that's my major concerns. Otherwise, I agree
22 with those other two, we just are not -- are not
23 prepared. And we really don't want it, but if it is to
24 come, then in all fairness, we need training and we need
25 finances. Because there's not enough finances to do

1 what needs to be done.

2 ALJ HOGAN: All right. Thank you.

3 Mr. Gludt, any questions?

4 MR. GLUDT: No, Your Honor.

5 ALJ HOGAN: Mr. Pelham.

6 MR. PELHAM: No questions. Thank you.

7 ALJ HOGAN: Mr. Braaten.

8 MR. BRAATEN: No, Your Honor.

9 ALJ HOGAN: Mr. Jorde.

10 MR. JORDE: Yes.

11 Ma'am, you mentioned water. Are you aware that,
12 if approved, Summit would be a consumer of (inaudible)
13 gallons of water a year?

14 MR. GLUDT: Your Honor, I'm going to object.
15 Again, we went down this line in Wahpeton. Mr. Jorde is
16 going to, essentially, testify through his questions and
17 ask if they agree or if they're aware. She did not
18 testify about any of this. I think it's inappropriate
19 cross.

20 ALJ HOGAN: Yeah, Mr. Jorde, if you could
21 confine your questions to the testimony provided, I'd
22 appreciate that.

23 MR. JORDE: What do you base your concerns about
24 water on when you named those concerns?

25 CECILE LONG: Okay. If I understand correctly,

1 water will run through those pipelines to help push that
2 CO2 through. So how much water does it take? Where is
3 it coming from? And then if the source runs dry,
4 where's the backup source?

5 MR. JORDE: Has anyone provided you assurances
6 that, based on the water Summit would need to operate
7 its capture equipment, that in times of water needs, you
8 would have enough that you would need for your
9 (inaudible) uses?

10 CECILE LONG: No.

11 MR. JORDE: All right. So are you concerned
12 about (inaudible) water uses for existing businesses and
13 existing residences should this -- PSC approve this
14 project?

15 CECILE LONG: Yes.

16 MR. JORDE: Thank you, ma'am. Nothing further.

17 ALJ HOGAN: Any questions, Commissioner
18 Christmann?

19 COMMISSIONER CHRISTMANN: I do not, Your Honor.
20 Thanks for being here, though.

21 ALJ HOGAN: Commissioner Haugen-Hoffart.

22 COMMISSIONER HAUGEN-HOFFART: No questions.

23 ALJ HOGAN: Mr. Dawson.

24 SUBSTITUTE DECISIONMAKER DAWSON: No questions.
25 Thank you.

1 CECILE LONG: Thank you.

2 ALJ HOGAN: Thank you, Ms. Long.

3 Who would like to go next?

4 Thank you. I'll have you start by stating your
5 full name and spelling your last name for the record.

6 STEPHANIE DOOLITTLE: Yes. Stephanie Doolittle,
7 D-O-O-L-I-T-T-L-E.

8 ALJ HOGAN: And, Ms. Doolittle, were you in the
9 room this morning when I went through the penalties for
10 perjury?

11 STEPHANIE DOOLITTLE: I was.

12 ALJ HOGAN: And do you understand what perjury
13 is?

14 STEPHANIE DOOLITTLE: I do.

15 ALJ HOGAN: Being advised of the potential
16 penalties for perjury, do you promise to tell the truth
17 in this case today?

18 STEPHANIE DOOLITTLE: I do.

19 ALJ HOGAN: All right. Thank you. Go ahead.

20 STEPHANIE DOOLITTLE,
21 being first duly sworn, testified as follows:

22 STEPHANIE DOOLITTLE: My husband and I testified
23 in Linton last May and I'm here to update you on where
24 our family is in this process.

25 First of all, thank you to the Public Service

1 Commission for being here today and for mentioning our
2 family specifically in your findings on August 4th,
3 2023, as you denied Summit Carbon Solutions a permit to
4 build a pipeline in our state. It was the right
5 decision. It was a good day at our house.

6 That seems like an eternity as we landowners
7 have had to continue to bear the brunt of the Green New
8 Deal and the loss of property rights as Summit Carbon
9 Solutions have had their project reconsidered and renew
10 -- new routes reviewed. But it's also been an
11 opportunity for all of us, including the Commission, to
12 learn more about Summit Carbon Solutions and the company
13 they claim to be and more about the safety of their
14 project. They claim to be a company who works with
15 landowners and who are happy to adjust a route and give
16 payments to a neighbor when a landowner chooses to pass
17 on their project. We have heard hours of testimony
18 discrediting that statement.

19 We as a family along with other landowners
20 appealed to Summit to route around our property nearly
21 two years ago. The first page, I do have a letter from
22 our attorney dated July 1st, 2022, asking Summit to
23 please leave us out of their project.

24 And I know, Mr. Christmann, you love land
25 descriptions so I did include that so you know right

1 where we are. Appreciate that.

2 The action that followed was to file lawsuits
3 against all of us. Why take this aggressive step to sue
4 landowners over the right to survey if you have no
5 intention of using or taking that property? After all,
6 this could be an opportunity for another landowner is
7 what we heard.

8 Now Summit claims that the land agents were to
9 blame for the unethical behavior and threats of eminent
10 domain. The threatening letters we received came from
11 the heads of Summit and their legal counsel, not their
12 land agents.

13 We feel the strategy from day one was to
14 intimidate landowners, hoping we would let the fear of
15 losing control of our property in an eminent domain
16 situation drive us to sign an easement. Those orders
17 most likely came from the top. To hear Summit and the
18 spokesperson for Friends of Ag and Energy state that
19 those causing the problems have been fired and
20 strong-arm tactics were never intended is another lie of
21 deception. The leadership of Summit Carbon Solutions
22 remains the same. Eminent domain was threatened against
23 us and other landowners.

24 The minutes of the Emmons County Commission
25 meeting in July of 2022 is included in your packet.

1 They were never afraid to use those words against honest
2 and hard-working property owners.

3 How many landowners along the way gave up the
4 fight due to emotional and financial exhaustion? Has
5 Summit been in contact with these landowners who may
6 have signed in duress and offered any solutions?

7 Believe us, this battle has caused horrific
8 turmoil in our lives. You have no idea how emotionally
9 debilitating it is to be bullied by billionaires with
10 more attorneys -- with more money and attorneys than we
11 could ever afford.

12 We had no choice but to stand up and defend our
13 property knowing this company has no intention of
14 hearing our pleas or respecting our decision not to be
15 part of their project.

16 It's unfortunate that many landowners drawn into
17 this mess are retired and have been forced to spend
18 their social security and retirement to defend what
19 they've bought and paid for over the years. Some are
20 suffering from illnesses and just the pains of a life
21 well lived.

22 Our friend, Harold Robinson, is no longer with
23 us. He spent the last two years of his life defending
24 what he and his wife, Frances, cherished more than
25 anything, the refuge they built together, a small farm

1 where they grew what they ate while giving thanks for
2 every blessing. They are some of the most humble and
3 gracious people I know. All they wanted was for Summit
4 to route around their property.

5 Shortly after the PSC denial in August of 2023,
6 Summit reserved the community center here in Linton and
7 held an informational open house. And I believe that
8 might be what Mr. Nagel was talking about. No public
9 notice was given. No invitations were sent. To only --
10 excuse me. No public notice was given and invitations
11 were sent to only a select few. Our county and city
12 commissioners and local officials were not invited. No
13 first responders from our area were notified. And no
14 school administration was invited to attend.

15 Our school in Hazelton lies just 1.8 miles from
16 the 24-inch pipe. We learned of the meeting through our
17 local sheriff and decided to attend in hopes of getting
18 information and having some questions answered.

19 And I did get his permission that I shared a
20 copy of that email that you can sure use for your
21 reference.

22 No public meetings have been held since this
23 project was proposed and many have no idea their
24 families could be impacted by this pipeline.

25 We asked the Summit associate, Amanda, who

1 checked us in, who was invited to attend. She said as
2 landowners we should have received an invite in the mail
3 and she was unaware that no public notice was given.

4 Summit has all of our landowner addresses, but
5 no invitations were sent. This meeting was classified
6 as an open house. Why all the secrecy? Was this just
7 -- this meeting just scheduled to check a box for the
8 PSC reconsideration?

9 My reason for attending the open house was for
10 the concern and safety of my family who live about one
11 mile from the pipeline. And you can see that on the
12 map. I've put our house in the red box.

13 I was directed to the safety consultant for
14 Summit who was there that day. I explained to him our
15 proximity to the pipeline was about a mile and I needed
16 to know how we could prepare and respond in the event of
17 a release or rupture. Our nearest hospital is 16 miles
18 away and it would take our volunteer first responders at
19 least 20 minutes to get to us. When you live in the
20 country and at a distance from a medical center, you
21 must always have a plan. He said to me that there was
22 nothing to prepare for. The CO2 would just disperse
23 into the air as he raised up his arms. There's nothing
24 to worry about.

25 I was present and heard the testimony from the

1 first responder from Satartia, Mississippi, last spring
2 in Linton and I saw the pictures of the rupture. I
3 questioned his comment with regards to the high pressure
4 this pipeline would be under and that CO2 is heavier
5 than air. He continued to say that there was nothing to
6 be worried about as this pipeline would be run at
7 1,300 PSI. I knew through all the hours of testimony
8 that that statement was not true and the pipeline
9 running near our farm and through our community could be
10 pressured up to 2,200 PSI.

11 The safety consultant was beginning to get
12 irritated with my questions and the concerns I had for
13 my family. I referenced the photos that were entered
14 into the record just a few months previously at the PSC
15 hearing in Bismarck from a rupture in Montana. The
16 ground around the site was visually altered with a large
17 hole and scattered rock. He and another Summit rep
18 looked at each other and shook their heads like they had
19 never heard a thing about it or had never seen the
20 pictures. He then made the statement that we could be
21 standing 500 feet from a rupture and our safety would
22 never be in question. It was clear to me with his
23 condescending attitude that he and his company he serves
24 have absolutely no regard for my family or my community.

25 I asked him if he could guarantee this pipeline

1 would never break. With overwhelming arrogance, he
2 said, "Yes." The engineer who was there said he would
3 not make that statement. Other landowners were present
4 during this conversation and are here today and would
5 testify to what was said.

6 It took our family a year and a half and over
7 \$15,000 in legal fees to receive a letter from Summit
8 dated February 15th -- I've included that, it's framed
9 in my downstairs -- stating that they had adjusted the
10 route in Emmons County and the pipeline was no longer
11 going to be crossing our property. Our attorney has yet
12 to receive notification from Summit of the route change.
13 If our name hadn't been mentioned in your findings, we
14 wonder whether accommodation would have been made for
15 us. Our 93-year-old father was relieved to hear the
16 news and so grateful the land he worked so hard to
17 improve over the years would be spared from this
18 pipeline.

19 The character of this company has been on full
20 display for all to see. Those of us that have sat
21 through days of testimony can see that you as
22 commissioners are at times as disgusted as us. A
23 company who can't answer questions or who won't answer
24 questions is very concerning. How can we trust a
25 company with no integrity who chose to bully rather than

1 to build relationships in North Dakota communities to
2 safely build and maintain a hazardous and dangerous CO2
3 pipeline?

4 The lack of respect that Summit Carbon Solutions
5 has had for our Public Service Commission, state and
6 county officials, and the landowners, is shocking. It
7 appears to those of us sitting in the audience that
8 Summit Carbon Solutions and the billionaires supporting
9 them are quite confident their project will be approved
10 and that these hearings are just a formality. I pray
11 that is not true. The people of our great country have
12 lost faith in our institutions and wonder whether our
13 voices even matter.

14 The North Dakota Public Service Commission, it
15 is your duty to ensure that a project will produce
16 minimal adverse effects on the environment and upon the
17 welfare of the citizens of North Dakota. Concerned
18 citizens along with numerous experts in their field have
19 provided endless hours of testimony to share the truth
20 and the facts about the consequences of a high-pressure
21 CO2 hazardous pipeline traversing through our state. We
22 ask that you deny this project as Summit Carbon
23 Solutions has not clearly demonstrated a desire to
24 address the safety concerns of the citizens of North
25 Dakota who live along this pipeline. Be assured of our

1 prayers for courage and clarity as you decide the fate
2 of this pipeline and the fate of the citizens of North
3 Dakota.

4 Thank you.

5 ALJ HOGAN: Thank you.

6 Mr. Gludt, any questions?

7 MR. GLUDT: No, Your Honor.

8 ALJ HOGAN: Mr. Pelham.

9 MR. PELHAM: Yes.

10 Thank you, Ms. Doolittle. As far as the letter,
11 the February 15, 2024, letter, is that the last
12 communication that Summit has sent to your family or
13 you?

14 STEPHANIE DOOLITTLE: Correct. The letter that
15 -- excuse me, again, the date that you gave?

16 MR. PELHAM: The February 15th, 2024 --

17 STEPHANIE DOOLITTLE: Yes. That was just this
18 spring.

19 MR. PELHAM: Right.

20 STEPHANIE DOOLITTLE: Yes, yes.

21 MR. PELHAM: Okay. And to the best of your
22 knowledge, the property that you or your family own is
23 no longer being proposed to be impacted directly by the
24 route; is that correct?

25 STEPHANIE DOOLITTLE: Correct, yeah. It's --

1 the new updated map is here today. I didn't include it
2 in the pack. I figured you might have that. But they
3 have directed it over slightly off of our property.

4 MR. PELHAM: Okay.

5 STEPHANIE DOOLITTLE: Yes.

6 MR. PELHAM: Thank you, ma'am. I don't have any
7 other questions for you.

8 ALJ HOGAN: Mr. Braaten, any questions?

9 MR. BRAATEN: No, Your Honor.

10 ALJ HOGAN: Mr. Jorde, any questions?

11 MR. JORDE: Yes.

12 Ma'am, you had a packet of materials there. Did
13 you pass around a copy to the PSC?

14 STEPHANIE DOOLITTLE: I did. And I'm assuming
15 it will be put into evidence or --

16 ALJ HOGAN: Yes.

17 MR. JORDE: Okay. Yeah. And I just want to
18 formally offer all of her evidence that she's presented.

19 ALJ HOGAN: As I indicated before, all the
20 documents I receive as part of the public testimony
21 portion will be marked as one exhibit, included.

22 MR. JORDE: Okay. All right. And received into
23 evidence. Okay.

24 Ma'am, do you remember the name of the Summit
25 rep who was arrogant and said that you could be standing

1 500 feet from a rupture and there would never be a
2 problem?

3 STEPHANIE DOOLITTLE: You know, I'm sorry, I
4 don't. I should have gotten his card. I'm sure if
5 you'd go back and -- I'm sure they must have a log of
6 the meeting. Like I said, Amanda was checking everybody
7 in. Everybody was stated on there. So I would -- I
8 would think that they would have a list of the employees
9 that were present that day presenting. They had
10 different -- they had an engineer, safety specialist, a
11 few different people. So that might be -- you might be
12 able to obtain that.

13 MR. JORDE: So I guess the sum of your
14 testimony, is it your opinion that the PSC should deny
15 the Summit application based upon how they've treated
16 citizens and how they've gone about carrying themselves
17 to date on this project?

18 STEPHANIE DOOLITTLE: Yes.

19 MR. JORDE: Do you feel any better about the
20 safety of other people simply because Summit has
21 slightly rerouted off your property?

22 STEPHANIE DOOLITTLE: No, I don't. The safety
23 concern is still the same. It's -- it's barely a
24 quarter mile, I think, off of our -- off of our
25 property. And it's still in our neighborhood. It's

1 where we work. We have property in that area. And I'm
2 still worried for our community. Yes, I'm still
3 worried.

4 MR. JORDE: And when Summit told you there's
5 nothing to worry about in the case of a rupture or
6 unintended release, did Summit provide you any
7 dispersion modeling analysis or evidence to back that
8 claim up?

9 STEPHANIE DOOLITTLE: No.

10 MR. JORDE: Thank you, ma'am, for your
11 testimony.

12 ALJ HOGAN: Commissioner Christmann, any
13 questions?

14 COMMISSIONER CHRISTMANN: It would be quite a
15 few of them. I don't expect you to know all of them.
16 But some of your neighbors where the project is rerouted
17 to so that it can go around your land, do you know if
18 they have signed easements or if those are still --

19 STEPHANIE DOOLITTLE: The last time I spoke with
20 them, they had not signed. They were not interested.
21 That could have changed.

22 COMMISSIONER CHRISTMANN: Is that a pretty long
23 time ago?

24 STEPHANIE DOOLITTLE: I would say within the
25 last couple of weeks to a month, one of the landowners

1 at least, yes. The other one, it's been maybe three
2 months possibly.

3 COMMISSIONER CHRISTMANN: No other questions.
4 Thank you.

5 ALJ HOGAN: Commissioner Haugen-Hoffart.

6 COMMISSIONER HAUGEN-HOFFART: I have no
7 questions, but thank you for your thorough testimony.

8 ALJ HOGAN: Mr. Dawson.

9 SUBSTITUTE DECISIONMAKER DAWSON: No questions.

10 ALJ HOGAN: All right. Thank you.

11 Who would like to go next?

12 Good afternoon. I'll have you start by stating
13 your full name and spelling your last name for the
14 record.

15 FRANCES ROBINSON: Frances Robinson,
16 R-O-B-I-N-S-O-N.

17 ALJ HOGAN: Ms. Robinson, were you in the room
18 this morning when I went through the penalties for
19 perjury?

20 FRANCES ROBINSON: Yes.

21 ALJ HOGAN: And do you understand what perjury
22 is?

23 FRANCES ROBINSON: Yes.

24 ALJ HOGAN: And being advised of the potential
25 penalties for perjury, do you promise to tell the truth

1 in this case today?

2 FRANCES ROBINSON: Yes.

3 ALJ HOGAN: Okay. Thank you. Go ahead.

4 **FRANCES ROBINSON,**

5 being first duly sworn, testified as follows:

6 FRANCES ROBINSON: Our land is in the southwest
7 quarter and an 80 of 26-136-77 in Emmons County and all
8 of section 27-136-77.

9 I am against the proposed Summit Carbon
10 Solutions CO2 pipeline coming from Iowa to be -- to be
11 sequestered in North Dakota. At this time I am told
12 they will no longer be crossing my land. I hope that is
13 true. My husband and I opposed the pipeline until his
14 passing in November. At that time it was still crossing
15 our land. It has since, hopefully, been rerouted.

16 We have heard a little -- so little truth from
17 their company that you can -- you can believe nothing.
18 Our very first meeting with a representative of Summit
19 Carbon Solutions was the same as all of the ones that
20 have followed; push their agenda with no regard to
21 safety, truth, or the welfare of the state. We were
22 told CO2 is perfectly safe though not at this
23 concentration and pressure. Apparently an oversight.

24 Money is to be made is -- is the most -- of
25 utmost importance and any casualties along the way can

1 be overlooked as long as they benefit from it. Our tax
2 dollars are being diverted to individuals and groups
3 that follow the instructions of a few no matter the
4 cost.

5 Summit Carbon Solutions has never built a CO2
6 pipeline, yet they know exactly how to do it. We are
7 assured that it is perfectly safe and there was no
8 danger to the public or land. I believe the Titanic was
9 deemed unsinkable until it sank. Another testimony of
10 man's genius.

11 We cannot control everything and, in some cases,
12 nothing. If it is so safe, why will they not release a
13 plume study, discuss how emergency personnel should
14 handle a possible rupture or leak, and discuss what
15 equipment will be necessary in case the impossible
16 happens? And who will be paying for the necessary
17 items? We are told if it is approved these problems
18 will be addressed. Why would they be concerned then?
19 They are free to do as they wish.

20 Summit Carbon Solutions is built on lies from
21 the beginning. Even under oath it doesn't matter, only
22 "Do you know how much money that is?" The statement we
23 have heard over and over again. Apparently to them
24 money is more important than lives, property rights, and
25 our world -- our state.

1 We saw how the oil boom affected Dickinson and
2 Williston. An influx of money, an influx of people
3 following it, and the usual greed, crime, and corruption
4 that follows money. Is that what we want for North
5 Dakota?

6 Once the pipeline is built, the people and money
7 are gone for North Dakota, but we will have everything
8 that followed the money to deal with the rest of our
9 lives. How is that supposed to improve our state or
10 lives?

11 We are assured the affected counties will be
12 compensated with the money from the taxes. Summit
13 Carbon Solutions will not be paying the taxes. The
14 working public tax dollars will pay the taxes to the
15 impacted county for ten years. The landowners that
16 signed the easements, in some cases blanket easements,
17 will pay a large portion of their payment back as taxes,
18 have no control of their land for 99 years. Figure out
19 what that payment comes to per year. Was it worth it?
20 Plus, now the possibility of a rupture is close to you
21 and your neighbors.

22 Many did not understand it, but it is too late.
23 Even many have said it's wrong but are too complacent to
24 stand against it. Yet if we don't sign, the threat of
25 eminent domain is used to forcibly take the land.

1 Who is truly benefiting from a CO2 pipeline?
2 Not the landowners. Not the people who will be paying
3 increased costs for electricity, water, and other
4 necessary services that we take for granted. Only those
5 who will be from -- far from danger and destruction
6 waiting to see what will happen and, of course, enjoying
7 their money.

8 If CO2 is such a danger to humanity, why are so
9 many countries increasing the amount of CO2 they're
10 emitting while others are spending recklessly to slow it
11 down? Is it possible that it is a way to channel
12 government tax dollars to individuals or groups in the
13 name of saving the planet? We have heard "Tell them
14 long enough and they'll believe it." Are people no
15 longer able to think or reason for themselves? If so,
16 what makes their ideas right and common sense wrong?

17 What is the state of North Dakota truly gaining
18 with the pipeline? We hear increased corn prices.
19 Again, what guarantee is there that the farmers would
20 get any more for their corn?

21 I implore the PSC to think about their decision
22 long and hard, use their God-given sense of right and
23 wrong and their conscience over what actually could
24 happen to reject Summit Carbon Solutions' proposed
25 pipeline. If you cannot do that, God help us all.

1 ALJ HOGAN: All right. Thank you.

2 Mr. Gludt, any questions?

3 MR. GLUDT: No, Your Honor.

4 ALJ HOGAN: Mr. Pelham.

5 MR. PELHAM: I think Mr. Schock has some
6 questions.

7 MR. SCHOCK: I just want to clarify where your
8 property is on here. So you were saying -- so it's 136
9 north, 77 west, sections 26 and 27, I think is what I
10 heard. Which parcels within those two sections? So
11 within section 26?

12 FRANCES ROBINSON: The southwest one quarter
13 plus an 80 of 136-77.

14 MR. SCHOCK: Okay. And then in section 27?

15 FRANCES ROBINSON: All of 27.

16 MR. SCHOCK: Okay. And -- so the southwest
17 quarter of section 26. It's hard to tell on my map.
18 There's a couple of different -- it says "Emmons County"
19 right over the top of what looks like a farmstead. Is
20 that where you live --

21 FRANCES ROBINSON: There's -- yes.

22 MR. SCHOCK: Okay. Okay. That's all my
23 questions. Thank you for clarifying that for me.

24 ALJ HOGAN: Mr. Braaten, any questions?

25 MR. BRAATEN: No, Your Honor.

1 ALJ HOGAN: Mr. Jorde, any questions?

2 MR. JORDE: No. Thank you.

3 ALJ HOGAN: Commissioner Christmann.

4 COMMISSIONER CHRISTMANN: I'm looking at my map
5 of section 26 and it looks like over in the southeast
6 quarter it kind of enters that quarter in the middle
7 down in the bottom and comes up and then for a ways runs
8 very close to the -- to the quarter line between the
9 southeast and southwest. So did you --

10 FRANCES ROBINSON: About a quarter of a mile.

11 COMMISSIONER CHRISTMANN: Did you say that it's
12 your understanding that it's off of your property?

13 FRANCES ROBINSON: They -- they notified me, I
14 would say in January or February, that they had
15 rerouted, but why would you believe them this time?
16 They haven't told the truth up until now.

17 COMMISSIONER CHRISTMANN: This map, I mean it
18 very well may be rerouted. It's very near the line, but
19 I'm just not sure. So I just wanted to make sure I
20 understood you right that you were told that it's off.

21 FRANCES ROBINSON: I received a letter that -- I
22 was told and received a note that it was off.

23 COMMISSIONER CHRISTMANN: Okay.

24 FRANCES ROBINSON: But is it?

25 COMMISSIONER CHRISTMANN: I'll have to look at

1 it on a better map than what I have with.

2 FRANCES ROBINSON: It won't matter as far --
3 other than protecting our land, I'll be just as dead
4 whether it's over there or over here.

5 COMMISSIONER CHRISTMANN: No other questions.
6 Thank you.

7 ALJ HOGAN: Commissioner Haugen-Hoffart.

8 COMMISSIONER HAUGEN-HOFFART: No questions.
9 Thank you for your testimony.

10 ALJ HOGAN: Mr. Dawson.

11 SUBSTITUTE DECISIONMAKER DAWSON: No questions
12 for me. Thank you.

13 ALJ HOGAN: All right. Thank you.

14 FRANCES ROBINSON: Thank you.

15 ALJ HOGAN: Who would like to go next?

16 TERRY WANZEK: I also have testimony from
17 another person that couldn't make it today. Should I
18 hand that out right away?

19 ALJ HOGAN: No. I don't think we can accept it
20 if they don't come to the hearing to testify.

21 TERRY WANZEK: Okay.

22 ALJ HOGAN: They've got to be here to testify.

23 TERRY WANZEK: Can I just hand out -- can I hand
24 out his written testimony or --

25 ALJ HOGAN: I can't accept it as part of the

1 record for this case.

2 TERRY WANZEK: Okay.

3 ALJ HOGAN: I'll have you state your full name
4 and spell your last name for the record.

5 TERRY WANZEK: My full name, Terry Wanzek,
6 W-A-N-Z-E-K.

7 ALJ HOGAN: Mr. Wanzek, were you in the room
8 this morning when I went through the penalties for
9 perjury?

10 TERRY WANZEK: Yes, I was.

11 ALJ HOGAN: Do you understand what perjury is?

12 TERRY WANZEK: Yes, I do.

13 ALJ HOGAN: And being advised of the potential
14 penalties for perjury, do you promise to tell the truth
15 in this case today?

16 TERRY WANZEK: Yes, I do.

17 ALJ HOGAN: All right. Thank you. Go ahead.

18 MR. DUBLINSKE: Your Honor, if I may. I just --
19 we've had other people submit packets of information
20 that have material that is from third persons, not the
21 person testifying. So I guess I'm not sure what would
22 be any different here.

23 ALJ HOGAN: So there's no objection?

24 MR. PELHAM: I would have an objection. I don't
25 think that if -- if the person isn't here to testify,

1 then providing that information -- I mean, we've had
2 plenty of people talk about hearsay information, what
3 others have told them, but as I understand it, the -- as
4 I understand it, the witness wants to provide specific
5 written testimony. Maybe I'm mistaken on that but...

6 TERRY WANZEK: The testimony, Your Honor, if I
7 may, the testimony is written out. He took the time and
8 trouble to write it. It's a one-page testimony. And it
9 was given to me and I was asked to submit it, but it's
10 up to you. I'm not going to push the issue.

11 ALJ HOGAN: I guess, Mr. Dublinske, I don't
12 remember specific circumstances when I did that, but in
13 this particular circumstance, I am not going to accept
14 it.

15 But you can proceed, Mr. Wanzek.

16 TERRY WANZEK,
17 being first duly sworn, testified as follows:

18 TERRY WANZEK: Yep. Thank you, Your Honor.

19 Commission Christmann -- Commissioner
20 Christmann, Commissioner Haugen-Hoffart, Substitute
21 Decisionmaker Mr. Dawson, and staff, as I've already
22 stated, my name is Terry Wanzek. I'm a fourth
23 generation farmer from Jamestown. And I serve the State
24 as senator from District 29.

25 I want to make it clear and emphasize that I'm a

1 farmer first. I'm not a politician who delves in
2 agriculture. Farming, I have almost nearly 60 years of
3 experience in farming and fourth generation. My
4 family's farming roots go back to my great grandparents,
5 Simon and Mary Wanzek who migrated from Poland to the
6 U.S. and North Dakota in the 1880s. The farm continues
7 to provide for multiple generations as my son and nephew
8 actively farm with us and my brother today. Their
9 children too are already spending time in our fields.

10 As a multi-generation farming family, we
11 understand the need to adapt to meet market demands.
12 Right now the markets demand low-carbon intensity
13 ethanol. I'm concerned that if Summit's CO2 pipeline is
14 not built, the plants that use North Dakota corn to
15 produce ethanol will not be able to meet that market
16 demand. And if that happens, our ethanol exports will
17 decrease and the corn prices paid to North Dakota
18 farmers will slip. Considering that 40 percent to
19 60 percent on an annual basis of North Dakota's total
20 annual corn production -- around 200 million bushels --
21 is purchased by North Dakota ethanol plants, the
22 potential negative -- considering that amount of
23 purchase, the potential negative economic impact to our
24 farm economy is enormous. And this does not include the
25 out-of-state ethanol plants that buy North Dakota corn.

1 Some of our producers sell their corn into Minnesota and
2 South Dakota.

3 Simply put, Summit's pipeline project will allow
4 our state's farmers and our state's ethanol plants to
5 provide the consumers, our customers, the low-carbon
6 intensity ethanol they desire. It also presents huge
7 new marketing opportunities like sustainable aviation
8 fuel markets for our corn ethanol.

9 Right now in the United States we consume about
10 15 billion gallons of ethanol. And the sustainable
11 aviation, the airline industry is interested, if we can
12 lower our carbon footprint, in purchasing ethanol. And
13 that market nationally is about 50 billion, globally a
14 hundred billion gallons of fuel. So that could have a
15 huge impact on our ag economy.

16 The future is here and it dictates that we adapt
17 to preserve the livelihoods of our future farmers like
18 my children, nephews, and grandchildren. I respectfully
19 request that the Public Service Commission approve
20 Summit's pipeline project as it is critical to North
21 Dakota's farmers, the state's economy, and our future.

22 Certainly I want to make it clear that I
23 absolutely agree with the need to go through the safety
24 protocols. I'm not promoting development of any project
25 that doesn't make an effort to be as safe as it can

1 possibly be. We take calculated risks every day in our
2 lives. When we got in our car today to come to this
3 meeting, we took a risk. But we -- the calculations
4 show that your odds are pretty good that you're going to
5 survive that. And nothing would ever get done if we
6 were to expect everything to be a hundred percent
7 foolproof. And God help us, I hope nothing ever happens
8 so...

9 And I also want them to -- I understand the
10 respect for landowners. Being a landowner myself, I
11 know that I have rights and I want the project to be
12 respectful of that.

13 But I did hear today that there's nothing in it
14 for us, it's just Summit that's making all this money.
15 And, you know, while I was listening, I Googled USDA
16 National Ag Statistical Services. And in Emmons County,
17 there was 174,000 acres of corn grown in Emmons County
18 last year. That's about 24 million bushels of corn. At
19 about a \$5 rate, that's \$120 million of value in Emmons
20 County's corn. And you think of that 120 million being
21 spent in these local small rural communities. Turns
22 over four, five times. So you're talking about half a
23 billion to \$700 million of economic impact. I know that
24 you don't need to be a corn farmer to feel that impact.
25 Our local rural communities of North Dakota and our

1 rural environment depends greatly on agriculture
2 succeeding.

3 If you look at Stutsman County, my county, if
4 you look back in the 1990s, late '90s, we didn't even
5 raise 10,000 acres of corn. Last year Stutsman County
6 raised 220,500 acres of corn. And at \$5 value, that's
7 32.3 million bushels, that's \$161 million in our county
8 with the corn impact.

9 Corn in Emmons County ran -- according to the
10 USDA, ran 144 bushels per acre in Emmons County. That's
11 a \$700 revenue return to Emmons County farmers versus if
12 they're going to grow wheat instead. You know, you'd be
13 looking at about half of that. So it does have an
14 economic impact.

15 And I'm not trying to argue for any global
16 warming, climate change policies. I'm not arguing that.
17 As a matter of fact, I agree with the veterinarian who
18 made his case. I don't disagree with a lot of what
19 they're saying. But sometimes you have to honor your
20 customers, and our customers are not in North Dakota.
21 Our customers are in the rest of the nation and
22 globally. We've already lost markets to Brazil because
23 Brazil is doing this. They are lowering their carbon
24 footprint.

25 So my testimony is mostly concerned about the

1 connection of ethanol to our corn producers. I
2 represent a district that's mostly ag and a lot of corn
3 is grown in our district and I'm concerned about that.

4 I certainly am not trying to promote any kind of
5 activity that would cause unnecessary risk and things of
6 that nature. I do believe that we have to go through
7 those safety protocols. And I don't want to see anybody
8 injured or hurt in any way. I have a feeling that the
9 experts, you know, the EERC, the PHMSA, and those will
10 be overseeing this. And those experts, I'm sure, will
11 take every -- make every effort to be as safe as they
12 can possibly be.

13 But that's my testimony. If there are any
14 questions...

15 ALJ HOGAN: Thank you.

16 Mr. Gludt, any questions?

17 MR. GLUDT: No questions. Thank you.

18 ALJ HOGAN: Mr. Pelham, any questions?

19 MR. PELHAM: No. Thank you.

20 ALJ HOGAN: Mr. Braaten?

21 MR. BRAATEN: No, Your Honor.

22 ALJ HOGAN: Mr. Jorde.

23 MR. JORDE: Yes. Thank you.

24 Sir, do you believe it's the Public Service
25 Commission's job to protect the profits of the

1 Tharaldson Ethanol plant?

2 TERRY WANZEK: Absolutely no. I hope that they
3 take my testimony into account and use it to -- in
4 making their decision. But, no, I don't think they are
5 all about saving the -- saving the industry. It's up to
6 me to make sure that they are aware of that concern.
7 There's a lot of concern out there and there's a number
8 of the ag advisory committees that have endorsed, you
9 know, this project. I --

10 MR. JORDE: I'm sorry, go ahead.

11 TERRY WANZEK: I was going to say I never did
12 share, in the state we have 3.8 million -- this is 2023
13 -- 3.8 million acres of corn, 543 million bushels, or
14 \$2.7 billion value of corn grown here. And if these
15 ethanol plants are in the -- they're being held in the
16 balance. And if they are not able to maintain their
17 markets or miss out on the opportunities like
18 sustainable aviation fuel, we're going to -- it's going
19 to have a serious economic impact on agricultural.

20 MR. JORDE: And you base that on things that
21 Summit has told you?

22 TERRY WANZEK: Absolutely not. I take offense
23 to that. I'm a farmer. I've got 60 years of
24 experience. I've grown -- we -- my brother and my son
25 and my nephew, we grow corn. We have for years. And we

1 started more in the early 2000s. But I'm -- as a
2 farmer -- like I said in the beginning of my testimony,
3 I'm here as a farmer more than a state senator. And I'm
4 concerned for our industry. If we lose corn, which has
5 become a primary crop in North Dakota agriculture, if we
6 lose that market, it doesn't take a rocket scientist to
7 figure out if you lose half your market, it's going to
8 impact your industry.

9 MR. JORDE: And do you believe that ethanol
10 plants not connected to the proposed Summit pipeline
11 will go out of business?

12 TERRY WANZEK: Ultimately, probably so, yes,
13 because they can't meet their market demands. It's --
14 you know, you don't always have to agree with your
15 customer, but you do -- if you want to survive in
16 business, you -- you got to listen to your customers.
17 And they're not from North Dakota. They're from the
18 rest of the nation and globally. Even though I maybe
19 don't agree with them. We have to do that if we want to
20 maintain or sustain our industry.

21 MR. JORDE: And so I presume you're aware that
22 only one of the North Dakota ethanol plants is planning
23 to connect to this pipeline. Have you talked to any of
24 the other plants about their plans for the future?

25 TERRY WANZEK: Well, two of them, I understand,

1 are already in an area where the geology is conducive
2 for them to do it themselves. And I know one for sure,
3 I don't know about the other one, but the one in
4 Richardton has already done it.

5 And they're asking us farmers to provide corn
6 that has a lower carbon footprint too to help with the
7 -- to assist in this -- in this market approach. And
8 you can do that by planting cover crops, no-tilling,
9 minimum-tilling. We actually add, you know, some treat
10 to the seed that helps hold the carbon in the soil.

11 Again, I don't -- I'm not here to argue for
12 those policies. I'm here talking about the concern that
13 if we do not figure out how to lower the carbon
14 intensity footprint, our industry is at risk.

15 MR. JORDE: So if we accept that as true, you
16 are aware, as I think you just mentioned, that there are
17 many ways to reduce a carbon footprint that have nothing
18 to do with a pipeline. You would agree on that?

19 TERRY WANZEK: Yes. But the problem is our
20 score -- our carbon intensity score for most of our
21 plants are in that 60 to 70 range. Based on the
22 activities that I as a farmer might do will lower that
23 maybe 3 to 5 points. You need to be under a score of
24 50. And the only way to reach that score that -- that
25 I'm aware of and that I've been told is to capture the

1 carbon and sequester it. And that's why I think it's
2 necessary. There are few options of being able to reach
3 that limit.

4 MR. JORDE: Since the ethanol plant you
5 referenced that's already capturing carbon on-site,
6 since they've started doing that, did the other ethanol
7 plants in North Dakota who are not doing that, have they
8 gone out of business?

9 TERRY WANZEK: Not as of yet, but this -- these
10 markets are starting to surface now. Canada, I
11 understand, has lowered -- or has raised their
12 standards, lowered the score. Canada is one of North
13 Dakota's major export markets. And it -- it's going to
14 happen over time. I do believe that.

15 MR. JORDE: And you would certainly agree
16 there's things more important than money and economic
17 impact; right?

18 TERRY WANZEK: Well, absolutely. That's why I
19 said I think safety protocol needs to be met. You know,
20 and there are highly trained experts that are involved
21 with this and you have to meet PHMSA standards. I don't
22 think it should be done shoddily or poorly or without
23 safety in mind. Yes, I do agree with that. But I
24 believe it can be done.

25 MR. JORDE: And to support that belief, sir, has

1 Summit shared with you any of their risk analysis or
2 dispersion modeling or plume modeling that they've
3 prepared?

4 TERRY WANZEK: No. I have not discussed that
5 with them.

6 MR. JORDE: All right. Thank you, sir. Nothing
7 further.

8 ALJ HOGAN: Commissioner Christmann.

9 COMMISSIONER CHRISTMANN: Senator, does any of
10 the pipeline run on any of the land that you own or --

11 TERRY WANZEK: We have pipelines that we farm
12 over but not CO2.

13 COMMISSIONER CHRISTMANN: This one doesn't
14 impact you but --

15 TERRY WANZEK: No.

16 COMMISSIONER CHRISTMANN: You beat me to my next
17 question.

18 TERRY WANZEK: Okay.

19 COMMISSIONER CHRISTMANN: You do farm over some
20 pipelines, under power lines, things like that?

21 TERRY WANZEK: Yes. We have trans- -- two major
22 transmission lines. I just signed two easements the
23 other day with the utility co-op to bury some power
24 lines across our land. I deal with that every day too.
25 And we actually had a natural gas pipeline that, based

1 on some erosion, was starting to come out of the ground,
2 and we called the company and they came out and buried
3 it deeper.

4 COMMISSIONER CHRISTMANN: And I presume since
5 you seem to be speaking positively about the project,
6 that the other testimony that you were bringing with on
7 behalf of someone else was also in favor?

8 TERRY WANZEK: They were --

9 MR. JORDE: Objection (inaudible).

10 TERRY WANZEK: They were in favor.

11 ALJ HOGAN: Hang on.

12 What was the objection?

13 MR. JORDE: Well, you sustained the prior
14 objection that it doesn't come in, so I just said
15 objection to the question. It's not relevant.

16 ALJ HOGAN: Your objection is noted. I'll allow
17 him to answer, at least that general question.

18 TERRY WANZEK: I'm sorry, I --

19 ALJ HOGAN: I think --

20 COMMISSIONER CHRISTMANN: The question was, was
21 that also supportive testimony?

22 TERRY WANZEK: It was supportive. It was a
23 farmer/rancher.

24 COMMISSIONER CHRISTMANN: Okay. I have no other
25 questions. Thank you.

1 ALJ HOGAN: Commissioner Haugen-Hoffart.

2 COMMISSIONER HAUGEN-HOFFART: Senator Wanzek,
3 thank you for your testimony. I have no questions.

4 TERRY WANZEK: Thank you.

5 ALJ HOGAN: Mr. Dawson.

6 SUBSTITUTE DECISIONMAKER DAWSON: I have no
7 questions for you, Senator. Thank you.

8 ALJ HOGAN: Thank you.

9 Who would like to go next? Do we have anybody
10 else that wants to testify?

11 Good afternoon. I'll have you start by stating
12 your name and spelling your last name for the record.

13 PATRICK MARTIN: My name is Patrick Martin,
14 M-A-R-T-I-N.

15 ALJ HOGAN: Mr. Martin, were you in the room
16 this morning when I went through the penalties for
17 perjury?

18 PATRICK MARTIN: Yes, I was.

19 ALJ HOGAN: And do you understand what perjury
20 is?

21 PATRICK MARTIN: Yes, I do.

22 ALJ HOGAN: And being advised of the potential
23 penalties for perjury, do you promise to tell the truth
24 in this case today?

25 PATRICK MARTIN: I do.

1 ALJ HOGAN: All right. Thank you. Go ahead.

2 **PATRICK MARTIN,**

3 being first duly sworn, testified as follows:

4 PATRICK MARTIN: Good afternoon. Like I said,
5 my name is Patrick Martin. I'm the emergency manager in
6 Morton County. Since becoming the emergency manager in
7 October of 2023, I have familiarized myself with the
8 Summit Carbon Solutions pipeline project. From the
9 outset, the relationship with Summit has been open and
10 constructive.

11 Prior to my arrival, my assistant emergency
12 manager met with representatives from Summit who
13 provided detailed maps and identified responding
14 agencies for the proposed pipeline route through Morton
15 County. This early engagement set the tone for the
16 collaborative approach that Summit has maintained
17 throughout the project.

18 Shortly after I started, I had the opportunity
19 to meet Dave Nehring. Dave established a meeting with
20 other Summit representatives and local stakeholders
21 including the mayor of Mandan, chairman of the board of
22 county commissioners, the sheriff of Morton County, and
23 my office staff. The meeting consisted of general
24 project overview and plume modeling. Again, the meeting
25 demonstrated Summit's commitment to safety and community

1 engagement.

2 With my background as a career firefighter and
3 captain with the Mandan City Fire Department for
4 17 years and a volunteer firefighter for four years with
5 Mandan Rural Fire Department, I found the greatest
6 benefit of those meetings -- or these meetings was
7 understanding how the pipeline system works including
8 the advanced technology of valves and incident response
9 protocols. Furthermore, I feel similar presentations to
10 local emergency responders will be beneficial in their
11 understanding of the project and Summit's commitment to
12 emergency responder engagement.

13 We have developed a respectful and productive
14 relationship with Summit who have been responsive and
15 eager to address our questions. This level of
16 responsiveness has been consistent, providing a sense of
17 assurance about their dedication to safety and
18 transparency.

19 Once the project receives approval, Summit has
20 committed to providing comprehensive training for our
21 local responders. Additionally, they have introduced a
22 grant program to equip responders with the necessary
23 tools and equipment which is crucial for ensuring
24 preparedness and effective response capabilities.

25 In comparison to other projects in the county,

1 Summit has been exceptionally transparent in their
2 operations and communications with my office, local
3 responders, and county leadership. They have gone above
4 and beyond in their efforts to ensure that all
5 stakeholders are informed and confident in the project's
6 safety measures. Our most recent meeting with Rod
7 Dillon and Dave Daum reaffirmed this transparency and
8 their commitment to safety and collaboration. They took
9 the time to address every concern that we brought up and
10 provided further detailed explanations, solidifying our
11 confidence in their approach.

12 Overall, I'm confident in the safety and
13 execution of the Summit Carbon Solutions pipeline
14 project. The immediate area would be the concern in the
15 event of a rupture and the measures in place provide
16 assurance. The combination of advanced technology,
17 rigorous safety protocols, and Summit's proactive
18 engagement with local responders ensures that any
19 potential incidents would be managed effectively, but
20 more importantly, the company's commitment to training
21 and equipping our local responders highlights their
22 dedication to community safety and wellbeing.

23 In conclusion, my extensive experience as a
24 firefighter and now as an emergency manager has given me
25 the unique perspective on the importance of safety,

1 preparedness, and collaboration in projects of this
2 magnitude. Summit Carbon Solutions has consistently
3 demonstrated these values, making me comfortable and
4 confident of the project's potential to bring a
5 significant benefit to our community while maintaining
6 the highest of safety standards.

7 Thank you.

8 ALJ HOGAN: Thank you.

9 Mr. Gludt, any questions?

10 MR. GLUDT: No questions, Your Honor.

11 ALJ HOGAN: Mr. Pelham, any questions?

12 MR. PELHAM: No questions. Thank you.

13 ALJ HOGAN: Mr. Braaten?

14 MR. BRAATEN: Mr. Martin, were you present or
15 did you testify at the Morton County hearings?

16 PATRICK MARTIN: No, I wasn't.

17 MR. BRAATEN: Okay. Did you have conversations
18 with Summit about coming and testifying at this hearing
19 after that?

20 PATRICK MARTIN: Yes.

21 MR. BRAATEN: No further questions.

22 ALJ HOGAN: Mr. Jorde, any questions?

23 MR. JORDE: Did Summit personnel help you
24 prepare the statements or parts of it that you gave
25 today?

1 PATRICK MARTIN: I had conversation with Dave
2 Nehring and conversation with I believe it's their
3 public information officer, and we just discussed the
4 interactions that I've had with the company.

5 MR. JORDE: And do you have any explanation,
6 sir, on why the landowners that have overwhelmingly
7 testified and had a completely opposite experience with
8 Summit when it comes to transparency and proactive and
9 open communications? Do you have any idea why you had a
10 different experience?

11 PATRICK MARTIN: I don't have any idea why that
12 is. Like I said in my testimony, any questions that I
13 have asked regarding safety, I feel I've got an adequate
14 response.

15 MR. JORDE: And did Summit provide you copies of
16 their plume or dispersion analysis models and data and
17 documentation and studies that they've performed?

18 PATRICK MARTIN: No, they did not. They
19 presented those models during that meeting that I spoke
20 about, but they didn't provide any --

21 MR. JORDE: Did they -- I'm sorry. Did they
22 present the entire model or are you saying like a
23 summary of things they claim they prepared?

24 MR. DUBLINSKE: Objection, Your Honor. That
25 gets to the content of information that's subject to the

1 confidentiality order.

2 ALJ HOGAN: I agree. The objection is
3 sustained.

4 MR. JORDE: Okay. So other than asking for the
5 contents of what they shared, I just want to confirm,
6 sir, do you believe Summit shared with you a complete
7 analysis after they've done the analysis or was it more
8 of a summary? I don't want you to tell me about the
9 actual content.

10 MR. DUBLINSKE: Same objection. That is still
11 going to the content of the presentation as to the
12 extent of the dispersion information that was provided.

13 ALJ HOGAN: I'll allow him to answer this
14 question, but my concern is, Mr. Jorde, we're going down
15 a road we've gone down several times in the last few
16 days.

17 So do you remember the question? Do you need
18 the question again?

19 PATRICK MARTIN: Yes, if you could ask it again,
20 sir, please.

21 MR. JORDE: Sure. And I'm just trying to clear
22 up confusion here. Do you think that Summit shared with
23 you, like, a full detailed analysis from A to Z, or do
24 you believe you were shown in these presentations a
25 summary of what they claim they did?

1 ALJ HOGAN: If you know.

2 PATRICK MARTIN: Yeah. You know, I'm not a
3 plume engineer. I'm an emergency manager. I just took
4 their information and, I mean, I don't -- I don't know
5 how else to answer that other than I'm not an expert.
6 So I don't know to what extent that plume modeling is or
7 what you're claiming to be.

8 MR. JORDE: Okay, sir. Thank you very much.

9 ALJ HOGAN: Commissioner Christmann, any
10 questions?

11 COMMISSIONER CHRISTMANN: I do not, Your Honor.

12 ALJ HOGAN: Commissioner Haugen-Hoffart.

13 COMMISSIONER HAUGEN-HOFFART: Yes, some
14 clarification.

15 You are the Morton County emergency manager?

16 PATRICK MARTIN: Yes, ma'am.

17 COMMISSIONER HAUGEN-HOFFART: And why didn't you
18 testify at the Morton County hearing? Scheduling
19 conflict or --

20 PATRICK MARTIN: I don't know. I didn't have
21 any knowledge -- I don't remember, recall when that was.

22 COMMISSIONER HAUGEN-HOFFART: Okay. And then
23 Summit asked you to come here and testify?

24 PATRICK MARTIN: Correct.

25 COMMISSIONER HAUGEN-HOFFART: Okay. How many

1 years were you a firefighter?

2 PATRICK MARTIN: 17 years full time, 4 years as
3 a volunteer.

4 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you
5 for your service.

6 PATRICK MARTIN: Thank you.

7 COMMISSIONER HAUGEN-HOFFART: You mentioned the
8 grant program, \$50,000. And have you requested any
9 equipment from this grant program?

10 PATRICK MARTIN: No. I'm not sure the -- what
11 the actual value of that grant program was. I want to
12 say it was 30. But, no, we have not requested anything
13 as of right now. They -- the company has said, you
14 know, if they get approval for the project, that's when
15 we would move forward with that evaluation of our local
16 capabilities and move from there.

17 COMMISSIONER HAUGEN-HOFFART: Okay. Based on
18 the information that you say that has been given by
19 Summit and -- would you say the general information and
20 plume modeling, etcetera, do you foresee any equipment
21 needs doing initial strategic planning with this in
22 your 17 years of experience as a firefighter?

23 PATRICK MARTIN: So I think training
24 specifically to CO2 emergencies would be at the top of
25 our list for our local responders as well as any

1 response protocols for that specific event as well as
2 any metering capabilities that are needed. Those are
3 the few that come to mind right away.

4 COMMISSIONER HAUGEN-HOFFART: Okay. They've
5 also mentioned the Texas A&M training. Have you signed
6 up to attend that or --

7 PATRICK MARTIN: I have not personally, but it
8 has been -- it has been spoken about, that I believe
9 they -- the company said that they would provide two
10 positions to go fully paid to Texas A&M. The TEEEX
11 program I think is what you're talking about.

12 COMMISSIONER HAUGEN-HOFFART: Uh-huh.

13 PATRICK MARTIN: I, for one, have been -- I was
14 able to go to the refinery part of that training. Had
15 nothing to do with CO2, obviously, but it was very, very
16 valuable and a great experience.

17 COMMISSIONER HAUGEN-HOFFART: Okay. I have no
18 further questions. Thank you.

19 ALJ HOGAN: Mr. Dawson.

20 SUBSTITUTE DECISIONMAKER DAWSON: No questions.

21 ALJ HOGAN: All right. Thank you, Mr. Martin.

22 PATRICK MARTIN: Thank you.

23 ALJ HOGAN: All right, sir, I saw you stand up
24 before if you want to come up.

25 Good afternoon. I'll have you start by stating

1 your name and spelling your last name for the record.

2 LARRY WALL: Larry Wall, W-A-L-L.

3 ALJ HOGAN: Can you spell your last name one
4 more time?

5 LARRY WALL: W-A-L-L.

6 ALJ HOGAN: And, Mr. Wall, were you in the room
7 earlier when I went through the penalties for perjury?

8 LARRY WALL: Yes, I was.

9 ALJ HOGAN: And do you understand what perjury
10 is?

11 LARRY WALL: Yes, I do.

12 ALJ HOGAN: And being advised of the potential
13 penalties for perjury, do you promise to tell the truth
14 in this case today?

15 LARRY WALL: I do.

16 ALJ HOGAN: All right. Thank you. Go ahead.

17 **LARRY WALL,**

18 being first duly sworn, testified as follows:

19 LARRY WALL: The Summit pipeline crosses our
20 property in two ways. And our property has the
21 description of section 2-140, range 81, the northwest
22 quarter, lot M. My wife and I, we both purchased this
23 property in '91 and we built our house in '92.

24 But I want to go back to Summit's pipeline, how
25 they have it designed to run through our property. It

1 comes on the neighbor's side, which is on the west fence
2 borderline, and then it angles to the north. And from
3 that north end it runs straight east the whole length of
4 our property.

5 And taking into consideration what they told us
6 as far as the easement footage of where they're going to
7 place this pipeline, and the corner of our house is
8 exactly 708 feet. That isn't very lengthy. If you
9 think of taking seven 100-foot extension cords and
10 plugging them together and looking down the end to the
11 end that you're holding, it's not very far. Even though
12 there is maybe, I'm going to call it a buffer of
13 500 feet from your property line to the Summit pipeline,
14 that extra 208 feet isn't going to make a difference.

15 If the wind is blowing at least 20 miles an hour
16 and when the wind is throughout the whole year, the
17 majority of it is coming from the west, the northwest,
18 or the north. As far as getting the gases or if there's
19 ever a break or a rupture, it wouldn't take very long to
20 travel to the house.

21 I also took some estimates as far as where the
22 kids' playhouse is located. That's 639 feet. And our
23 main, we have three Ritchier waterers. Our main water
24 supply going to the pastures, that's 650 feet. And we
25 have three of them.

1 So I guess my and my wife's idea is it's just
2 too close to the residence. To the north of that fence
3 line is Baldwin district. We are the last fence line
4 that is -- we are in the Bismarck district. That fence
5 line divides it.

6 Also, we are in very highly erodible soil. And
7 if any of you commissioners travel 1804 north -- north
8 on 1804 going to Washburn, approximately where 1804 and
9 83 merges, you're about five, six miles east of
10 Washburn, you will find that it's just like the highway
11 divides; the east side and the west side. The east
12 side, you're going to find mostly all prairie, you're
13 going to find hills, you're going to find the coulees.
14 You look to the west side of the highway, you're going
15 to find farmland.

16 What is the reason for that? I'll tell you.
17 Highly erodible soil. And any farmer, any rancher
18 that's in here or in any county, you're going to find
19 that the soil types will regulate the price of your
20 land. Your sandier soil, lighter soil, soil that will
21 blow, soil that will slide is going to be less value.
22 You get into heavier soils, the Wilmes (phonetic), the
23 loams, the lomas, your price of land is going to be
24 going up because of the texture and the type of crops
25 you can grow on it. Your yields will be better on

1 heavier soils.

2 What we would like to see is Summit possibly
3 could move the pipeline farther north, which I believe
4 they could, and put some distance between our house and
5 the pipeline, that they could move just north a little
6 ways.

7 That fence line I told you earlier on the north
8 side, the Baldwin area, Chuck Peterson used to own that.
9 I do believe he turned it over to his kids. But that
10 area he has -- it's a small area in between his big
11 pasture and my fence line -- he has in wetlands. And if
12 somehow Summit could bore underneath that distance, that
13 would expand the distance from our house to where the
14 pipeline would be, and that would be a great factor.
15 But right now with 708 feet from the pipeline to the
16 corner of the house, our exposed waterers, it's just too
17 close for comfort.

18 I guess I have no other questions other than
19 that. If they could reconsider the footage and moving
20 it that short distance, I think it would definitely
21 eliminate the space -- broaden the space, I should say,
22 from the pipeline to our home location.

23 ALJ HOGAN: All right.

24 LARRY WALL: That is my testimony.

25 ALJ HOGAN: Okay. Thank you, Mr. Wall.

1 Any questions, Mr. Gludt?

2 MR. GLUDT: No, Your Honor.

3 ALJ HOGAN: Mr. Pelham.

4 MR. PELHAM: Mr. Wall, I'm just wondering what
5 type of communications you've had with Summit related to
6 the proposed line and the route on your property?

7 LARRY WALL: Not good for the simple reason we
8 were told and we were shown on the map where, in order
9 to get our next-door neighbor to the west, Josh Thiel
10 (phonetic), for them to get their easements, they ended
11 up moving the pipeline further south, and that puts that
12 terrain that they're putting it in farther onto our
13 property on the west side and then it takes the angle to
14 the east. So when they did that, they took more
15 property from us. And that didn't go very well with my
16 wife or neither me or the rest of our family members.

17 MR. PELHAM: And have you presented what you
18 told us here today to Summit as far as potentially
19 trying to move it to the north as you suggested?

20 LARRY WALL: No. No. This come about last
21 night kind of when we actually measured the distance
22 from the pipeline to our house. And how we measured it,
23 we used a rangefinder, upgraded rangefinder, that is
24 pretty well on with the distance on, and that's how we
25 come up with the footages.

1 MR. PELHAM: Thank you, sir. I don't have any
2 other questions.

3 ALJ HOGAN: Mr. Braaten, any questions?

4 MR. BRAATEN: No, Your Honor.

5 ALJ HOGAN: I'm sorry. I skipped you again.

6 MR. SCHOCK: That's okay. Most of the time I
7 don't but --

8 ALJ HOGAN: Mr. Schock.

9 MR. SCHOCK: Mr. Wall, I just want to get a
10 little bit more clarity on your parcel of property. I
11 think you stepped into our office and you and I spoke,
12 but I just want to kind of make sure --

13 LARRY WALL: Yes, we did.

14 MR. SCHOCK: -- where your property is. So
15 you're in, again, 140 north, 81 west, section 2. I
16 think you said the northwest quarter of that section?

17 LARRY WALL: Yes. That's -- lot M. Does it
18 show you there?

19 MR. SCHOCK: It doesn't on the maps that we have
20 here, but I think we can -- we can kind of work around
21 that, sir.

22 LARRY WALL: You're in -- you're in Riverview
23 Township.

24 MR. SCHOCK: Tell you what we're going to do for
25 clarity. That map book that you have there --

1 I'm going to go up to the witness again.

2 ALJ HOGAN: Sure.

3 MR. SCHOCK: It's page 55 that we're going to.

4 (Pause)

5 LARRY WALL: We're right behind the Seventh Day
6 Adventist Academy.

7 MR. SCHOCK: That's the academy here.

8 LARRY WALL: That should be us.

9 MR. SCHOCK: Yep.

10 LARRY WALL: Okay. This is us. See these trees
11 in the corner? That's where they agreed with us to --

12 MR. DUBLINSKE: Your Honor, may I approach just
13 to also see exactly what they're --

14 ALJ HOGAN: Sure.

15 MR. SCHOCK: I'm going to clarify all this when
16 I get back.

17 MR. DUBLINSKE: All right.

18 (Pause)

19 MR. SCHOCK: Okay. So we're on page 55 of the
20 map book for anybody wanting to follow along.

21 So, Mr. Wall, your -- your house is pretty much
22 in the center of section 2 at the very top or near the
23 very top. It's kind of an angled section of property,
24 or what looks like an angle on the map.

25 So on that page it says "South Central Regional

1 Water District" in a little blue box.

2 LARRY WALL: Yes.

3 MR. SCHOCK: Your property is right to the left
4 of that; correct?

5 LARRY WALL: North of it, I would say.

6 MR. SCHOCK: Your house is to the left --

7 LARRY WALL: Yes.

8 MR. SCHOCK: -- of that box? Okay. So the
9 proposed route crosses the very north end of your
10 property right now.

11 LARRY WALL: Yes, it does.

12 MR. SCHOCK: And you'd like to see it go further
13 into that kind of hashed area --

14 LARRY WALL: To the north, yes.

15 MR. SCHOCK: Okay. So --

16 LARRY WALL: Give us some space.

17 MR. SCHOCK: Right, right. No, absolutely
18 understand. And then the one little piece we were just
19 kind of talking about over there, to the left of what
20 we've identified now is your -- where your house is,
21 there's kind of a -- it's hard to discern on the map --
22 either a row of trees or a slough of some sort. And I
23 think you had some suggestion relative to that or some
24 comments about that.

25 LARRY WALL: Yes. That is owned by Chuck

1 Peterson, that prairie land right on the north side of
2 that boundary fence, I would say in Baldwin and Bismarck
3 line. Okay. He has that small strip in there in the
4 wetlands.

5 MR. SCHOCK: Okay.

6 LARRY WALL: And if they -- if Summit could bore
7 underneath there to the north, that would broaden the
8 space between our house and the pipeline.

9 MR. SCHOCK: Sure. Okay. Thank you for that
10 clarification. I just wanted to get a little finer on
11 the map. So I don't have any other questions.

12 LARRY WALL: Your Honor, I have one more
13 question -- one more thing I would like to mention.

14 ALJ HOGAN: Sure.

15 LARRY WALL: I guess on behalf of my wife and I,
16 our concerns aren't very much different than the other
17 farmers and ranchers that testified, but my big concern
18 is insurance. I did check with our insurance agent. We
19 have Farmers Union Insurance through the Bismarck
20 location. Beck from Farmers Union is our insurance
21 agent. And I asked him who is responsible and do we
22 have insurance to cover this pipeline. He told me no,
23 we don't. It is Summit's pipeline. They should have
24 the coverage and they're going to be responsible for it.
25 Yet I heard in testimony that they have a clause.

1 We do not -- both my wife and I, we do not have
2 a contract or an easement with Summit yet. And because
3 of different things that haven't been mentioned, and
4 that's one of them, is insurance. Who's going to be
5 responsible for animal deaths, human deaths, breakage,
6 repair? It should -- it's Summit's pipeline. They
7 should be responsible. But yet I hear in different
8 packets that farmers and ranchers have, they are exempt
9 from any liability. Someone's got to be responsible --
10 held responsible. Who is it going to be? I guess I
11 would like to see the Commission vote on that. If
12 Summit don't want to take responsibility for it, someone
13 needs to. Because our local insurances will not cover
14 it.

15 ALJ HOGAN: All right. Thank you.

16 Mr. Jorde, any questions?

17 MR. JORDE: Yes. Thank you.

18 Sir, how did you find out that an accommodation
19 was made for your neighbor that negatively affected you
20 and your land?

21 LARRY WALL: The -- Wade. We had a meeting and
22 Wade was upfront and honest with us and he told us about
23 that.

24 MR. JORDE: So prior (inaudible) Summit, in
25 negotiation with your neighbor, then would unknowingly

1 put more risk and liability on you. Were you part of
2 those conversations so that the two of you neighbors
3 could work this out or Summit just told you what they
4 had done and that was it?

5 LARRY WALL: Summit told us what they did.
6 Because they come back and Dave Nehring asked if he
7 could resay -- relocate the area again where they wanted
8 to move the pipeline. And we asked why were they moving
9 the pipeline. And Wade was honest and he told us due to
10 getting an easement from Josh Thiel's property, it
11 caused to move the pipeline in -- more into our property
12 than going out and around the trees. We have some trees
13 in the corner of the property line that we wanted to
14 keep and not dug out or any -- or not removed because of
15 the pipeline, and he said he would accommodate us by
16 leaving the trees.

17 Any other questions?

18 MR. JORDE: No. Thank you. I appreciate it.

19 ALJ HOGAN: Commissioner Christmann.

20 COMMISSIONER CHRISTMANN: Something that I'm
21 trying to figure out on here as I look at the potential
22 of them moving it farther north for you, across the -- I
23 mean, they're barely south of the section line as it
24 looks anyways so it would have to move over into the
25 next section, correct, to be farther from your house?

1 LARRY WALL: I guess if that is a boundary line
2 and if it would be a section line. I don't know if
3 we're still in the same section or if that would be the
4 beginning of a new section.

5 COMMISSIONER CHRISTMANN: Well, based on that
6 map, what you're asking is that it be moved up into that
7 hashed area; right?

8 LARRY WALL: To the north, yes.

9 COMMISSIONER CHRISTMANN: Okay. And that is
10 labeled as Grasslands -- Grassland Reserve Program --

11 LARRY WALL: Wetlands.

12 COMMISSIONER CHRISTMANN: -- Burleigh County.

13 LARRY WALL: Yes. USDA.

14 COMMISSIONER CHRISTMANN: I know -- I'm familiar
15 with terms like "wildlife management area, CRP." I'm
16 not really sure what this Burleigh County Grassland
17 Reserve Program is. There are certain areas where --
18 that are avoidance or exclusion areas like that. I
19 don't know if this is one of them. So that's a question
20 I'll have to work on with staff here. I'm just not sure
21 if that falls into an avoidance or exclusion area within
22 North Dakota Code.

23 LARRY WALL: I don't have an answer.

24 COMMISSIONER CHRISTMANN: But you hadn't
25 discussed that potential of angling that up into the

1 next property with --

2 LARRY WALL: No. We haven't.

3 COMMISSIONER CHRISTMANN: Okay. They're here.

4 Maybe --

5 LARRY WALL: That's something that we would
6 leave up to Summit.

7 COMMISSIONER CHRISTMANN: Thank you for being
8 here.

9 ALJ HOGAN: Commissioner Haugen-Hoffart.

10 COMMISSIONER HAUGEN-HOFFART: Yeah, just one
11 follow-up. You said that you had communication with
12 Summit representatives and were informed that the
13 pipeline got moved more onto your property; correct?

14 LARRY WALL: Yes.

15 COMMISSIONER HAUGEN-HOFFART: So at that
16 communication, did you discuss moving it at all or did
17 you give them any of your recommendations on what you
18 wanted?

19 LARRY WALL: Yes. We were against it because it
20 was moving more in and on our property. We wanted it to
21 stay more in the border of the fence lines and at the
22 end of the property, which they followed a straight line
23 all the way through two owners.

24 COMMISSIONER HAUGEN-HOFFART: Okay. So when the
25 conversation ended, were there any expectations on

1 follow-up communication or next steps?

2 LARRY WALL: No, there wasn't. They did call
3 back and wanted to set up a meeting but there -- we
4 didn't want a meeting with them because there was too
5 many things that weren't clarified by Summit that we had
6 questions about, and insurance was one of them. Who's
7 going to be responsible for it?

8 And we knew that just by eyesight from our fence
9 line to our house, very close to that 500 feet. And
10 when we actually used the rangefinder last night, you
11 can't really -- in a distance like that, I don't think
12 no one can see a hundred feet difference. And that's
13 about where we're at, that 150 in -- in our case, the
14 house to Summit's pipeline is 208 feet more. 708 feet.
15 That's where it clocked in.

16 COMMISSIONER HAUGEN-HOFFART: Mr. Wall, what
17 would you like to see the next step be to resolve this
18 issue?

19 LARRY WALL: The pipeline moved to the north to
20 give us more space. That 708 feet ain't much.

21 COMMISSIONER HAUGEN-HOFFART: Okay.

22 LARRY WALL: If they can move it further to the
23 north. And I can't see why they can't because the
24 terrain isn't that unbearable and there isn't many --
25 there's hardly no hills that they have to bore through.

1 COMMISSIONER HAUGEN-HOFFART: Thank you. I have
2 no further questions.

3 ALJ HOGAN: Mr. Dawson, any questions?

4 SUBSTITUTE DECISIONMAKER DAWSON: I have no
5 questions. Thank you.

6 ALJ HOGAN: Commissioner Christmann.

7 COMMISSIONER CHRISTMANN: Thank you, Your Honor,
8 for coming back to me.

9 I had one more because, Mr. Wall, I just like
10 the way you explain things. I'm curious what you think
11 of a dilemma that I see from my position. So North
12 Dakota Code sets an avoidance area of 500 feet from a
13 residence unless they grant a waiver. You say, well,
14 708 feet is not much more than 500 so don't let it go
15 there. So if we say, well, that's pretty close so it
16 can't be there, it has to be further, if we do that for
17 you, we'd have to do that for everyone. So now we've
18 kind of changed code that it's not 500 anymore, it's
19 700. And then someone comes and said, "Well, mine's
20 only 900, and nine is not much more than seven."

21 So where do -- how far do you think the
22 requirement should be that this be away from everyone's
23 residence?

24 LARRY WALL: Everyone's residence is different.
25 It's your residence on a piece of property and where

1 it's located is all different where you have it. In our
2 case, our residence is on top of a hill. So as far as
3 the wind blows and anything, a chemical spill, anything,
4 we're going to get the fume pretty fast, more so than
5 someone downhill.

6 And where I'm going with that, you had a pretty
7 good question, but why is -- North Dakota should be
8 North Dakota, in my mind. North Dakota should be North
9 Dakota. Okay. Laws of 500 feet is kind of set.

10 But on the other hand, going to Game and Fish
11 Department, they have a 440. Are you familiar with
12 that? 440 feet (sic) you stay away from premises when
13 you're hunting unless you get a signed statement or a
14 verbal statement from the landowner or a relative of
15 yours where you can hunt on his property if there's tree
16 groves and buildings on the site. But if you do not
17 have a -- have a permission slip or permission to be on
18 that property, you best stay that 440 because that's the
19 law of the North Dakota Game and Fish Department. So
20 when that 440 is turned into feet, you're at 1,300 feet.
21 That supersedes that 500 by twice, darn near three
22 times. Am I correct?

23 COMMISSIONER CHRISTMANN: You're correct that
24 440 yards is two and a half times more than 500 feet,
25 yes. Different law, though, but I get your -- that is

1 about what you think the proper setback should be?

2 LARRY WALL: Yes, it should be.

3 COMMISSIONER CHRISTMANN: Okay. And that was --

4 LARRY WALL: Considering myself, the rest of the
5 farmers and ranchers, we are not really told what is in
6 this pipeline, what contaminants are in that pipeline.
7 If we would really know, I think it would definitely
8 make a difference to all of us. But it seems to be a
9 big secret. And being under the high pressure as it is,
10 that's another big concern.

11 COMMISSIONER CHRISTMANN: Thank you.

12 ALJ HOGAN: Thank you. Thank you, Mr. Wall.

13 We're going to take our afternoon break, but
14 before we do that, by a show of hands, can I get an idea
15 of who still wants to testify?

16 All right. Thank you. We will reconvene at
17 3:30.

18 (Recess)

19 ALJ HOGAN: The clock shows 3:30 so if people
20 want to start making their way back to their chairs so
21 we can get started again.

22 And, ma'am, I think you had raised your hand
23 about providing testimony. If you want to come forward.
24 Is the microphone still on? Do you see a green light?

25 LINDA HAGEN MATHERN: Yes, it's green.

1 ALJ HOGAN: All right. Perfect.

2 LINDA HAGEN MATHERN: Can you hear me?

3 ALJ HOGAN: I can, yes. Can you state your full
4 name for the record and spell your last name?

5 LINDA HAGEN MATHERN: Linda Hagen Mathern. And
6 it's -- my last name is Hagen, H-A-G-E-N space Mathern,
7 M-A-T-H-E-R-N.

8 ALJ HOGAN: All right. And were you in the room
9 this morning when I went through the penalties for
10 perjury?

11 LINDA HAGEN MATHERN: I was.

12 MR. JORDE: If I can just interrupt for a
13 second. I don't have any audio on my end. If you could
14 turn audio back on, I'd appreciate it.

15 ALJ HOGAN: It should be fixed. Can you hear us
16 now, Mr. Jorde?

17 MR. JORDE: I can now. Thank you.

18 ALJ HOGAN: All right. Thank you.

19 Were you in the room this morning when I went
20 through the penalties for perjury?

21 LINDA HAGEN MATHERN: I was.

22 ALJ HOGAN: Do you understand what perjury is?

23 LINDA HAGEN MATHERN: I do.

24 ALJ HOGAN: And being advised of the potential
25 penalties for perjury, do you promise to tell the truth

1 in this case today?

2 LINDA HAGEN MATHERN: I will as much as I can.

3 ALJ HOGAN: All right. Thank you. Go ahead.

4 **LINDA HAGEN MATHERN,**

5 being first duly sworn, testified as follows:

6 LINDA HAGEN MATHERN: I kind of changed what I
7 was going to say at the beginning, but because of what I
8 read this morning from my Daily Bread and it was trying
9 to tell me to be respectful and thankful, I am -- I am
10 thankful that you guys put on these meetings. They mean
11 a lot to the people. I just pray that you're listening
12 because a lot of people have brought up a lot of things.
13 And I want to bring up one more. I want you to also
14 realize, in talking with people, and I don't know if
15 there's anything you can do about this, but the people
16 who work are much unable to come to the meetings when
17 they're always held in the daytime. I understand that's
18 where you are, but I thought I would mention it.

19 In reviewing your website, I have a few
20 questions. Maybe you can help me understand. According
21 to your website, the PSC is responsible for enforcing
22 minimum safety standards for the design, construction,
23 and operation, intrastate pipeline facilities used for
24 the distribution and intrastate transportation of gas,
25 liquefied natural gas, or hazardous liquids, regardless

1 of whether they are owned or operated by a public
2 utility.

3 Could you please explain to me in this
4 particular situation what the facility is? Is it where
5 the CO2 carbon is getting buried or is it Summit? To
6 me, they would be the utility, but I don't know what it
7 means by the facility.

8 ALJ HOGAN: And as I indicated at the beginning,
9 this is not the time or place where we take questions
10 from the public.

11 LINDA HAGEN MATHERN: Oh, okay.

12 ALJ HOGAN: It's just for you to provide public
13 comments.

14 LINDA HAGEN MATHERN: Okay. And the other thing
15 that I'm concerned is if it is where the CO2 is being
16 buried, how will the reports get reported if it's in the
17 earth? How much capacity is available now and will the
18 -- I'd like you to think about this. How much capacity
19 is available now and will the pump stations be used for
20 CO2 in places that they will bring it up or if they will
21 use it for transport? I would much rather have them use
22 it for transport and use it because there's so many
23 things they can do with carbon. I understand that if --
24 excuse me, I'm sorry.

25 80 percent of the projects that have attempted

1 to commercialize or carbon capture and sequester
2 technology have ended in failure. I don't understand
3 why taxpayers' money, yours and mine, are used for
4 technology that has such a poor track record.

5 At this time there's no proof that carbon will
6 stay buried. I have heard it will adhere to the walls
7 of the cavity and never be able to be brought up. Does
8 it take -- what did I do with it? Okay. Does it take
9 more pressure to have attempted to move carbon CO2
10 through a -- I wanted you to see or else the people to
11 see -- an 18-inch pipe? That's what was first
12 presented. And is it now -- now it's up to 24 inches.
13 Does it take more pressure to operate it, to push this
14 carbon CO2 through at an 18 versus 24? I guess I can't
15 ask you how much difference it would be because I can't
16 ask a question. But think about that.

17 One of the concerns I have is the fault lines.
18 We have had 13 earthquakes in North Dakota according to
19 the Geological Survey. Three of them were in eastern
20 North Dakota. The rest were along the fault lines in
21 western, North Dakota. Earthquakes are caused by the
22 sudden slip of a fault in the upper few hundred
23 kilometers of the earth. So far the earthquakes have
24 been very minor, but we are burying lots of carbon CO2
25 in an area near the fault lines. St. Helena erupted

1 because of too much carbon CO2 in one area and it
2 finally heated up.

3 I have listed the latest earthquakes. Oliver
4 and Mercer County to Sheridan had an earthquake in the
5 1900s. Makoti Fault is in Dunn County and Mercer
6 counties. Goodrich had an earthquake on November 15th,
7 2008, with an magnitude of 2.6 and a depth of
8 11.2 miles. Grenora had an earthquake on January 3rd,
9 2009, with a magnitude of 1.5 and a depth of 8.3 miles.
10 Fort Berthold southwest, which is in Dunn County, which
11 is next door to Mercer County, had an earthquake on
12 August 3rd, 2009, with a magnitude of 1.9 and a depth of
13 3.1 miles. Yellowstone and Missouri River, McKenzie
14 County, had an earthquake on March 21st, 2010, with a
15 magnitude of 2.5 and depth of 3.1 miles. Boxelder Creek
16 had an earthquake on June 14th, 2010, with a magnitude
17 1.4 and a depth of 3 miles. Southeast of Williston in
18 Dunn County, which is next to Mercer County again, had
19 an earthquake September 28th, 2012, with a three -- 1,
20 2, 3 -- I don't know why they do that -- intensity of
21 3.1 and a depth of .04 miles.

22 Now we're dumping carbon CO2 in an area near
23 these fault lines. And what I did -- you probably can't
24 see it here. Let's see. Oliver, it goes right over
25 part of the border. They're burying it right down here.

1 I don't know how many miles that is, but that's how
2 close it is to the fault line -- one of the fault lines.
3 There are several. Now this isn't -- right here. This
4 up here is Mercer County. They are burying it up to
5 here. I would bet that it's only a couple miles from
6 the fault line which extends all the way up here.

7 Now the other thing that bothered me was -- and
8 I'm assuming when you bury something, you don't put it
9 in a storage area. You put it in an area and the
10 pressure is going to push it. I don't know which
11 direction it will go and neither does anybody else. It
12 will follow along anything it can adhere to in the
13 earth. My -- my -- I hear a lot of testimony on for --
14 not too much for but mostly against. Now when I see the
15 carbon is buried near that fault line and it's right in
16 the area, that, to me, should be something that you guys
17 would definitely think about for safety.

18 According to the newest map I just picked up,
19 it's not also far -- right up here. Here's Mercer
20 County. And guess what huge lake is right above that?
21 Lake Sakakawea. Now has Summit ever said if they go way
22 down -- I know that's what their plans are to do. If
23 they're burying it for ten years at 24-inch pipes, what
24 kind of a pressure do you think that's going to be down
25 there? If it wasn't quite so close to the -- I had no

1 idea it was -- how close it was to Lake Sakakawea. And
2 that was a new area that was already taken a lot of land
3 away from people so they could have the dam, which we
4 need. We definitely need a dam. But I think -- that's,
5 to me, a big consideration.

6 The State's disposal wells inject saltwater into
7 the Inyan Kara which absorbs the liquid like a sponge.
8 I don't know where that is. So we are already dumping
9 saltwater into the earth that is in North Dakota. I
10 just don't know where. I'm assuming way out west. How
11 much more can North Dakota absorb in the earth without
12 us getting a backlash from the earth?

13 We are messing with an order that God created
14 and we have the best area in the USA. I know people who
15 come back from Arizona and other states who have medical
16 issues with breathing especially, and they'll say thank
17 God for North Dakota because we have clean air. Our
18 livestock and horses are at a premium. They're selling
19 like hotcakes because they say there's something
20 different about North Dakota's grass.

21 CO2. The farmers are trying hard to produce
22 more food every day. It will be a lot harder or it may
23 be impossible if carbon and CO2 is constantly being
24 buried. And even if they want a lot of corn for the
25 ethanol plants, you have to understand that CO2 is a

1 requirement and carbon is in that soil to produce the
2 good crops. And since science already said carbon and
3 CO2 should not be buried, that we need carbon and CO2 to
4 live.

5 I wonder how many children may not be born or
6 how many people will miss out on heart transplants,
7 liver transplants due to the lack of carbon for dry ice.
8 Those are just a few examples. Carbon is used for dry
9 ice.

10 You may -- you may not be on this PSC board
11 in ten years, but the decision you make regarding the
12 burial of carbon and CO2 will be with us for a very long
13 time. If you say yes to burying it for the safety and
14 production of our food, unless things that will help us
15 to live properly, that could be something to think about
16 as well. I know you're getting pressure and I know who
17 you -- who appointed you and I feel -- you feel as well
18 possibly that you have no choice, but I believe that you
19 are very smart people and realize how dangerous this
20 pipeline is at being 24 inches and having the pressure
21 but also for the length of time they're planning to run
22 it.

23 I believe that it will not meet the minimum
24 requirements of safety. I know there's talk that they
25 can have the meetings, but anybody who has a car or a

1 vehicle, according to the one that I read on, stopped
2 just like that. They will not be able to get to the
3 people who need the help. And if they're farmers, if
4 they have what they say is going to be -- they can what?
5 Buy the grant or will the grant money that they are
6 getting provide the people, all the farmers and ranchers
7 where they have gotten things from, the land, the lease
8 where it's run over -- I don't know if they ever figured
9 out how many farmers there really are or how many
10 landowners, I should say.

11 ALJ HOGAN: Ms. Hagen Mathern, can you wrap up
12 your comments, please?

13 LINDA HAGEN MATHERN: I will.

14 And who will be responsible for the damage later
15 on? I'm afraid with the destruction I feel could happen
16 and us being a dump state -- I hear it all the time now.
17 It doesn't really sit well with me. And when you think
18 of them calling us a dump state, North Dakota, that's
19 what they're calling us. And it breaks my heart. Yet I
20 have to trust God. And we are trying to rely on him to
21 persuade you to make the right choice.

22 Thank you.

23 ALJ HOGAN: All right. Thank you.

24 Mr. Gludt, any questions?

25 MR. GLUDT: No, Your Honor.

1 ALJ HOGAN: Mr. Pelham.

2 MR. PELHAM: No questions.

3 ALJ HOGAN: Mr. Braaten?

4 Mr. Jorde.

5 MR. JORDE: No thank you.

6 ALJ HOGAN: Commissioner Christmann.

7 COMMISSIONER CHRISTMANN: Just one. And you
8 covered a lot of ground and I appreciate that. But the
9 parts of your testimony that had to do with the
10 sequestration field, so we're here on this application
11 for a pipeline. Sequestration field is determined and
12 regulated by the Industrial Commission.

13 Have you considered taking your testimony as far
14 as the faults out there in the Mercer and Oliver County
15 areas and Lake Sakakawea and such to the Industrial
16 Commission?

17 LINDA HAGEN MATHERN: I did not. I don't know
18 how -- who is involved in that?

19 COMMISSIONER CHRISTMANN: The governor and
20 attorney general and --

21 LINDA HAGEN MATHERN: Well, the governor is the
22 one who appointed you guys so I don't think --

23 COMMISSIONER CHRISTMANN: Actually, no, ma'am.

24 LINDA HAGEN MATHERN: Huh? You're not appointed
25 by the governor?

1 COMMISSIONER CHRISTMANN: Nope.

2 LINDA HAGEN MATHERN: You're not. Oh, that's
3 good to know. I did not know that. I'm learning
4 something. I apologize.

5 Okay. I'll think about that. But if they
6 didn't have a pipeline, they couldn't bury it.

7 COMMISSIONER CHRISTMANN: Right.

8 LINDA HAGEN MATHERN: And safety -- safety, to
9 me, is almost number one, plus the earthquakes, the
10 fault lines, being buried next to that, yeah.

11 COMMISSIONER CHRISTMANN: Those fault lines,
12 that might be something they might be interested in
13 hearing so I thought I'd point that out.

14 ALJ HOGAN: Commissioner Haugen-Hoffart.

15 COMMISSIONER HAUGEN-HOFFART: Thank you for your
16 testimony. I have no questions.

17 LINDA HAGEN MATHERN: Thank you.

18 ALJ HOGAN: Mr. Dawson.

19 SUBSTITUTE DECISIONMAKER DAWSON: No questions,
20 Your Honor.

21 ALJ HOGAN: All right. Thank you.

22 Do we have anybody else for public testimony?

23 JEFF MAGRUM: Hi, everyone. I didn't want to
24 get in front of anybody because I'm probably closer than
25 most -- most of the people here so...

1 ALJ HOGAN: I'll have you state your full name
2 for the record and spell your last name.

3 JEFF MAGRUM: My name is Jeffery J. Magrum,
4 M-A-G-R-U-M.

5 ALJ HOGAN: Mr. Magrum, were you in the room
6 earlier when I went through the penalties for perjury?

7 JEFF MAGRUM: I don't think you ever did that
8 there, Judge, with all due respect. I don't think you
9 did talk about perjury.

10 ALJ HOGAN: I did it with the very first witness
11 so I don't know if you were here or not but I'll go
12 through --

13 JEFF MAGRUM: I was --

14 ALJ HOGAN: I'm required to go through them
15 so --

16 JEFF MAGRUM: Okay.

17 ALJ HOGAN: -- I'll just list them real quick.

18 Perjury is a Class C felony punishable by a
19 maximum fine of \$10,000, a maximum five years'
20 imprisonment or both.

21 Do you understand what perjury is?

22 JEFF MAGRUM: I do, but who's responsible for
23 enforcing it here?

24 ALJ HOGAN: I swear you in. As far as any
25 further prosecution of that, that would not be my office

1 or the PSC.

2 JEFF MAGRUM: So you -- so you administer the
3 oath of office, but there's no enforcement or who -- who
4 gets -- who do you report it to, or if someone is lying,
5 what happens then?

6 ALJ HOGAN: I believe it's recorded -- reported
7 to probably the county.

8 JEFF MAGRUM: By who?

9 ALJ HOGAN: Again, I think this is outside the
10 scope of what we're here to discuss but --

11 JEFF MAGRUM: Well, but, Judge, with all due
12 respect, I -- I wasn't at the Morton County hearing, but
13 I had a number of people contact me as their -- I am the
14 senator for this district. And they asked me, if
15 someone commits perjury, who's responsible. Because
16 there was evidently --

17 You know, you ask everybody -- I've been at
18 almost every hearing and your question is "Do you
19 understand what perjury is?" And everybody says "yes."
20 And we all do. We think it's if you get up here and lie
21 under oath; right?

22 ALJ HOGAN: Correct, about --

23 JEFF MAGRUM: But yet when you had a guy lie
24 under oath, and the reason we know that he lied --

25 MR. DUBLINSKE: Objection.

1 JEFF MAGRUM: -- because the other guy --

2 MR. DUBLINSKE: Objection, Your Honor.

3 JEFF MAGRUM: -- came in and -- and said that he
4 lied.

5 MR. DUBLINSKE: Objection, Your Honor.

6 JEFF MAGRUM: Well, I'm trying to understand
7 because we have a legislative session --

8 MR. DUBLINSKE: Objection, Your Honor.

9 JEFF MAGRUM: -- coming up, Judge --

10 MR. DUBLINSKE: Objection.

11 JEFF MAGRUM: -- in January and we're going to
12 need to have to clarify this --

13 MR. DUBLINSKE: Your Honor, can I make my
14 objection before this goes on any further?

15 ALJ HOGAN: Yes, please do.

16 MR. DUBLINSKE: This is just an effort to
17 slander somebody. The Magrums filed a complaint that
18 was completely inappropriate and for political reasons
19 against somebody that --

20 JEFF MAGRUM: Judge, Judge, Judge, he's out of
21 line there. He's out of line. He doesn't even know
22 what he's talking about.

23 ALJ HOGAN: Okay, hang on. First off, we can't
24 have people talking over each other so --

25 JEFF MAGRUM: Well, he's making false

1 accusations right there.

2 ALJ HOGAN: Mr. Magrum, if you please wait, I'm
3 going to allow Mr. Dublinske to make a record of his
4 objection and then I'll allow you to respond.

5 MR. DUBLINSKE: Your Honor, there was a
6 complaint filed. It was thoroughly investigated by law
7 enforcement who found that there was no factual basis
8 for it and the investigation was closed. So this is a
9 non-issue. It's irrelevant to anything before this.
10 It's being brought up purely to slander somebody else
11 that they disagree with.

12 JEFF MAGRUM: The point is, Judge, is we need to
13 know if these people are telling the truth. This is
14 showing how this company has treated --

15 MR. DUBLINSKE: Your Honor, can I have a ruling
16 to my objection?

17 ALJ HOGAN: Hang on.

18 JEFF MAGRUM: Can I talk, Judge?

19 This is showing how this company has treated the
20 landowners from the very beginning and how they've lied
21 to everyone, including us. I've been to the meetings.
22 I was at the very first meeting --

23 ALJ HOGAN: Okay. Mr. Magrum, I haven't even
24 swore you in yet. So, like, anything you say now can't
25 be accepted as evidence because you haven't been sworn

1 in.

2 So I know you had questions about being sworn
3 in. And what I can tell you is that I'm required by law
4 to read to people the -- advise people of the penalties
5 for perjury and to swear them in before they testify,
6 and that's required by law. But I can tell you myself
7 as an administrative law judge and my office and the
8 PSC, neither entity has authority to pursue actual
9 charges for perjury.

10 So I am going to sustain the objection. And I'm
11 not here to answer further questions about that. If you
12 have questions, you can talk to me after our hearing
13 today, but I'm not going to do it on the record because
14 it's not appropriate. So if --

15 JEFF MAGRUM: Well, don't the people --

16 ALJ HOGAN: -- you'd like to offer testimony in
17 this case --

18 JEFF MAGRUM: Don't the people deserve to know
19 what's going on? I -- I think --

20 ALJ HOGAN: If you would like to --

21 JEFF MAGRUM: -- everybody recognized that was a
22 lie because everybody says --

23 MR. DUBLINSKE: Your Honor, I'm going to
24 object --

25 JEFF MAGRUM: -- they understand what a lie is.

1 MR. DUBLINSKE: -- to that characterization.
2 There was an investigation --

3 JEFF MAGRUM: So when they come in and then they
4 lie --

5 (Simultaneous speaking)

6 MR. DUBLINSKE: -- the investigation --

7 JEFF MAGRUM: I mean, people want to know
8 what -- people want to know --

9 ALJ HOGAN: Stop. Stop.

10 JEFF MAGRUM: I wasn't cut off. He's
11 interrupting me. So, Judge --

12 ALJ HOGAN: Mr. Magrum --

13 JEFF MAGRUM: -- the people had the question --

14 ALJ HOGAN: -- I'm not going to talk about
15 perjury anymore. If you have questions about it, I will
16 answer them after the hearing, but I'm not going to do
17 it on the record because that's not the purpose of this
18 hearing.

19 If you want to offer testimony, you need to be
20 sworn in. So would you like to offer testimony?

21 JEFF MAGRUM: Yes.

22 ALJ HOGAN: Okay. And I assume you understand
23 what perjury is?

24 JEFF MAGRUM: I do.

25 ALJ HOGAN: And being advised of the penalties

1 for perjury, do you promise to tell the truth in this
2 case?

3 JEFF MAGRUM: I will. Yes, I will.

4 ALJ HOGAN: And, Mr. Magrum, I know you
5 testified several times at our hearings last year, so I
6 please ask you not to repeat testimony that's already
7 been offered in this case. The Commission is here to
8 receive new testimony about the reroutes and any
9 deficiencies in the order. So, with that in mind, you
10 can proceed.

11 **JEFF MAGRUM,**

12 being first duly sworn, testified as follows:

13 JEFF MAGRUM: Well, there's a lot of things that
14 have come up in the last year. I mean, just things like
15 people coming in and saying that, "Oh, well, if we don't
16 do this pipeline, corn -- you know, the corn prices are
17 going to go down" or something to that effect. And the
18 question I have is, as a businessman, if North Dakota
19 has this huge advantage with geological storage, why
20 would we be bringing in CO2 from other states to fill
21 our pore spaces with? Seems to me that we have an
22 advantage here to have a better price for our North
23 Dakota corn. So what would be the reasoning to bring in
24 Iowa, Illinois, Nebraska, South Dakota CO2? That's one
25 of my questions that I have.

1 It seems as if everyone that's promoting this
2 project is going to benefit in some way. And so that --
3 that brings up my other question. And so I was not able
4 to hear -- listen to all the hearings this last week
5 because, number one, your technology wouldn't allow it.
6 It kept cutting out and I couldn't go back and watch the
7 video. And so even the Legislature, as soon as a
8 hearing is over, it goes to automatic video. And so I
9 don't understand why this Commission doesn't have that
10 availability.

11 So, I don't know, have they disclosed any of the
12 other investors? I know last year when I was here, I
13 brought up the fact that the Chinese are the biggest
14 investor in this project. Now I was up at the nuclear
15 triad in Minot when the Morton County hearing was going
16 on and they had a number of military individuals from
17 all over the nation there, and the number one warning
18 was we are in a war with China. They said it over and
19 over. That was the mantra all day. And yet the Chinese
20 are the number one investor in this pipeline. I would
21 think that would default them right off the bat. The
22 way I understand it, they have a \$300 million
23 investment. Then you have the SK Group, South Korea,
24 who has been known to take advantage of our country and
25 our military, and then the third one is Tiger

1 Infrastructure Partners, Saudi Arabia. There's 464
2 investors. The only other two that they've disclosed
3 that I know of is Continental Resources and Summit Ag
4 Group.

5 So have they disclosed? I suppose I can't ask
6 my questions, but do we have any more information who
7 the investors are? How do we know that this Commission
8 isn't investors? Why is it such a secret? But just the
9 fact that these military individuals were warning us
10 strongly watch for the Chinese, they're coming in,
11 they're buying everything they can whether it's
12 businesses, farmland, infrastructure, windmills,
13 pipelines, anything, oil wells, they're trying to get
14 into every state and North Dakota is a target because
15 we're energy. So that alone should disqualify this
16 company from going any further.

17 I was going to bring up the point when my son,
18 Erin, was up here, he brought up that there is a public
19 hearing that was in Emmons County. That is available on
20 YouTube. Emmons County has that availability. You guys
21 don't even provide that, which is very frustrating for
22 me as a legislator so I can keep up with what's going
23 on.

24 No, I don't mean to insult anybody, but I think
25 this next session we need to look at trying to get some

1 more transparency here. And there's been a big question
2 about the number of the members on the board, if we
3 should go to a five-member commission. And that's
4 something that we probably need to look at as well as
5 candidates taking money from industry that are running
6 for this commission.

7 And I was at a -- I met with a group of
8 scientists last December and they wanted me to bring
9 back the message that 97 percent of scientists don't
10 believe in man-made global warming, and the 3 percent
11 that do only say they do because they need to get money
12 for studies. They're not -- they don't -- they don't
13 agree with it at all. And these were retired scientists
14 that have told me that there's such an attack on
15 scientists for speaking out against --

16 MR. DUBLINSKE: Objection, Your Honor.

17 JEFF MAGRUM: -- that's just --

18 MR. DUBLINSKE: I believe your ruling with a
19 different state legislator was that he would not be
20 allowed to bring the testimony of third parties that are
21 not here into the hearing. In that event, I think it's
22 inappropriate to, again, give secondhand testimony on
23 what scientists allegedly wanted this witness to bring
24 to the hearing.

25 ALJ HOGAN: Mr. Magrum, if you could keep your

1 comments to your own concerns, that would be helpful.

2 JEFF MAGRUM: So I can't tell you about Ed
3 Schmidt (phonetic), who's now deceased, God rest his
4 soul. He was a World War II veteran, 97 years old.
5 When I ran for the House of Representatives, he said,
6 "Jeff, I'm going to vote for you, but I want you to
7 realize there's a fascist movement in this country."
8 And this was eight years ago. And he said it's growing
9 stronger and stronger. He was there when they freed the
10 Italians from Mussolini. Mussolini was known as the guy
11 that coined the term "fascism," which is government and
12 creating businesses to do their work.

13 Now Summit Carbon Solutions is the very
14 definition of a fascist corporation because they are
15 created only for the government. There's no benefit to
16 society. So he warned me. He said, "I would love for
17 you to oppose this fascist movement in America because I
18 see it coming here strong." And he was right. And here
19 we are, eight years later, fighting a fascist movement
20 that wants to take over our landowners' property.

21 I mean, I'm blessed to be able to serve District
22 8 here. These are wonderful people. You've seen today,
23 they stand up for their rights. And they've chosen me
24 to represent them. And I do that with honor. But they
25 have been dishonored by this company and I'm really

1 frustrated by that. And here we are, three years later,
2 still hearing the same arguments.

3 But there was a resolution -- and I know this is
4 a partisan board; right? There's three -- normally
5 three Republicans.

6 Mr. Dawson, no offense, I don't know what party
7 you belong to.

8 But, anyway, there was a resolution that was
9 just recently passed. I mean, not only have I been to
10 almost every hearing and heard nobody for this pipeline
11 that isn't profiting. We were at a -- we had a
12 Republican convention in March and the vote for this
13 resolution was 816 yes, 411 no; 2 to 1 opposed to carbon
14 capture. And it reads -- if you'll indulge me for a
15 little bit here, the resolution reads:

16 Resolution Opposing Carbon Capture and
17 Storage, Supporting Private Property Rights,
18 and Condemning the Use of Eminent Domain for
19 CO2 Pipelines, the North Dakota GOP
20 Resolutions Committee.

21 Whereas: Corporations within the
22 energy sector are capitalizing on the false
23 premise of a looming climate apocalypse by
24 introducing CCS projects into North Dakota
25 which would require the acquisition of land

1 across various states, affecting numerous
2 landowners and communities; and eminent
3 domain is being considered to acquire the
4 necessary land for the pipeline; and

5 Whereas: The affected landowners and
6 communities have expressed strong opposition
7 to the use of eminent domain, arguing that
8 it unjustly benefits a private entity at the
9 expense of their property rights and local
10 autonomy, demonstrating that there's a need
11 for greater transparency, community
12 involvement, and rigorous environmental and
13 safety assessments in the planning and
14 implementation of large-scale infrastructure
15 projects; and

16 Whereas: The North Dakota Republican
17 Party supports the right of individual
18 citizens to own and benefit from private
19 real property ownership and further affirms
20 that the individual's right of ownership
21 should be the primary purpose inherent in
22 the use and value of their real property;

23 Whereas: The Fifth Amendment to the
24 U.S. Constitution protects private property
25 from public use without just computation;

1 Whereas: There are substantial
2 unanswered questions about the environmental
3 benefits of these projects, their associated
4 risks, and the long-term viability of CCS
5 technology;

6 Therefore be it resolved that the
7 North Dakota Republican Party condemns the
8 use of eminent domain for carbon dioxide
9 pipelines and calls for an immediate halt to
10 any such actions.

11 Be it further resolved the North
12 Dakota Republican Party urges relevant
13 governmental bodies to seek alternative
14 solutions that do not infringe upon the
15 property rights of individuals that respect
16 environmental and safety concerns and that
17 involve meaningful consultation and consent
18 with the affected communities.

19 And be it further resolved, the North
20 Dakota Republican Party opposes the use of
21 state funds to educate the public on the
22 benefits of CCS that are contrary to the
23 will and interests of private property
24 owners and opposes the fascism of mutually
25 beneficial partnerships between government

1 and private energy companies created under
2 the pretext of climate change.

3 And be it further resolved, the North
4 Dakota Republican Party supports legislation
5 that prevents the infringement of individual
6 property rights without compensation and
7 provides legislative oversight of
8 administrative rules that carry the force
9 and effect of law.

10 And so this is recently. I mean, you couldn't
11 get a better poll. We had -- like I said, it was 816
12 "yes" to 411 "no." That's 2 to 1. And we had --
13 there's 47 districts in this state. We had people
14 from 47 districts. If you did a poll in this state, you
15 couldn't get a more accurate poll of faithful people
16 that took their weekend off, spent their own money, went
17 to Fargo to vote on this.

18 And they endorsed Commissioner Christmann, the
19 same people that endorsed him to be our commissioner
20 again for the next six years. Is it six or four? I
21 think it's six. But anyway, those are the same people
22 that are -- and so it shows that the people are not in
23 favor of this.

24 This company is way out of line. They're coming
25 in here and bullying with their Chinese money. The

1 Chinese Communist Party is behind them. And that's why
2 I do believe they're so arrogant.

3 And when I was county commissioner, I was at the
4 Capitol and -- because I was invited up there. And --
5 and Commissioner Christmann may have been a senator at
6 that time. I don't remember. But there was -- they
7 have these wetland easements that are perpetual
8 easements. And the farmers all over the state wanted
9 the State of North Dakota to fight the Federal
10 Government and try to nullify federal law on the wetland
11 easements. And they came to the Capitol. And there was
12 a line down the hallway of farmers that wanted to get
13 out of these easements.

14 And that's what I see coming with this, if this
15 gets approved. Them same people are going to be coming.
16 It might be the next generation. But these are 99-year
17 easements. They're going to be coming into the state
18 and saying, "Get us out of this. Grandpa or my dad or
19 whoever signed us up for this. They took a one-time
20 payment and we are strapped with this miserable
21 company."

22 And it might be the Chinese that own it totally
23 by then, I don't know, because we're not stopping them.
24 I know this next session there will be a movement to
25 keep the Chinese out, but they've been whittling in

1 anywhere they can.

2 So, anyway, I don't want to take any more time.
3 I just wanted to make them points that there's not the
4 support in this state. If you can show me where it is,
5 I'll be happy to listen. Because I've listened -- not
6 as much as you.

7 And I do respect -- I really do respect what you
8 guys have put into this. And you put a lot of time and
9 I know it hasn't been easy because I've been sitting and
10 I can get up and go to the restroom, whatever. And I do
11 appreciate what you're doing.

12 And I didn't mean to disrespect anybody here,
13 but that perjury thing is something that needs to be
14 looked at because there's no point in having everybody
15 take an oath if there's no -- I mean, especially when
16 you know somebody's lying and there's -- nothing
17 happens. It's very frustrating to the public. And I
18 hear it as their representative. And I'm happy to hear
19 it. I'm not saying I don't. And I'm just bringing the
20 message that, hey, if you guys know somebody comes in
21 under oath and says something and another guy comes in
22 the same day, the same hearing, under oath and says he's
23 lying, I mean something needs to be done about that.

24 But, anyway, I respectfully ask that you reject
25 this siting application based on the many reasons I've

1 given and I'd stand for any questions or sit for any
2 questions.

3 ALJ HOGAN: All right. Thank you.

4 Mr. Dublinske, any questions?

5 MR. DUBLINSKE: No questions, Your Honor.

6 ALJ HOGAN: Mr. Pelham.

7 MR. PELHAM: I don't. Thank you.

8 ALJ HOGAN: Mr. Braaten.

9 MR. BRAATEN: No, Your Honor.

10 ALJ HOGAN: Mr. Jorde, any questions?

11 MR. JORDE: Yes.

12 Sir, are you a sitting senator right now?

13 JEFF MAGRUM: Yes, Mr. Jorde, I'm the senator
14 for District 8, which is all of Emmons County and it
15 goes into Burleigh County. We have -- Lincoln is our
16 largest community. We have Moffit, Menoken, and Wilton
17 is up on the north end, which is in Burleigh and part of
18 it's in McLean County. So we actually have parts of
19 three counties.

20 MR. JORDE: So assuming for argument's sake that
21 Summit's pipeline will save the North Dakota economy, do
22 you believe that enabling South Dakota and Minnesota and
23 Nebraska and Iowa ethanol plants to compete against
24 North Dakota ethanol plants is a good thing for North
25 Dakota?

1 JEFF MAGRUM: No, Mr. Jorde. I think -- I mean,
2 I've been a self-employed businessman since I'm 19. If
3 I find a competitive advantage, I take it. And so why
4 would we as North Dakotans -- if we're going to -- I
5 think North Dakota would have been more acceptable to a
6 carbon pipeline if it was just for North Dakota, but to
7 bring in all this other carbon to fill our pore space
8 when we only have one ethanol plant and they're saying,
9 well, why would these corn growers even want to bring in
10 -- we have this advantage right now.

11 And you have Blue Flint, you have Red Trail
12 right now, they're already injecting in the ground so
13 they have a competitive advantage. Why would they be
14 working against those two plants right now? It doesn't
15 make any sense to me. So now, okay, so they want to
16 collect from Tharaldson. Why don't they run a little
17 pipe over along the interstate or something and -- if
18 they need to go to Beulah, Beulah and Hazen area, and
19 eventually use it for enhanced oil recovery, which is
20 not a proven -- it's not proven.

21 I've sat through -- I was on the energy and
22 natural resources committee and the EERC put on two days
23 of information for us. And they admit there's no
24 conclusive evidence that carbon dioxide is beneficial or
25 can be used in the Bakken Formation. As a matter of

1 fact, what they do know is natural gas works better, the
2 two mixed together might work. But just the fact that
3 they don't even know and that -- so that shouldn't even
4 be brought up. It shouldn't be brought up.

5 So the corn part -- the corn part makes no sense
6 why our corn growers would want to support this
7 pipeline. It doesn't make any sense at all. When you
8 have a competitive advantage as a business guy, I would
9 never give that up. It's poor business.

10 MR. JORDE: Thanks, Senator. I don't have
11 anything further.

12 ALJ HOGAN: Commissioner Christmann.

13 COMMISSIONER CHRISTMANN: Well, I'll say,
14 Senator Magrum, as I think a long-time friend, you said
15 at the end that you meant no disrespect. And if that's
16 the case, throwing out the innuendo halfway through
17 your testimony that perhaps the commissioners are
18 investors in this was not exactly the right way to
19 accomplish not being offensive, but I'm going to rise
20 above that.

21 I do have one question for you on your
22 testimony. And this may have been provided when you
23 testified last fall, and if so, just tell me and I'll go
24 back into my notes and everything and find it, but in
25 your testimony today you said the Chinese are the

1 largest investor followed by South Korea and Saudi
2 Arabia, I believe. Do you have documentation of that
3 that we can put on the record?

4 JEFF MAGRUM: Well, Chairman, this is the
5 information that Summit Carbon Solutions has given us.

6 COMMISSIONER CHRISTMANN: If it's on --

7 JEFF MAGRUM: Right on the --

8 COMMISSIONER CHRISTMANN: -- on the record --

9 JEFF MAGRUM: I gave it to you guys. That
10 should be on the evidence already. I gave it to you
11 guys when we had the last -- last year's hearing.

12 COMMISSIONER CHRISTMANN: Okay.

13 JEFF MAGRUM: Right on the front, Summit Carbon
14 Solutions LLC investor list. That was their information
15 that we have.

16 COMMISSIONER CHRISTMANN: My only point is that
17 it's in our record and I didn't remember if you had
18 given it to us.

19 JEFF MAGRUM: We would like -- the public wants
20 to know who the investors are. You got a company that
21 can potentially use eminent domain. I mean, don't you
22 think it would be right to know who these people are
23 that own it? I mean, we don't know. Is the governor
24 part owner? Is Bill Gates? I mean nobody knows. So we
25 have all this questioning and conspiracy, you might say,

1 but how can we stop it if we don't show them facts.

2 COMMISSIONER CHRISTMANN: My point --

3 JEFF MAGRUM: So I think that this Commission
4 would ask for it.

5 COMMISSIONER CHRISTMANN: My point, Senator, if
6 you listen, I'm trying to help your argument.

7 JEFF MAGRUM: Okay.

8 COMMISSIONER CHRISTMANN: What you say here --
9 what you say around town is one thing. It being in our
10 record is another. I wanted to verify that that was
11 provided last time and that it's in our record as
12 opposed to if we didn't. So that's all I wanted to
13 know.

14 JEFF MAGRUM: And, Mr. Chairman, that's why I
15 didn't give it to you again because you already have it.
16 So I was just -- my question is has there been any
17 information for -- been given that would add to this --
18 out of the 464 investors, if we would know more than the
19 five. And maybe something's been submitted. I don't
20 know. But I haven't been able to keep up with
21 everything.

22 ALJ HOGAN: Commissioner Haugen-Hoffart.

23 COMMISSIONER HAUGEN-HOFFART: I'll just -- I'll
24 answer a question that was directed at us. I am not an
25 investor in the Summit Carbon pipeline. And if I was, I

1 would have the responsibility to recuse myself from this
2 hearing. And I have not perjured myself.

3 ALJ HOGAN: Mr. Dawson, any questions?

4 SUBSTITUTE DECISIONMAKER DAWSON: No questions.

5 ALJ HOGAN: All right. Thank you, Senator
6 Magrum.

7 JEFF MAGRUM: Thank you.

8 ALJ HOGAN: Is there anyone else that wants to
9 provide public testimony?

10 All right. Seeing none, Mr. Jorde, I think you
11 have one last witness to call?

12 MR. JORDE: I hope he's still there. Yes, I do.
13 I would call Mitch Kertzman if he's in the audience.

14 ALJ HOGAN: Yep, I believe he's here.

15 MR. JORDE: Great.

16 ALJ HOGAN: He's going to hand us out some
17 papers too.

18 MITCH KERTZMAN: This first section I'm probably
19 going to skip because it's already been said.

20 ALJ HOGAN: Okay. Thank you.

21 All right. I'll have you start by stating your
22 name for the record and spelling your last name.

23 MITCH KERTZMAN: Mitch Kertzman,
24 K-E-R-T-Z-M-A-N.

25 ALJ HOGAN: And, Mr. Kertzman, were you in the

1 -- well, I suppose you were. I saw you there. You
2 heard me go through the penalties for perjury?

3 MITCH KERTZMAN: I was, yep.

4 ALJ HOGAN: And do you understand what perjury
5 is?

6 MITCH KERTZMAN: I do.

7 ALJ HOGAN: And being advised of the potential
8 penalties for perjury, do you promise to tell the truth
9 in this case today?

10 MITCH KERTZMAN: I do.

11 ALJ HOGAN: All right. Thank you.

12 Go ahead, Mr. Jorde.

13 MR. JORDE: Thank you.

14 **MITCH KERTZMAN,**

15 being first duly sworn, was examined and testified as
16 follows:

17 DIRECT EXAMINATION

18 BY MR. JORDE:

19 Q. And, Mr. Kertzman, before we get into the
20 documents you have in front of you, I just want to try
21 to ask some questions about them and get them into
22 evidence. So I'm first going to start, sir, with what
23 we've marked as Exhibit 58, which is a April 23rd, 2024,
24 letter that I put together along with Mr. Leibel for
25 you, and attached is your letter to Mr. Boeshans, the

1 Governor, and also attached (inaudible).

2 Do you recollect that?

3 A. Sure do.

4 Q. Okay. And that's a letter we sent on April 23rd
5 again. And then Summit responded. Their response is in
6 the record.

7 MR. JORDE: So I would offer Landowner
8 Exhibit 58.

9 ALJ HOGAN: And, Mr. Jorde, did you email that
10 out earlier today?

11 MR. JORDE: Yes.

12 ALJ HOGAN: Okay.

13 MR. JORDE: And Roseanne should have uploaded it
14 to the docket by now I would think.

15 ALJ HOGAN: All right. Any objection,
16 Mr. Dublinske?

17 MR. DUBLINSKE: No objection, Your Honor.

18 ALJ HOGAN: Mr. Pelham.

19 MR. PELHAM: No.

20 ALJ HOGAN: All right. Landowner 58 is
21 received.

22 Q. (BY MR. JORDE) And, sir, that letter was your
23 attempt to put out a least-worst option should this
24 pipeline be approved, essentially; is that right?

25 A. That is correct.

1 Q. All right. Was there anything about that
2 letter's contents that you felt that you should
3 highlight for the PSC?

4 A. In that letter, we were told that Summit had
5 tried 11 times to communicate with us, to start a
6 dialogue with us. That box right there contains all 11
7 attempts. And all it is is junk mail that they sent to
8 me. I've never had a phone call from Summit. I've
9 never talked to anybody from Summit. Ever.

10 Q. So then what I'd like to do, sir, I think you're
11 aware that June 2nd Summit proposed a possible reroute
12 with the caveat that it may not work, and then I had
13 forwarded that to you and then you were able to take a
14 look at it. Your modification to that is marked as
15 Exhibit 53.

16 MR. JORDE: And I would offer Exhibit 53.

17 ALJ HOGAN: Any objection to 53? Mr. Dublinske?

18 MR. DUBLINSKE: No, Your Honor.

19 ALJ HOGAN: Mr. Pelham.

20 MR. PELHAM: No.

21 ALJ HOGAN: All right. 53 is received.

22 THE WITNESS: Do you have a copy of that, Your
23 Honor?

24 Q. (BY MR. JORDE) Okay. Mr. Kertzman, can you
25 explain that exhibit that you're holding there and what

1 you want the Commission to know about it?

2 A. Yeah. What Summit sent us Sunday p.m. was a
3 redline indicating their line moved, still on our
4 property, down along the south edge. This gives them
5 the benefit of not having to go seek another easement
6 from someone else, but they still -- they still would
7 require an easement from me and the next-door neighbor
8 is unchanged.

9 The Kertzman Farm Trust has absolutely no
10 interest in -- in having 99 years' worth of obligations
11 to pay for the problems if that pipe is broken. It's a
12 liability. 99 years' of liability for the five
13 generations of my family. We have no interest in that.
14 We want this pipeline off our land. That's what this
15 document says.

16 Q. And in that document, it looks like the redline
17 proposed by Summit on the southern boundary of your
18 property, you simply move that a couple hundred feet or
19 so south on -- so it would be completely off your
20 property; correct?

21 A. Correct. And this is -- this is just a lesser
22 of two evils option here. I'm not trying to put it
23 there. I'm trying to get it off our land. That's it.

24 Q. And throughout the 11 contacts or alleged
25 attempts to work with you, has Summit ever explained why

1 they couldn't move the pipeline off your land or given
2 you any excuses?

3 A. No.

4 Q. As you sit here today, are you aware of any
5 reason that would make it impossible for Summit to
6 accommodate your wish and simply move the pipeline off
7 of your property?

8 A. No. It's -- they can -- they can desktop that
9 line just as well as they did the first one.

10 Q. And, sir, you prepared some documents and handed
11 those out to the Commission. Can you lay some
12 foundation and tell us what was in those documents and
13 then you can explain the importance of them?

14 A. Okay. In item number one, you've probably heard
15 enough of this, I'm not going to repeat it. It's about
16 what happens when you release a bunch of carbon dioxide
17 on the ground. It's a worst-case scenario. You've
18 heard it before. So I'm going to skip past one.

19 And at the end of that section, it's going to
20 seem kind of piecemeal here before I get started. The
21 end of section one goes like this:

22 Consider this: SCS's proposed project consists
23 of approximately 1,900 miles -- so when people are
24 saying 2,000 miles, it's somewhere in that neighborhood.
25 Assuming you're laying a length of 40 feet, which is the

1 typical 40-foot-long chunk of pipe you can haul on a
2 truck, that's over 250,000 welded joints put together by
3 the lowest bidder on an accelerated schedule. And then
4 if they pick up the other company that baled out of
5 this, if they pick up their load, that will double it.
6 It will be a pair of 24s. So instead of 250,000 butt
7 welds, it's a half a million. Put together in soil that
8 freezes to four -- four plus feet.

9 I'm way off script here.

10 The ground here freezes to four and a half feet
11 often. We try to -- we try to put utilities at six feet
12 so they don't get frost-heaved. If you put a 24-inch
13 pipe with four feet of cover on it, the frost goes down
14 to the bottom of the pipe in a cold winter. When frost
15 freezes, it expands. When it melts, it contracts.
16 Steel pipe has to be flexible enough to take that. When
17 it's bedded perfectly, welded perfectly, it would
18 probably work fine.

19 But we're talking about pipe putting -- we're
20 putting pipe through various soils with contractors that
21 are rushed, steel pipe that's being built by a factory
22 that has certain materials to work with. What I'm
23 trying to say here is there will be imperfections in
24 this assembly. You can count on it.

25 Q. And, sir, help the PSC understand, what's your

1 educational background?

2 A. I'm a military veteran and retired civil
3 engineer.

4 Q. And, sir, would you purchase land that had a
5 Summit Carbon Solutions pipeline on it?

6 A. Would I?

7 Q. Would you?

8 A. I would absolutely not.

9 Q. And do you believe that if Summit forced this
10 pipeline upon your land, that that would devalue your
11 land?

12 A. Yes.

13 Q. All right. Tell us more about the information
14 in the packet or what you have there. And if you want
15 to kind of run through it, if that's easier, go right
16 ahead.

17 A. Okay. I want to skip number two as well.

18 Jumping down to number three, concerning the
19 generational impact to our land if this gets built on
20 our land, for the next 99 years, if you -- if you
21 realize that a generation is 20 years, that's five
22 generations. 99 years is five generations. That's a
23 lot of great grandkids that are going to have to deal
24 with whatever we do here today.

25 The land with a pipeline containing a very large

1 amount of asphyxiating gas will never again be a
2 desirable location to build a home. It will never again
3 be a desirable location for any use other than
4 non-animal ag. This fixes the highest use of the land.
5 It becomes a 320-acre tax liability.

6 Five generations of my family will have to live
7 with the possibility of a catastrophic event that ends
8 the life of people, livestock, and wildlife in an area
9 defined at the time by wind speed, wind direction,
10 topology, volume of carbon dioxide released. You can't
11 have a pre-made model ready to show how it's going to
12 behave. Because it will not match.

13 What I'm saying here is that a pipeline running
14 less than two miles north of Hazelton, North Dakota, on
15 the upwind side, if that pipe bursts and it's a fair
16 amount of gas that gets out, you can say goodbye to
17 Hazelton. It can happen. That's 400 what? 400 and
18 some people. 400 and some people dead. The carbon
19 dioxide cloud doesn't destroy property, doesn't hurt
20 plants. When you go back in after it's cleared away,
21 all you can find is the dead bodies. Everything else is
22 fine.

23 Five generations of my family will pay property
24 taxes on acres that will never have value greater than
25 cropland. Five generations of my family will pay

1 property taxes on land that has been taken from us by a
2 group of private profiteers for their monetary gain. No
3 gain for anybody else but SCS. Five generations of my
4 family will have to somehow be prepared to be sued by
5 the harmed party if and when there is a break on our
6 property.

7 This item right here is our biggest concern. We
8 do not want to be liable for someone else's project that
9 we never wanted. The sixth generation of my family will
10 be left with the responsibility of cleaning up the mess
11 when the pipeline is abandoned.

12 Okay, I'll get less mad now.

13 Concerning cover depth, if you -- given the size
14 and weight of modern farm equipment, envision what
15 happens when one of those giant pieces of equipment
16 mires in, in a low spot, a slough, a draw, especially at
17 this time of year. Lots of rain. Everything gets good
18 and wet. A wind will cause the top of it to dry up a
19 little bit so the operator doesn't see that it's wet and
20 he's farming along. It's happened to me. I've done it.
21 When you mire in a several-ton piece of equipment, it
22 will go down to steel and keep going.

23 If you look at the size of that equipment
24 nowadays, a pipe that's buried with four feet over the
25 pipe is going to be hit. A pipe that is perfectly

1 bedded and perfectly welded might survive. Might not.
2 At which point there's a rupture. And guess who gets to
3 be responsible for it? Not Summit. Us. The four of us
4 owners don't have enough worth to take care of a lawsuit
5 for something like that.

6 Six feet of cover would be more appropriate
7 under ag land. I urge you, if you must approve this,
8 that you stipulate six feet under ag land.

9 All right. I'm going to close up here. In
10 earlier times, when someone tried to take another's land
11 or livestock for their own benefit, this was considered
12 a hostile act and people usually died, most often by
13 gunfire, sometimes by hanging, and with the law on the
14 owner's side. This is not this time anymore. Currently
15 as it appears, the one wanting to do the taking simply
16 needs really big investors regardless of the country the
17 investors are from.

18 We understand that Summit will likely assume the
19 load from another proposed carbon dioxide pipeline that
20 has dropped out, the Navigator. This will, more or
21 less, double the currently proposed flow, meaning
22 another pipe running parallel to the proposed 24, most
23 likely another 24. Or a single 36 maybe. Either way,
24 this would be the largest high-pressure carbon dioxide
25 pipeline on the planet. And I believe the first one in

1 freezing soil.

2 A cover depth of 48 inches is inadequate under
3 ag ground. Six feet of cover would be more appropriate
4 to mitigate damage from farm equipment. We ask that the
5 Commission consider a stipulation to provide six feet of
6 cover where the pipeline is under ag land.

7 If the Commission approves this route, if you
8 must, what is to stop Summit from taking whatever they
9 want using eminent domain?

10 Until emergency response training and equipment
11 is clearly defined and bonded, it would be incorrect to
12 approve the route. Training and equipment provided by
13 the pipeline operator with provisions to keep the
14 training and equipment viable and funded for 99 years.
15 This is vital as the likelihood of pipeline failure
16 increases over time. The old pipeline will fail more
17 than a new one.

18 And if -- if we hand \$50,000 to each county for
19 emergency response, you can't even buy a pickup for
20 \$50,000. To be able to make an attempt at a rescue,
21 you'd need to get in there with a vehicle that's not
22 internal combustion. It's got to be electric. How many
23 electric rescue vehicles do we have in the state of
24 South Dakota -- North Dakota? Probably none. So if the
25 pipeline operator is offering \$50,000 to each county,

1 it's chickenfeed. Try half a million in each county to
2 get properly equipped to respond to that.

3 Consider the utility of a carbon dioxide
4 pipeline safety tax paid by the pipeline operator to the
5 affected counties for the purpose of funding training
6 and equipment for as long as the pipeline is in
7 operation.

8 My tirade is done. Thank you for listening.

9 Q. Sir, has Summit at any time provided you with
10 any type of dispersion modeling or risk analysis
11 specific to North Dakota or your area, your farm?

12 A. No.

13 Q. And do you believe that if the PSC were to
14 approve this project, that this pipeline would have a
15 negative -- adverse negative effect on the welfare of
16 the citizens of North Dakota and negative human impact?

17 A. Yes. Negative impacts, yes.

18 Q. All right. Is there --

19 MR. JORDE: I'd like to offer the packet that
20 Mr. Kertzman provided around additionally as
21 (inaudible).

22 ALJ HOGAN: It doesn't have an exhibit number,
23 Mr. Jorde. What would you like it labeled?

24 MR. JORDE: Exhibit 59, please. Landowner 59.

25 ALJ HOGAN: Any objection, Mr. Dublinske?

1 MR. DUBLINSKE: Your Honor, I have no objection
2 to the first five pages which are Mr. Kertzman's actual
3 comments to the Commission. Attached to that is a
4 scientific article. A couple of objections there. One,
5 I think last week we had a similar situation where one
6 of Mr. Jorde's clients, and I apologize to Mr. Jorde if
7 I've got that wrong, but had tried to bring in a report
8 from a geologist in Iowa and Your Honor properly denied
9 that on the basis that that expert wasn't available to
10 be cross-examined about their own work. Also, I think
11 there is an ample amount of competing studies and
12 testimony, including expert testimony, on the issue of
13 CO2 concentration and impact.

14 So we would have no objection to the first five
15 pages, but we would object to the attachment of the
16 article.

17 ALJ HOGAN: Mr. Pelham.

18 MR. PELHAM: We heard testimony as to the first
19 five pages. I don't think we heard anything about the
20 journal article. So I don't know if this witness is
21 able to provide foundation to that or not but --

22 THE WITNESS: I can speak to that, Your Honor.

23 ALJ HOGAN: Hang on a second.

24 So, Mr. Jorde, are you offering the first five
25 pages or the article as well?

1 MR. JORDE: Well, I was planning to offer it
2 all. If I need to lay more foundation, I can take the
3 time to do that for the article.

4 ALJ HOGAN: Yeah, you're going to have to do
5 that.

6 MR. JORDE: Okay.

7 Q. (BY MR. JORDE) Sir, we established you're a
8 retired engineer, held a professional engineer license,
9 and you have caused -- or researched relative to your
10 concern about this project and found a particular
11 article that you've included here today. Can you tell
12 us why you believe that's important in your
13 understanding of that article?

14 A. Yeah. If you go to page 2 on the stuff that I
15 wrote, paragraph 5, I talk about where it only takes
16 10 percent of carbon dioxide to cause convulsions, coma,
17 and death. That attachment is the article, the
18 scientific article, that talks about that 10 percent. I
19 wasn't going to throw 10 percent in there without a
20 reference. That's the reference for the 10 percent.

21 Q. And was that the point of the article, to back
22 up your testimony there?

23 A. Yes.

24 Q. All right. And did you read the article and
25 review it and did it make sense to you based on your

1 professional background and training?

2 A. It did. And there's highlighted text that zooms
3 in on the part that I wanted you to see. It's on -- the
4 pages aren't numbered. It's on the third page.

5 Q. All right.

6 MR. JORDE: Well, I'd reoffer all of the pages,
7 not just the first five pages.

8 ALJ HOGAN: With that explanation,
9 Mr. Dublinske, any other objections you want to put on
10 the record?

11 MR. DUBLINSKE: Same objection, Your Honor. I
12 still don't see how this is materially different than
13 the ruling that Your Honor made last week with regard to
14 the geological scientist report from Iowa.

15 ALJ HOGAN: Mr. Pelham.

16 MR. PELHAM: Your Honor, I think the article is
17 the article. The witness testified as to his use of it
18 as a reference point so I don't have any objection. I'm
19 not sure that the witness has any medical degree, but I
20 think he's relying on it to state what he stated in his
21 testimony, which isn't being objected to. So for
22 purposes of the offer, I do not have an objection.

23 ALJ HOGAN: I'm going to note Summit's
24 objection. My understanding, that it's being included
25 as the cite for a comment he made in his written

1 comments and there was no objection to the written
2 comments so it's being received for that purpose.

3 I would also note -- I don't specifically
4 remember the one I didn't allow in last week, but I
5 think I allowed some similar items in at other hearings.
6 So I will admit it and, again, the commissioners can
7 decide what weight to attribute to that, if any.

8 MR. PELHAM: So is that Exhibit 59?

9 ALJ HOGAN: That is Exhibit 59.

10 All right. Mr. Jorde, additional questions?

11 MR. JORDE: No, not for this witness, but I -- I
12 have to make a motion at this time.

13 ALJ HOGAN: Can we finish --

14 MR. JORDE: At this time --

15 ALJ HOGAN: Can we finish questions for this
16 witness and then your motion?

17 MR. JORDE: Oh, sure, sure. That would be just
18 fine.

19 ALJ HOGAN: Okay. Mr. Dublinske, any questions
20 for Mr. Kertzman?

21 MR. DUBLINSKE: No questions, Your Honor.

22 ALJ HOGAN: Mr. Pelham.

23 MR. PELHAM: I don't. Thank you.

24 ALJ HOGAN: Mr. Schock.

25 MR. SCHOCK: Just real briefly.

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CROSS EXAMINATION

BY MR. SCHOCK:

Q. I just want to confirm. I think we had an earlier witness that spoke to the parcel of property. I want to be clear. So we're talking about 135 north, 76 west, section 26. And you -- or you're part of an ownership of the entire east half of that section. Is that --

A. We're speaking for the entire east half.

Q. Okay. I just wanted to make sure. You had listed E2E2, W2E2, which I'm assuming to mean the east half of the east half, and the west half of the east half?

A. Yes.

Q. Okay. Thank you for that clarification. No further questions.

ALJ HOGAN: Mr. Braaten, any questions?

MR. BRAATEN: Just a quick question.

CROSS EXAMINATION

BY MR. BRAATEN:

Q. You had talked about that cover depth of six feet and you had indicated that you were proposing that on ag land. When you say "ag land," do you mean just cropland or do you mean crop and pasture land and hayland and everything?

1 A. I don't have any ranching experience. I can
2 only speak for farming, a crop, a row crop.

3 Q. Okay. Thank you, sir.

4 A. So I was talking about row crop ground.

5 Q. Okay. Thank you for clarifying.

6 ALJ HOGAN: Commissioner Christmann.

7 COMMISSIONER CHRISTMANN: I'm curious about
8 your six-foot cover depth recommendation. Is that
9 something that you just came up with and that it would
10 be more and better than four? Or I notice you have a
11 civil engineering background. Is there any -- like you
12 presented this study from Belgium on your concerns on
13 CO2. Do you have a study like that or did you get
14 something --

15 THE WITNESS: There's --

16 COMMISSIONER CHRISTMANN: -- along the line that
17 causes a good argument for that that is the correct
18 number as opposed to just better?

19 THE WITNESS: Water utilities and sanitary sewer
20 utilities are always buried six feet or deeper to keep
21 them below frost and below being damaged. Storm sewer
22 does not have to have six feet of cover.

23 The reason I said six feet is it gets that pipe
24 down below frost. They're going to have frost problems.
25 So if they bury that pipe at six feet of cover, frost,

1 theoretically, only goes down to the top of the pipe.
2 The pipe itself is out of the frost. That's -- that's
3 why six feet.

4 COMMISSIONER CHRISTMANN: Okay. Thank you.

5 ALJ HOGAN: Commissioner Haugen-Hoffart.

6 COMMISSIONER HAUGEN-HOFFART: I just have one
7 comment. Thank you for your military service.

8 ALJ HOGAN: Mr. Dawson.

9 SUBSTITUTE DECISIONMAKER DAWSON: No questions.
10 Thank you.

11 ALJ HOGAN: Any redirect, Mr. Jorde?

12 MR. JORDE: No redirect, Your Honor.

13 Thank you, sir.

14 ALJ HOGAN: All right. Thank you, Mr. Kertzman.

15 All right. Mr. Jorde, you had a motion you
16 wanted to make?

17 MR. JORDE: Yes, Your Honor. At this time the
18 Landowner Intervenors make a motion for a mistrial, or
19 maybe more appropriately mishearing, on the basis of
20 getting presented -- or pardon me -- prevented access to
21 the Summit dispersion analysis, risk modeling
22 methodology, toxicology, all of those documents and
23 information that we've had lots of testimony on and
24 anything else that may have been provided only to the
25 Public Service Commission and the commissioners as a

1 violation of our due process rights and a mistrial is
2 appropriate on that basis. Thank you.

3 ALJ HOGAN: I've never had a PSC hearing where
4 that motion's been made before. So my suggestion is
5 that Mr. Jorde puts his motion in writing. But,
6 Mr. Pelham, I'm interested to hear what your thoughts
7 are.

8 MR. PELHAM: Well, I don't think the motion
9 should be granted. I think it should be denied.
10 Procedurally as to whether or not the Rules of Civil
11 Procedure and specifically Rule 50 would potentially
12 apply to an administrative hearing is questionable, but
13 to the extent that it would, I believe that a fair and
14 impartial hearing has been presented.

15 Mr. Jorde and his clients can certainly, you
16 know, file a motion and outline their legal arguments.
17 But the primary basis for the motion that's being made
18 at present and here today is based on a decision that
19 was made in August of 2023, which is subject to a motion
20 for reconsideration that the Commission has not ruled on
21 at present and, as an alternative to that motion for
22 reconsideration, as I understand, as Mr. Jorde knows
23 who's joined in the motion and also for the alternative
24 request that has been made, is for if the Commission
25 grants reconsideration, that it be allowed to question

1 additional witnesses. That motion has not been ruled
2 on, so to the extent that, procedurally, it's not a
3 proper time to be making this motion as well as to
4 whether or not it even can be made.

5 But I appreciate what Mr. Jorde is doing. I do
6 think the motion should be denied.

7 Thank you.

8 ALJ HOGAN: I guess I have more of a practical
9 consideration that I serve at the pleasure of the
10 Commission and I don't know that this is a motion that I
11 would consider so -- or be requested to address. And so
12 I think perhaps it's easier if it's submitted in writing
13 and the Commission can decide at what point in this
14 process it wants to consider that motion.

15 MR. JORDE: Well, Your Honor, I need a ruling on
16 it as the evidentiary portion of this is -- you know,
17 there's no other hearings set. And so I would request a
18 ruling on it so the record is preserved at the
19 conclusion, which is today, of the scheduled hearings.

20 MR. PELHAM: Are you moving under Rule 50?

21 MR. JORDE: I'm moving under Rule 50 and any
22 other possible rule that is (inaudible).

23 (Laughter)

24 MR. JORDE: All of the above.

25 COMMISSIONER CHRISTMANN: Well, Your Honor, on

1 the Commission's behalf, I think we stand in recess.
2 I'd like to consult with our own legal counsel.

3 ALJ HOGAN: Okay. Take a short break and then
4 -- okay. We're going to take a short break and consider
5 or figure out how we're going to proceed. So we will
6 take -- we'll reconvene at 5:00.

7 (Recess)

8 ALJ HOGAN: All right. I think we're ready to
9 get started again if everybody can take their seats.

10 All right. Before we go any further, I'm just
11 going to ask if other parties we have here today have
12 any position on Mr. Jorde's motion.

13 Mr. Dublinske.

14 MR. DUBLINSKE: Thank you, Your Honor.
15 Generally, we would join in with what Mr. Pelham said.
16 I also agree with Your Honor that I think there are
17 vehicles for this. There is also the motion for
18 reconsider.

19 I understand Mr. Jorde's position of pushing for
20 a ruling because of the conclusion of the taking of
21 evidence, but I would note that part of the relief that
22 is sought in the vehicle that is already in front of the
23 Commission does request as part of the relief the
24 ability to re-open and have additional witnesses. So I
25 don't think there's any prejudice by today's hearing

1 concluding without a ruling.

2 We think that, again, while this isn't
3 necessarily a court, per se, that tribunals do, from
4 time to time, review material in camera. That is not an
5 unknown thing and it's certainly not an improper thing.
6 And on those bases, we think you can deny it outright
7 today.

8 If for any reason the Commission is not inclined
9 to do that, however, we would like an opportunity to
10 respond in writing and would agree that the better
11 practice would be to have Mr. Jorde file it in writing.
12 That does seem a little redundant with the motion to
13 reconsider already out there on the table, however.

14 ALJ HOGAN: All right. Mr. Braaten.

15 MR. BRAATEN: Thank you, Your Honor. I
16 generally agree with what Mr. Pelham was saying earlier,
17 but I would also point out that I think Mr. Jorde's
18 concern may also be just with what a lot of trial
19 attorneys are concerned with, which is a waiver of
20 certain claims, rights, and arguments, and I understand
21 that as well.

22 What I would say just to add to the discussion
23 is that there's specific standards for appeals as well
24 in 28-32-46, and one of those is that the rules or
25 procedure of the agency have not afforded the appellant

1 a fair hearing. And I do believe that this issue is one
2 that, if not before, will be addressed on an appeal.

3 And so the only other thing I would add to the
4 discussion is that I think that this is a way that
5 Mr. Jorde is procedurally getting that decision in front
6 of the Commission prior to a final decision. But unless
7 it is going to ultimately change that final decision or
8 the evidence coming in at these hearings, I don't think
9 that ultimately it makes a difference when it's made.

10 ALJ HOGAN: All right. Thank you.

11 Commissioner Christmann.

12 COMMISSIONER CHRISTMANN: Well, Your Honor --

13 ALJ HOGAN: Your microphone is not on.

14 COMMISSIONER CHRISTMANN: First of all, Your
15 Honor, thank you for a little break to consult with
16 counsel a little bit and just think here from the
17 Commission's perspective. This is a procedure that has
18 never happened in my 11 and a half years at the
19 Commission, but I guess when we get maybe highfalutin
20 out-of-state attorneys, we learn new tricks at the end
21 of hearings.

22 I will say that we've had a full hearing, many
23 days, and when the scheduled days didn't work out for
24 Mr. Jorde, we even scheduled more days so that it could.
25 So there's been a lot of opportunity. Evidence has been

1 presented. There's been cross-examination.

2 Re-examination. The dispersion modeling was presented
3 to the Commission. It's subject to a protective order.

4 So I'm going to move on behalf of the Commission
5 in response to Mr. Jorde's motion for a mishearing -- I
6 think that was the term he used -- so I move that that
7 motion be denied based on evidence having been presented
8 and the prior orders of the Commission, including the
9 protective order.

10 COMMISSIONER HAUGEN-HOFFART: Second.

11 MR. PELHAM: So there's been a motion and a
12 second.

13 MR. SCHOCK: Do you want to do it? Okay.

14 MR. PELHAM: There's been a motion and a second.
15 Further discussion?

16 Hearing none, all those in favor signify by
17 saying aye.

18 COMMISSIONER CHRISTMANN: Aye.

19 SUBSTITUTE DECISIONMAKER DAWSON: Aye.

20 COMMISSIONER HAUGEN-HOFFART: Aye.

21 MR. PELHAM: All those opposed?

22 Well, no opposed. So that motion carries.

23 COMMISSIONER CHRISTMANN: Mr. Pelham, we usually
24 vote by rollcall so just --

25 MR. PELHAM: Oh.

1 COMMISSIONER CHRISTMANN: That the record
2 reflect, I believe it was --

3 MR. PELHAM: We'll do a rollcall vote then.
4 Commissioner Christmann.

5 COMMISSIONER CHRISTMANN: Aye.

6 MR. PELHAM: Commissioner Haugen-Hoffart.

7 COMMISSIONER HAUGEN-HOFFART: Aye.

8 MR. PELHAM: Substitute Decisionmaker Dawson.

9 SUBSTITUTE DECISIONMAKER DAWSON: Aye.

10 MR. PELHAM: The ayes have it and the motion is
11 denied -- or the motion is carried denying the motion to
12 -- motion for a mishearing.

13 ALJ HOGAN: All right. Well, that brings us to
14 -- well, actually before that I should just
15 double-check.

16 Mr. Dublinske or Mr. Gludt, was there any
17 rebuttal testimony that Summit wanted to provide?

18 MR. GLUDT: No, Your Honor.

19 ALJ HOGAN: All right. Well, that brings us to
20 the end of the testimony and the end of our hearing for
21 today.

22 Before we conclude, I'll just ask if there's any
23 other matters we need to address. And I'll maybe start
24 with you, Mr. Pelham.

25 MR. PELHAM: The only thing I would say is I

1 think the parties do need to submit post-hearing
2 briefing. I want to say that in the past anywhere
3 from 20 to 30 days and then a responsive briefing
4 schedule would be similar in nature as to that. So I
5 would leave it to the parties to determine what the
6 deadlines would be for that, but I think that should be
7 outlined today, before the close of today.

8 ALJ HOGAN: Are you thinking two deadlines?

9 MR. PELHAM: Simultaneous.

10 ALJ HOGAN: Simultaneous and then a reply.

11 MR. PELHAM: That's my suggestion, but if the
12 parties have alternative suggestions on how to do that,
13 I'm fine with it. I just think that it should be
14 determined today what it's going to be.

15 ALJ HOGAN: Sure. And I'll start with
16 Mr. Gludt.

17 MR. GLUDT: Yes, Your Honor. We'd agree with
18 Mr. Pelham's recommendations. We'd recommend 20 days
19 simultaneous filing of post-hearing briefing and maybe a
20 somewhat shorter time for reply briefs. Maybe 15 days.

21 ALJ HOGAN: And what was your suggestion or
22 recommendation?

23 MR. GLUDT: 20 today and then 15.

24 ALJ HOGAN: Okay. Let's see. Mr. Braaten.

25 MR. BRAATEN: I can accommodate whatever is

1 going to work for everyone else.

2 ALJ HOGAN: Okay. And Mr. Jorde.

3 MR. JORDE: Yes. And to be clear, that motion
4 was for a mistrial or mishearing. So I just want to be
5 clear that's for both of those things.

6 60 days, 6-0 days, would probably be sufficient
7 given the complexity of the record and the volume of the
8 record and all the issues in play (inaudible).

9 ALJ HOGAN: All right. Well, I've got a 20 and
10 a 60 so we're going to go somewhere in the middle. How
11 about -- let's see. How about July 8th for a deadline
12 for the first brief and then the 22nd for rebuttal?

13 All right. Hearing no objection to that, those
14 are the deadlines we will go with.

15 Any other matters to address on behalf of the
16 Commission? Mr. Pelham.

17 MR. PELHAM: With -- just to be clear, and this
18 typically is a practice, proposed findings along with
19 the post-hearing briefing would be requested as well by
20 the Commission.

21 ALJ HOGAN: Okay. So the first deadline,
22 July 8th, we'll make that for closing arguments and then
23 proposed findings of fact, conclusions of law, and a
24 proposed order.

25 MR. BRAATEN: Your Honor?

1 ALJ HOGAN: Sure.

2 MR. BRAATEN: I guess I'm asking a question, but
3 I want to maybe just alert the parties to it, if nothing
4 else, which is that Emmons County at least has a
5 somewhat more limited interest in the proceeding than,
6 for example, some of the others. So with respect to the
7 proposed findings, I would plan to just submit proposed
8 findings and conclusions on those issues and not on
9 every issue in the proceeding.

10 ALJ HOGAN: I think that's acceptable.

11 MR. BRAATEN: Okay.

12 ALJ HOGAN: Mr. Gludt or Mr. Dublinske, any
13 other matters we need to address before we conclude?

14 MR. GLUDT: Just a couple, Your Honor. Just
15 want to follow up on yesterday and today. Mr. Boeshans
16 submitted written testimony yesterday that addressed
17 numerous reroutes, received questions from the
18 Commission as to how do we know when these reroutes are
19 going to be implemented. And we also heard some
20 testimony today about some additional potential
21 reroutes.

22 And I just want to confirm and support what --
23 or reaffirm what Mr. Boeshans testified to yesterday, is
24 that as -- if these routes are implemented and secured
25 through easements, that the Applicant will be updating

1 the Commission with respect to those and that the
2 Applicant will continue to follow the route adjustment
3 rules in the Siting Act accordingly. So that was issue
4 number one.

5 The second issue has to do with some
6 clarification on some exhibits and some offering of
7 additional exhibits. Your Honor was -- last Tuesday we
8 received the direct written testimony of Jeff Olson. I
9 don't recall if that was admitted into evidence.

10 ALJ HOGAN: I've got too many lists going on.
11 Yes, I have it listed as SCS R-16.

12 MR. GLUDT: Okay. Thank you, Your Honor.

13 And then the other items, that Summit would like
14 to move to admit in response to requests from the
15 Commission -- Summit filed a response to requests from
16 Commission at Docket No. 562, the Applicant supplemented
17 that response at Docket No. 569, and then filed an
18 amended -- amendment to that response at Docket No. 593.
19 And the Applicant would move to admit those into
20 evidence as exhibits, I believe, 21, 22, and 23
21 respectively.

22 ALJ HOGAN: Just to be clear, that was Summit's
23 submission to the Commission, requests for information
24 from the Commission; correct?

25 MR. GLUDT: That's correct, Your Honor.

1 ALJ HOGAN: All right. Mr. Jorde, any
2 objection?

3 MR. JORDE: Is that information in this -- it
4 was publicly filed. It was Summit's responses that were
5 (inaudible) filed with the Commission --

6 ALJ HOGAN: Correct.

7 MR. JORDE: -- docket?

8 ALJ HOGAN: Correct. It was in response to the
9 Commission's request for information.

10 MR. JORDE: As long as it was all publicly
11 filed, no objections.

12 ALJ HOGAN: Mr. Pelham, any objection?

13 MR. PELHAM: No.

14 ALJ HOGAN: All right. So 21, 22, and 23 are
15 admitted.

16 MR. GLUDT: With that, we have nothing further.
17 Thank you, Your Honor.

18 ALJ HOGAN: All right. Mr. Jorde, any other
19 matters you'd like to discuss before we conclude?

20 MR. JORDE: I think we've covered it. Thank
21 you.

22 ALJ HOGAN: Mr. Braaten, any additional items?

23 MR. BRAATEN: No, Your Honor.

24 ALJ HOGAN: All right. Would the commissioners
25 like to provide any closing remarks?

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Commissioner Christmann.

COMMISSIONER CHRISTMANN: None, Your Honor,
other than to the public that is here. I thank you for
your time and your patience and for the information.
It's helpful. Thank you.

ALJ HOGAN: Commissioner Haugen-Hoffart.

COMMISSIONER HAUGEN-HOFFART: Wishing everyone a
good evening and safe travels.

ALJ HOGAN: And Mr. Dawson.

SUBSTITUTE DECISIONMAKER DAWSON: I'd like to
thank the public as well. Some of you I've seen so many
times, you've come to almost every hearing, and that's
quite commendable.

ALJ HOGAN: All right. Well, that will -- I'll
just note for the record it's 5:11 p.m. and that will
conclude our hearing for today.

CERTIFICATE OF TRANSCRIPTIONIST

STATE OF NORTH DAKOTA) ss.

I, Lisa A. Hulm, CET-783, a certified electronic transcriber, do hereby certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter, to the best of my professional skills and abilities. I further state that I was not present during these recorded proceedings, and I am only the transcriber of the recorded proceedings.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties hereto, nor a relative or employee of such attorney or counsel; nor do I have any interest in the outcome or events of the action.

Dated this date of November 3, 2025.

Lisa A. Hulm

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\$	85:15, 264:5, 264:6, 265:24, 285:18 11-33 [2] - 129:5, 130:17 11-33.01 [1] - 130:3 11.2 [1] - 232:8 12 [4] - 8:18, 86:7, 86:23, 116:22 12.9 [1] - 100:20 120 [1] - 192:20 13 [3] - 67:22, 77:13, 231:18 130 [3] - 80:18, 80:20, 85:21 133 [2] - 120:25 135 [3] - 60:5, 146:10, 278:5 136 [1] - 185:8 136-77 [1] - 185:13 14 [3] - 80:20, 85:21, 85:23 140 [1] - 216:15 144 [1] - 193:10 14th [1] - 232:16 15 [8] - 17:12, 17:16, 126:9, 159:8, 176:11, 191:10, 288:20, 288:23 150 [1] - 224:13 150-bushel [1] - 101:25 15th [4] - 5:19, 174:8, 176:16, 232:6 16 [3] - 17:21, 41:1, 172:17 160 [1] - 132:24 17 [4] - 41:2, 203:4, 209:2, 209:22 174,000 [1] - 192:17 18 [1] - 231:14 18-inch [1] - 231:11 18-year-old [1] - 116:11 1800s [2] - 133:16 1804 [3] - 213:7, 213:8 1880s [1] - 190:6 18th [2] - 6:2, 68:15 19 [1] - 257:2 1900s [1] - 232:5 1951 [1] - 100:8 1961 [2] - 100:11, 100:13 1982 [8] - 30:9, 30:12, 33:2, 33:6, 33:15, 39:2, 42:3, 43:10 1990 [1] - 100:17 1990s [1] - 193:4 1998 [2] - 101:9, 101:10 1:00 [1] - 127:5 1st [2] - 119:10, 168:22	2	2 [12] - 12:11, 40:23, 41:2, 41:16, 115:15, 141:25, 216:15, 217:22, 232:20, 250:13, 253:12, 275:14 2,000 [4] - 93:18, 93:21, 117:8, 266:24 2,000-mile [1] - 66:4 2,100-pound [1] - 104:23 2,200 [1] - 173:10 2-140 [1] - 211:21 2-foot [1] - 117:8 2.5 [1] - 232:15 2.6 [1] - 232:7 2.7 [1] - 195:14 20 [11] - 95:13, 98:14, 99:15, 107:23, 172:19, 212:15, 268:21, 288:3, 288:18, 288:23, 289:9 20-mile [1] - 107:20 200 [1] - 190:20 2000s [1] - 196:1 2006 [1] - 101:21 2008 [1] - 232:7 2009 [2] - 232:9, 232:12 2010 [4] - 100:11, 100:13, 232:14, 232:16 2012 [1] - 232:19 2015 [1] - 100:20 2019 [2] - 98:16, 100:9 2021 [1] - 60:20 2022 [5] - 60:23, 60:25, 98:19, 168:22, 169:25 2023 [12] - 5:17, 5:19, 6:2, 16:25, 29:21, 33:2, 140:23, 168:3, 171:5, 195:12, 202:7, 281:19 2024 [6] - 4:2, 4:5, 68:15, 176:11, 176:16, 262:23 208 [2] - 212:14, 224:14 21 [2] - 291:20, 292:14 21st [2] - 4:5, 232:14 22 [5] - 146:11, 150:16, 150:18, 291:20, 292:14 220,500 [1] - 193:6 22nd [3] - 68:20, 98:19, 289:12 22S [1] - 146:10 23 [2] - 291:20, 292:14	23-01-01 [3] - 21:2, 21:4, 21:16 23.3 [1] - 100:18 23rd [2] - 262:23, 263:4 24 [6] - 192:18, 231:12, 231:14, 235:20, 271:22, 271:23 24-inch [7] - 5:14, 65:19, 104:23, 107:23, 171:16, 233:23, 267:12 24s [1] - 267:6 25 [3] - 64:24, 75:12, 163:14 250,000 [2] - 267:2, 267:6 26 [12] - 60:6, 74:18, 74:20, 74:23, 75:13, 76:5, 150:25, 185:9, 185:11, 185:17, 186:5, 278:6 26-136-77 [1] - 181:7 27 [3] - 185:9, 185:14, 185:15 27,000 [2] - 114:17, 116:22 27-136-77 [1] - 181:8 27.71 [1] - 61:6 28-32-46 [1] - 284:24 28th [1] - 232:19 29 [2] - 60:24, 189:24 2nd [2] - 98:19, 264:11	227:19 3rd [2] - 232:8, 232:12
'	'23 [2] - 134:9, 140:24 '61 [1] - 119:7 '65 [1] - 119:7 '90s [1] - 193:4 '91 [1] - 211:23 '92 [1] - 211:23 'yes' [1] - 68:17			4	
0	04 [2] - 99:14, 232:21			4 [3] - 105:4, 115:15, 209:2 4.5 [1] - 5:13 40 [4] - 140:12, 149:25, 190:18, 266:25 40-foot-long [1] - 267:1 400 [6] - 91:3, 99:14, 106:24, 269:17, 269:18 40s [1] - 75:2 411 [2] - 250:13, 253:12 412 [1] - 100:9 440 [5] - 226:11, 226:12, 226:18, 226:20, 226:24 45 [3] - 34:12, 64:25, 90:14 46 [1] - 68:15 464 [2] - 247:1, 260:18 47 [2] - 253:13, 253:14 48 [4] - 77:18, 77:21, 78:13, 272:2 49 [2] - 20:24, 129:3 49th [1] - 130:14 4th [4] - 4:2, 5:17, 47:11, 168:2	
1	1 [4] - 93:20, 232:19, 250:13, 253:12 1,100 [1] - 87:9 1,200 [1] - 91:3 1,300 [2] - 173:7, 226:20 1,800 [2] - 60:15, 75:18 1,900 [1] - 266:23 1.4 [1] - 232:17 1.5 [1] - 232:9 1.8 [5] - 65:4, 65:8, 65:14, 76:19, 171:15 1.9 [1] - 232:12 10 [9] - 8:18, 59:19, 108:12, 115:18, 116:22, 275:16, 275:18, 275:19, 275:20 10,000 [2] - 95:18, 193:5 100 [3] - 41:17, 42:12, 99:22 100-foot [1] - 212:9 10:30 [2] - 10:24, 56:14 11 [11] - 60:23, 67:24, 67:25, 68:7, 80:18,			5	
				5 [5] - 115:15, 192:19, 193:6, 197:23, 275:15 5,000 [1] - 67:18 5-4 [1] - 84:9 50 [8] - 69:3, 100:12, 151:18, 191:13, 197:24, 281:11, 282:20, 282:21 500 [21] - 32:9, 40:9, 82:16, 86:5, 87:1, 87:2, 87:8, 87:10, 146:6, 151:20, 153:13, 173:21, 178:1, 212:13, 224:9, 225:12, 225:14, 225:18, 226:9, 226:21, 226:24 53 [4] - 264:15, 264:16, 264:17, 264:21 54 [4] - 84:4, 84:8, 84:9, 84:16	
				3	
				3 [5] - 115:15, 197:23, 232:17, 232:20, 248:10 3.1 [3] - 232:13, 232:15, 232:21 3.8 [2] - 195:12, 195:13 30 [5] - 121:1, 140:12, 149:24, 209:12, 288:3 300 [2] - 65:8, 106:24 312 [1] - 100:9 32 [1] - 100:10 32.3 [1] - 193:7 320 [1] - 5:13 320-acre [1] - 269:5 33 [2] - 105:9, 105:12 35 [1] - 122:16 35,000 [1] - 114:19 35-136-77 [1] - 141:19 36 [1] - 271:23 36-136-77 [1] - 141:20 390 [2] - 105:15, 107:22 3:30 [2] - 227:17,	

<p>543 [1] - 195:13 55 [2] - 217:3, 217:19 562 [1] - 291:16 569 [1] - 291:17 58 [6] - 80:18, 80:20, 85:21, 262:23, 263:8, 263:20 59 [4] - 273:24, 277:8, 277:9 593 [1] - 291:18 5:00 [1] - 283:6 5:11 [1] - 293:15</p>	<p>900 [1] - 225:20 911 [1] - 44:5 92 [1] - 61:7 93-year-old [1] - 174:15 97 [4] - 65:8, 163:23, 248:9, 249:4 99 [9] - 61:4, 63:20, 64:6, 183:18, 265:10, 265:12, 268:20, 268:22, 272:14 99-year [1] - 254:16 9:08 [1] - 4:2</p>	<p>accepted [2] - 6:19, 242:25 access [1] - 280:20 Access [13] - 24:3, 24:7, 24:11, 24:12, 24:22, 24:24, 25:2, 25:10, 25:14, 25:17, 26:12, 28:21, 48:9 accident [6] - 65:24, 66:5, 116:20, 148:2, 148:7, 149:1 accidents [1] - 63:16 accommodate [3] - 221:15, 266:6, 288:25 accommodation [2] - 174:14, 220:18 accomplish [2] - 107:10, 258:19 according [7] - 133:24, 146:11, 193:9, 229:20, 231:18, 233:18, 236:1 accordingly [2] - 5:9, 291:3 account [3] - 54:8, 130:13, 195:3 accurate [2] - 13:24, 253:15 accurately [1] - 150:16 accusations [1] - 242:1 acknowledge [1] - 39:20 acknowledges [2] - 62:20, 62:23 acknowledgment [1] - 67:17 acquire [2] - 38:6, 251:3 acquired [1] - 69:15 acquisition [3] - 38:17, 250:25 acre [2] - 121:12, 193:10 acres [6] - 146:12, 192:17, 193:5, 193:6, 195:13, 269:24 Act [1] - 291:3 act [1] - 271:12 action [3] - 61:1, 63:5, 169:2 actions [1] - 252:10 actively [1] - 190:8 activities [1] - 197:22 activity [1] - 194:5 acts [1] - 63:18 actual [5] - 63:2, 207:9, 209:11, 243:8, 274:2</p>	<p>ad [1] - 35:8 adapt [2] - 190:11, 191:16 add [8] - 20:9, 50:11, 99:22, 148:11, 197:9, 260:17, 284:22, 285:3 added [3] - 19:25, 21:21, 22:1 adding [1] - 21:16 additional [11] - 21:21, 28:1, 33:4, 51:14, 55:6, 277:10, 282:1, 283:24, 290:20, 291:7, 292:22 additionally [3] - 18:6, 203:21, 273:20 address [18] - 6:21, 6:23, 14:24, 17:4, 19:7, 19:23, 30:15, 44:5, 71:1, 116:12, 155:17, 175:24, 203:15, 204:9, 282:11, 287:23, 289:15, 290:13 addressed [7] - 7:1, 26:14, 34:18, 55:24, 182:18, 285:2, 290:16 addresses [2] - 17:13, 172:4 addressing [2] - 20:6, 25:24 adequate [1] - 206:13 adhere [2] - 231:6, 233:12 adjust [2] - 102:1, 168:15 adjusted [1] - 174:9 adjustment [1] - 291:2 adjustments [5] - 5:23, 5:25, 6:22, 21:19, 137:25 administer [1] - 240:2 administration [1] - 171:14 administrative [5] - 4:8, 4:20, 243:7, 253:8, 281:12 admission [1] - 73:17 admit [5] - 28:14, 257:23, 277:6, 291:14, 291:19 admitted [5] - 24:10, 85:3, 85:5, 291:9, 292:15 adopt [3] - 30:20, 47:7, 49:4 adopted [2] - 19:22, 48:10 adopting [2] - 45:25, 46:24</p>	<p>adoption [1] - 48:18 adult [1] - 115:11 advanced [3] - 134:10, 203:8, 204:16 advantage [7] - 245:19, 245:22, 246:24, 257:3, 257:10, 257:13, 258:8 Adventist [1] - 217:6 adverse [9] - 6:6, 6:13, 70:24, 104:16, 105:17, 125:3, 125:9, 175:16, 273:15 advise [2] - 12:15, 243:4 advised [24] - 59:1, 61:1, 64:2, 69:6, 80:4, 88:10, 92:20, 97:23, 109:19, 113:19, 120:16, 128:6, 132:14, 145:21, 155:5, 162:1, 167:15, 180:24, 188:13, 201:22, 211:12, 228:24, 244:25, 262:7 advisory [1] - 195:8 aerial [1] - 74:19 affect [1] - 108:15 affected [10] - 121:19, 122:3, 130:6, 137:3, 183:1, 183:11, 220:19, 251:5, 252:18, 273:5 affecting [2] - 130:14, 251:1 affirms [1] - 251:19 afford [2] - 93:6, 170:11 afforded [1] - 284:25 afraid [2] - 170:1, 236:15 afternoon [10] - 10:25, 127:18, 137:2, 142:8, 145:11, 180:12, 201:11, 202:4, 210:25, 227:13 ag [11] - 88:21, 191:15, 194:2, 195:8, 269:4, 271:7, 271:8, 272:3, 272:6, 278:23 Ag [4] - 68:14, 169:18, 192:16, 247:3 Age [2] - 102:14, 102:15 agencies [2] - 142:12, 202:14 agency [1] - 284:25</p>
6	A			
<p>6 [1] - 77:2 6,000 [1] - 93:18 6-0 [1] - 289:6 60 [6] - 190:2, 190:19, 195:23, 197:21, 289:6, 289:10 600 [1] - 146:6 639 [1] - 212:22 650 [1] - 212:24</p>	<p>A&M [2] - 210:5, 210:10 a.m [1] - 4:2 abandoned [3] - 63:22, 164:7, 270:11 abbreviated [1] - 13:12 Aberdeen [2] - 119:19, 122:17 abide [1] - 27:4 abilities [2] - 32:16, 162:4 ability [6] - 22:3, 35:22, 54:9, 70:23, 107:18, 283:24 able [19] - 72:1, 81:23, 122:15, 147:19, 164:18, 178:12, 184:15, 190:15, 195:16, 198:2, 210:14, 231:7, 236:2, 246:3, 249:21, 260:20, 264:13, 272:20, 274:21 absolutely [14] - 22:14, 27:8, 73:1, 90:8, 96:20, 99:24, 173:24, 191:23, 195:2, 195:22, 198:18, 218:17, 265:9, 268:8 absorb [2] - 135:9, 234:11 absorbs [1] - 234:7 Academy [1] - 217:6 academy [1] - 217:7 accelerated [1] - 267:3 accept [5] - 134:21, 187:19, 187:25, 189:13, 197:15 acceptable [5] - 74:1, 90:1, 90:3, 257:5, 290:10</p>			
7				
<p>7 [1] - 115:17 70 [1] - 197:21 700 [1] - 225:19 708 [5] - 212:8, 214:15, 224:14, 224:20, 225:14 73 [1] - 120:25 76 [3] - 60:6, 146:10, 278:5 77 [1] - 185:9 78 [1] - 99:15</p>				
8				
<p>8 [6] - 105:8, 105:12, 108:12, 115:17, 249:22, 256:14 8.3 [1] - 232:9 80 [4] - 140:10, 181:7, 185:13, 230:25 81 [2] - 211:21, 216:15 816 [2] - 250:13, 253:11 83 [1] - 213:9 8th [2] - 289:11, 289:22</p>				
9				
<p>9 [1] - 115:18 9/11 [1] - 116:20 90 [4] - 68:16, 68:23, 117:4</p>				

<p>agenda [2] - 103:16, 181:20</p> <p>agent [5] - 61:16, 68:3, 78:5, 219:18, 219:21</p> <p>agents [7] - 61:18, 61:22, 69:3, 69:6, 140:8, 169:8, 169:12</p> <p>aggressive [1] - 169:3</p> <p>ago [20] - 26:18, 47:19, 61:10, 66:8, 67:3, 67:22, 68:5, 71:5, 74:16, 77:13, 77:18, 77:21, 78:13, 93:21, 104:3, 133:22, 135:2, 168:21, 179:23, 249:8</p> <p>agree [23] - 37:3, 53:23, 57:18, 93:16, 121:6, 122:21, 127:14, 136:3, 164:21, 165:17, 191:23, 193:17, 196:14, 196:19, 197:18, 198:15, 198:23, 207:2, 248:13, 283:16, 284:10, 284:16, 288:17</p> <p>agreeable [1] - 32:19</p> <p>agreed [2] - 15:4, 217:11</p> <p>agreement [3] - 22:8, 27:2, 137:7</p> <p>agreements [1] - 67:6</p> <p>agrees [2] - 62:20, 62:23</p> <p>agricultural [1] - 195:19</p> <p>agriculture [3] - 190:2, 193:1, 196:5</p> <p>agronomy [3] - 91:1, 91:2, 91:4</p> <p>ahead [24] - 12:10, 13:4, 35:13, 59:21, 88:14, 92:24, 98:2, 109:23, 113:23, 120:20, 128:10, 132:18, 145:25, 155:9, 162:5, 167:19, 181:3, 188:17, 195:10, 202:1, 211:16, 229:3, 262:12, 268:16</p> <p>aid [2] - 41:25, 163:13</p> <p>ain't [1] - 224:20</p> <p>air [9] - 64:18, 105:2, 115:3, 116:23, 156:17, 164:3, 172:23, 173:5, 234:17</p>	<p>Air [1] - 119:11</p> <p>aircraft [1] - 119:11</p> <p>airline [1] - 191:11</p> <p>airplane [1] - 114:17</p> <p>airport [1] - 101:6</p> <p>alarms [1] - 164:16</p> <p>alert [1] - 290:3</p> <p>alike [1] - 144:21</p> <p>alleged [1] - 265:24</p> <p>allegedly [1] - 248:23</p> <p>alleviate [1] - 18:16</p> <p>allocate [1] - 5:8</p> <p>allow [14] - 8:16, 16:19, 25:3, 35:17, 66:25, 139:3, 148:23, 191:3, 200:16, 207:13, 242:3, 242:4, 246:5, 277:4</p> <p>allowed [7] - 15:22, 34:12, 39:3, 82:15, 248:20, 277:5, 281:25</p> <p>alluded [1] - 101:10</p> <p>almost [6] - 123:16, 190:2, 238:9, 240:18, 250:10, 293:12</p> <p>alone [2] - 123:3, 247:15</p> <p>Alpha [1] - 109:8</p> <p>alteration [1] - 151:24</p> <p>altered [1] - 173:16</p> <p>alternative [4] - 252:13, 281:21, 281:23, 288:12</p> <p>Alton [1] - 109:6</p> <p>Amanda [2] - 171:25, 178:6</p> <p>ambiguity [1] - 15:8</p> <p>ambiguous [1] - 15:11</p> <p>ambulance [5] - 156:1, 156:4, 156:8, 156:25, 160:7</p> <p>amend [1] - 42:3</p> <p>amended [7] - 16:24, 17:25, 30:1, 32:5, 35:2, 41:14, 291:18</p> <p>amending [2] - 19:12, 29:24</p> <p>amendment [13] - 20:23, 21:5, 21:18, 21:25, 29:22, 29:23, 30:13, 30:15, 30:21, 32:5, 49:5, 129:18, 291:18</p> <p>Amendment [1] - 251:23</p> <p>amendments [9] - 14:3, 20:15, 20:25, 22:16, 28:22, 29:19, 29:25, 46:24, 48:18</p> <p>amends [1] - 41:8</p>	<p>America [1] - 249:17</p> <p>American [2] - 82:13, 83:18</p> <p>amount [7] - 60:20, 90:5, 184:9, 190:22, 269:1, 269:16, 274:11</p> <p>amounts [1] - 49:10</p> <p>ample [1] - 274:11</p> <p>analysis [11] - 102:19, 122:8, 122:10, 179:7, 199:1, 206:16, 207:7, 207:23, 273:10, 280:21</p> <p>ancestors [1] - 89:22</p> <p>angle [3] - 153:21, 215:13, 217:24</p> <p>angled [1] - 217:23</p> <p>angles [2] - 76:4, 212:2</p> <p>angling [1] - 222:25</p> <p>animal [2] - 220:5, 269:4</p> <p>animals [3] - 148:13, 148:22, 149:21</p> <p>annual [3] - 101:8, 190:19, 190:20</p> <p>another's [1] - 271:10</p> <p>ANOVAs [2] - 122:11</p> <p>anoxic [1] - 107:24</p> <p>answer [15] - 34:8, 35:17, 40:1, 42:24, 45:14, 50:15, 174:23, 200:17, 207:13, 208:5, 222:23, 243:11, 244:16, 260:24</p> <p>answered [4] - 49:16, 141:4, 144:4, 171:18</p> <p>answering [1] - 108:6</p> <p>answers [1] - 162:16</p> <p>anyway [11] - 133:16, 133:17, 134:4, 135:15, 139:23, 155:21, 162:21, 250:8, 253:21, 255:2, 255:24</p> <p>anyway.. [1] - 98:14</p> <p>anyways [1] - 221:24</p> <p>AOC [4] - 98:16, 110:8, 110:9, 110:13</p> <p>apocalypse [1] - 250:23</p> <p>apologize [6] - 34:1, 34:5, 42:17, 125:23, 238:4, 274:6</p> <p>apparatuses [1] - 152:15</p> <p>appeal [8] - 14:17, 15:2, 15:4, 15:6, 15:14, 15:18, 16:15, 285:2</p>	<p>appealed [1] - 168:20</p> <p>appeals [2] - 15:16, 284:23</p> <p>appear [1] - 17:2</p> <p>appearance [2] - 7:3, 7:22</p> <p>appearing [1] - 7:20</p> <p>appellant [1] - 284:25</p> <p>applaud [1] - 8:16</p> <p>applicability [1] - 14:20</p> <p>applicable [2] - 22:17, 43:22</p> <p>Applicant [6] - 7:6, 11:5, 290:25, 291:2, 291:16, 291:19</p> <p>Applicant's [3] - 5:20, 16:17, 28:14</p> <p>application [13] - 5:10, 5:19, 25:9, 25:12, 25:15, 26:3, 38:8, 96:2, 107:11, 125:2, 178:15, 237:10, 255:25</p> <p>applications [4] - 27:9, 29:16, 29:18, 125:8</p> <p>applied [1] - 24:24</p> <p>apply [4] - 14:11, 38:3, 61:5, 281:12</p> <p>appointed [3] - 235:17, 237:22, 237:24</p> <p>appreciate [22] - 8:18, 8:20, 9:25, 10:9, 30:2, 32:24, 36:20, 39:19, 51:5, 60:10, 94:22, 96:24, 124:20, 131:8, 141:8, 165:22, 169:1, 221:18, 228:14, 237:8, 255:11, 282:5</p> <p>appreciated [1] - 144:3</p> <p>approach [4] - 197:7, 202:16, 204:11, 217:12</p> <p>appropriate [6] - 32:12, 83:17, 243:14, 271:6, 272:3, 281:2</p> <p>appropriately [2] - 7:1, 280:19</p> <p>approval [4] - 26:3, 125:8, 203:19, 209:14</p> <p>approvals [2] - 25:18, 27:10</p> <p>approve [8] - 71:7, 96:1, 125:1, 166:13, 191:19, 271:7, 272:12, 273:14</p>	<p>approved [8] - 29:18, 129:19, 156:12, 165:12, 175:9, 182:17, 254:15, 263:24</p> <p>approves [1] - 272:7</p> <p>approving [1] - 96:1</p> <p>April [4] - 68:14, 68:20, 262:23, 263:4</p> <p>aquifer [3] - 121:21, 152:4, 152:6</p> <p>aquifers [1] - 121:22</p> <p>Arabia [2] - 247:1, 259:2</p> <p>area [37] - 9:23, 9:24, 37:10, 44:5, 64:14, 89:15, 90:7, 105:9, 121:19, 139:7, 157:2, 162:9, 171:13, 179:1, 197:1, 204:14, 214:8, 214:10, 218:13, 221:7, 222:7, 222:15, 222:21, 225:12, 231:25, 232:1, 232:22, 233:9, 233:16, 234:2, 234:14, 257:18, 269:8, 273:11</p> <p>areas [10] - 9:2, 51:21, 54:1, 57:12, 102:8, 102:15, 163:9, 222:17, 222:18, 237:15</p> <p>argue [4] - 103:6, 134:2, 193:15, 197:11</p> <p>arguing [2] - 193:16, 251:7</p> <p>argument [2] - 260:6, 279:17</p> <p>argument's [1] - 256:20</p> <p>arguments [5] - 39:4, 250:2, 281:16, 284:20, 289:22</p> <p>arising [1] - 64:5</p> <p>Arizona [2] - 44:24, 234:15</p> <p>arm [1] - 169:20</p> <p>arms [1] - 172:23</p> <p>arose [1] - 47:22</p> <p>arrival [1] - 202:11</p> <p>arrived [1] - 61:24</p> <p>arrogance [1] - 174:1</p> <p>arrogant [2] - 177:25, 254:2</p> <p>article [18] - 17:3, 17:12, 41:8, 108:7, 123:6, 274:4, 274:16, 274:20, 274:25, 275:3,</p>
--	---	---	--	--

<p>275:11, 275:13, 275:17, 275:18, 275:21, 275:24, 276:16, 276:17</p> <p>Article [3] - 17:4, 17:11, 18:11</p> <p>artifacts [2] - 66:17, 83:18</p> <p>aspect [4] - 49:9, 146:16, 148:6, 149:6</p> <p>aspects [5] - 24:17, 24:18, 34:24, 55:2, 55:4</p> <p>asphyxiating [1] - 269:1</p> <p>assembly [1] - 267:24</p> <p>assessments [1] - 251:13</p> <p>assist [1] - 197:7</p> <p>assistant [2] - 7:12, 202:11</p> <p>associate [1] - 171:25</p> <p>associated [6] - 5:14, 63:11, 63:13, 64:24, 95:9, 252:3</p> <p>assume [3] - 71:13, 244:22, 271:18</p> <p>assuming [7] - 73:7, 177:14, 233:8, 234:10, 256:20, 266:25, 278:11</p> <p>assurance [2] - 203:17, 204:16</p> <p>assurances [1] - 166:5</p> <p>assure [1] - 37:12</p> <p>assured [4] - 127:12, 175:25, 182:7, 183:11</p> <p>ate [2] - 89:19, 171:1</p> <p>atmosphere [4] - 91:9, 99:13, 99:14, 102:3</p> <p>atmospheric [3] - 99:23, 100:23, 105:2</p> <p>atomic [1] - 115:2</p> <p>attached [10] - 13:13, 13:23, 20:24, 21:8, 24:6, 25:7, 26:2, 262:25, 263:1, 274:3</p> <p>attachment [2] - 274:15, 275:17</p> <p>attack [3] - 24:1, 116:21, 248:14</p> <p>attacking [2] - 23:15, 24:14</p> <p>attempt [3] - 67:5, 263:23, 272:20</p> <p>attempted [2] - 230:25, 231:9</p> <p>attempting [1] - 23:5</p> <p>attempts [2] - 264:7, 265:25</p> <p>attend [6] - 157:1,</p>	<p>162:13, 171:14, 171:17, 172:1, 210:6</p> <p>attendance [4] - 4:16, 4:25, 5:4, 5:6</p> <p>attended [6] - 5:5, 8:13, 52:21, 156:4, 157:2, 157:25</p> <p>attending [2] - 25:25, 172:9</p> <p>attention [1] - 72:8</p> <p>attest [1] - 90:5</p> <p>attitude [1] - 173:23</p> <p>attorney [16] - 7:12, 31:2, 42:24, 49:17, 49:19, 61:2, 61:3, 67:23, 68:13, 77:9, 77:16, 77:22, 77:23, 168:22, 174:11, 237:20</p> <p>attorney/client [2] - 49:18, 50:2</p> <p>attorneys [6] - 50:19, 68:6, 170:10, 284:19, 285:20</p> <p>attribute [1] - 277:7</p> <p>audience [2] - 175:7, 261:13</p> <p>audio [3] - 72:3, 228:13, 228:14</p> <p>auditorium [2] - 34:11, 52:16</p> <p>August [6] - 5:16, 6:2, 168:2, 171:5, 232:12, 281:19</p> <p>Australia [1] - 114:8</p> <p>Authority [1] - 135:12</p> <p>authority [2] - 94:11, 243:8</p> <p>automatic [1] - 246:8</p> <p>autonomy [1] - 251:10</p> <p>availability [2] - 246:10, 247:20</p> <p>available [4] - 230:17, 230:19, 247:19, 274:9</p> <p>avenue [1] - 20:11</p> <p>avenues [1] - 55:20</p> <p>aviation [3] - 191:7, 191:11, 195:18</p> <p>avoid [1] - 83:24</p> <p>avoidance [3] - 222:18, 222:21, 225:12</p> <p>awake [1] - 98:13</p> <p>aware [15] - 14:12, 14:17, 61:21, 77:22, 83:21, 159:15, 159:16, 165:11, 165:17, 195:6, 196:21, 197:16, 197:25, 264:11, 266:4</p> <p>aye [7] - 286:17,</p>	<p>286:18, 286:19, 286:20, 287:5, 287:7, 287:9</p> <p>eyes [1] - 287:10</p> <p style="text-align: center;">B</p> <p>background [4] - 203:2, 268:1, 276:1, 279:11</p> <p>backlash [2] - 157:7, 234:12</p> <p>backup [2] - 162:24, 166:4</p> <p>bad [4] - 71:10, 107:9, 107:19, 110:14</p> <p>badgers [1] - 121:16</p> <p>Bakken [1] - 257:25</p> <p>balance [1] - 195:16</p> <p>balcony [1] - 52:16</p> <p>Baldwin [3] - 213:3, 214:8, 219:2</p> <p>baled [1] - 267:4</p> <p>bankrupt [1] - 63:22</p> <p>barely [3] - 120:1, 178:23, 221:23</p> <p>base [3] - 8:25, 165:23, 195:20</p> <p>based [24] - 8:23, 37:18, 40:7, 41:22, 47:7, 50:23, 103:21, 107:12, 107:21, 125:6, 129:20, 146:15, 148:3, 148:20, 166:6, 178:15, 197:21, 199:25, 209:17, 222:5, 255:25, 275:25, 281:18, 286:7</p> <p>basement [2] - 115:21, 115:25</p> <p>bases [1] - 284:6</p> <p>basic [2] - 93:22, 156:15</p> <p>basis [11] - 28:5, 35:8, 43:2, 99:20, 104:1, 190:19, 242:7, 274:9, 280:19, 281:2, 281:17</p> <p>bat [1] - 246:21</p> <p>battery [1] - 62:4</p> <p>battle [1] - 170:7</p> <p>Bay [3] - 90:6, 90:7</p> <p>bear [1] - 168:7</p> <p>beat [1] - 199:16</p> <p>Beaver [2] - 90:6, 90:7</p> <p>became [3] - 61:13, 129:23, 129:24</p> <p>Beck [1] - 219:20</p> <p>become [4] - 31:17, 66:1, 159:15, 196:5</p>	<p>becomes [2] - 55:24, 269:5</p> <p>becoming [1] - 202:6</p> <p>bedded [2] - 267:17, 271:1</p> <p>bedroom [1] - 82:16</p> <p>beer [1] - 115:16</p> <p>begin [1] - 4:12</p> <p>beginning [13] - 18:11, 25:22, 40:20, 57:12, 69:23, 140:8, 173:11, 182:21, 196:2, 222:4, 229:7, 230:8, 242:20</p> <p>behalf [13] - 7:6, 7:12, 7:17, 7:25, 11:5, 16:12, 25:13, 155:12, 200:7, 219:15, 283:1, 286:4, 289:15</p> <p>behave [1] - 269:12</p> <p>behavior [2] - 71:11, 169:9</p> <p>behind [2] - 217:5, 254:1</p> <p>BEK [1] - 52:19</p> <p>Belgium [1] - 279:12</p> <p>belief [1] - 198:25</p> <p>beliefs [1] - 53:3</p> <p>believes [1] - 16:12</p> <p>Bell [1] - 95:12</p> <p>belong [1] - 250:7</p> <p>below [5] - 121:22, 149:24, 279:21, 279:24</p> <p>Bender [3] - 25:13, 67:23, 84:18</p> <p>beneficial [3] - 203:10, 252:25, 257:24</p> <p>benefit [11] - 36:17, 69:25, 81:2, 182:1, 203:6, 205:5, 246:2, 249:15, 251:18, 265:5, 271:11</p> <p>benefiting [1] - 184:1</p> <p>benefits [3] - 251:8, 252:3, 252:22</p> <p>Berthold [1] - 232:10</p> <p>beside [1] - 136:11</p> <p>best [18] - 10:16, 13:10, 24:22, 31:4, 32:3, 32:15, 34:17, 35:24, 39:18, 43:21, 51:1, 54:6, 55:3, 116:8, 162:4, 176:21, 226:18, 234:14</p> <p>bet [1] - 233:5</p> <p>better [25] - 12:5, 22:8, 33:1, 40:20, 59:6, 101:20, 102:2, 102:4, 106:5, 106:6,</p>	<p>106:7, 106:8, 106:9, 135:17, 153:4, 154:5, 178:19, 187:1, 213:25, 245:22, 253:11, 258:1, 279:10, 279:18, 284:10</p> <p>between [12] - 33:22, 37:9, 77:4, 77:9, 91:3, 137:15, 157:13, 186:8, 214:4, 214:10, 219:8, 252:25</p> <p>Beulah [2] - 257:18</p> <p>beyond [1] - 204:4</p> <p>bidder [1] - 267:3</p> <p>big [18] - 9:19, 11:22, 20:18, 36:12, 66:10, 67:9, 67:11, 81:5, 103:8, 112:6, 121:17, 214:10, 219:17, 227:9, 227:10, 234:5, 248:1, 271:16</p> <p>bigger [1] - 56:1</p> <p>biggest [4] - 95:15, 146:13, 246:13, 270:7</p> <p>bill [2] - 61:5, 139:14</p> <p>Bill [1] - 259:24</p> <p>billion [6] - 123:3, 191:10, 191:13, 191:14, 192:23, 195:14</p> <p>billionaires [3] - 99:3, 170:9, 175:8</p> <p>billionaires' [1] - 98:23</p> <p>billions [4] - 95:9, 95:13, 114:19, 123:7</p> <p>binder [3] - 83:10, 83:11, 83:13</p> <p>bio [1] - 122:19</p> <p>Bismarck [18] - 8:8, 9:6, 44:24, 64:14, 70:1, 97:5, 101:5, 101:6, 110:4, 156:6, 156:11, 156:24, 157:25, 163:14, 173:15, 213:4, 219:2, 219:19</p> <p>bit [14] - 13:6, 17:11, 30:4, 30:23, 33:1, 47:19, 55:25, 80:9, 88:19, 134:11, 216:10, 250:15, 270:19, 285:16</p> <p>bite [1] - 95:19</p> <p>black [1] - 78:9</p> <p>blame [1] - 169:9</p> <p>blanket [5] - 138:9, 138:10, 139:2, 139:3, 183:16</p>
--	---	---	---	---

<p>bleeding [4] - 146:25, 147:1, 147:5</p> <p>blessed [1] - 249:21</p> <p>blessing [1] - 171:2</p> <p>blizzard [1] - 149:25</p> <p>block [1] - 81:19</p> <p>blood [1] - 82:18</p> <p>blow [1] - 213:21</p> <p>blowing [1] - 212:15</p> <p>blows [1] - 226:3</p> <p>blue [1] - 218:1</p> <p>Blue [1] - 257:11</p> <p>board [13] - 7:18, 11:16, 15:24, 33:22, 129:9, 129:15, 129:22, 130:18, 162:10, 202:21, 235:10, 248:2, 250:4</p> <p>boat [1] - 90:8</p> <p>boats [1] - 90:6</p> <p>bodies [5] - 43:4, 43:5, 43:8, 252:13, 269:21</p> <p>body [2] - 32:10, 152:3</p> <p>bodyguards [1] - 61:25</p> <p>Boeshans [6] - 61:10, 67:6, 84:21, 262:25, 290:15, 290:23</p> <p>Boeshans' [2] - 67:20, 84:6</p> <p>bomb [2] - 115:2, 115:24</p> <p>bonded [1] - 272:11</p> <p>boo [1] - 8:15</p> <p>book [9] - 30:9, 76:3, 100:3, 100:8, 100:16, 102:18, 150:22, 216:25, 217:20</p> <p>books [2] - 77:1, 102:11</p> <p>boom [1] - 183:1</p> <p>boondoggle [1] - 157:11</p> <p>border [2] - 223:21, 232:25</p> <p>Border [1] - 31:14</p> <p>borderline [1] - 212:2</p> <p>bore [3] - 214:12, 219:6, 224:25</p> <p>boring [1] - 62:1</p> <p>born [1] - 235:5</p> <p>bothered [1] - 233:7</p> <p>bothering [1] - 134:25</p> <p>bottom [6] - 79:2, 90:16, 148:7, 151:3, 186:7, 267:14</p> <p>bought [2] - 117:4, 170:19</p> <p>boundaries [2] - 32:7, 139:5</p>	<p>boundary [3] - 219:2, 222:1, 265:17</p> <p>bounds [1] - 50:19</p> <p>box [5] - 172:7, 172:12, 218:1, 218:8, 264:6</p> <p>boxelder [1] - 232:15</p> <p>Braaten [38] - 7:15, 7:17, 11:9, 11:14, 13:4, 13:5, 14:24, 16:11, 24:16, 46:18, 48:17, 56:9, 71:23, 83:3, 91:17, 95:3, 106:15, 111:20, 118:17, 124:22, 131:5, 138:21, 150:13, 151:17, 159:24, 165:7, 177:8, 185:24, 194:20, 205:13, 216:3, 237:3, 256:8, 278:17, 284:14, 288:24, 292:22</p> <p>BRAATEN [53] - 7:16, 11:10, 11:15, 13:7, 13:19, 15:1, 16:21, 16:22, 24:17, 25:6, 27:12, 27:14, 27:23, 35:9, 41:4, 41:10, 42:16, 46:20, 46:22, 48:2, 49:16, 50:6, 56:10, 71:24, 83:4, 91:18, 95:4, 106:16, 111:21, 118:18, 124:23, 131:6, 138:22, 151:18, 152:7, 159:25, 165:8, 177:9, 185:25, 194:21, 205:14, 205:17, 205:21, 216:4, 256:9, 278:18, 278:20, 284:15, 288:25, 289:25, 290:2, 290:11, 292:23</p> <p>Braddock [1] - 163:22</p> <p>Brandenburg [3] - 9:23, 39:16, 69:11</p> <p>Brandon [1] - 39:14</p> <p>Brazil [2] - 193:22, 193:23</p> <p>Bread [1] - 229:8</p> <p>break [22] - 10:24, 10:25, 56:12, 56:17, 108:4, 119:24, 127:5, 146:17, 146:18, 147:6, 147:9, 147:15, 156:20, 174:1, 212:19, 227:13, 270:5, 283:3, 283:4, 285:15</p>	<p>breakage [1] - 220:5</p> <p>breaks [4] - 105:8, 118:3, 130:7, 236:19</p> <p>breathing [3] - 115:17, 152:15, 234:16</p> <p>breeze [1] - 64:18</p> <p>Bret [1] - 7:8</p> <p>Brian [1] - 7:24</p> <p>bribe [1] - 123:17</p> <p>brief [3] - 103:23, 124:4, 289:12</p> <p>briefing [4] - 288:2, 288:3, 288:19, 289:19</p> <p>briefly [3] - 94:4, 150:14, 277:25</p> <p>briefs [1] - 288:20</p> <p>bright [1] - 52:18</p> <p>bring [14] - 62:13, 77:1, 128:20, 205:4, 229:13, 230:20, 245:23, 247:17, 248:8, 248:20, 248:23, 257:7, 257:9, 274:7</p> <p>bringing [3] - 200:6, 245:20, 255:19</p> <p>brings [4] - 62:14, 246:3, 287:13, 287:19</p> <p>broad [1] - 34:8</p> <p>broadcast [1] - 52:20</p> <p>broaden [2] - 214:21, 219:7</p> <p>broken [1] - 265:11</p> <p>brother [2] - 190:8, 195:24</p> <p>brought [12] - 15:10, 54:24, 66:11, 106:22, 204:9, 229:12, 231:7, 242:10, 246:13, 247:18, 258:4</p> <p>brown [1] - 153:25</p> <p>brown-roofed [1] - 153:25</p> <p>brunt [1] - 168:7</p> <p>BSC [1] - 68:15</p> <p>buddies [1] - 116:11</p> <p>buffer [1] - 212:12</p> <p>build [11] - 24:3, 44:20, 67:1, 114:12, 116:14, 116:16, 116:17, 168:4, 175:1, 175:2, 269:2</p> <p>building [5] - 26:13, 32:9, 71:13, 151:15, 154:1</p> <p>buildings [4] - 41:24, 129:12, 153:12, 226:16</p> <p>built [16] - 29:1, 65:7, 65:24, 66:3, 66:4,</p>	<p>81:21, 106:6, 148:20, 170:25, 182:5, 182:20, 183:6, 190:14, 211:23, 267:21, 268:19</p> <p>bullet [1] - 95:19</p> <p>bullied [1] - 170:9</p> <p>bullies [1] - 62:2</p> <p>bulls [1] - 98:20</p> <p>bully [1] - 174:25</p> <p>bullying [1] - 253:25</p> <p>bunch [4] - 98:20, 142:9, 163:3, 266:16</p> <p>bureaus [1] - 116:25</p> <p>Burgum [4] - 67:8, 67:10, 99:4, 112:9</p> <p>Burgum's [1] - 144:10</p> <p>burial [2] - 82:13, 235:12</p> <p>buried [11] - 121:15, 200:2, 230:5, 230:16, 231:6, 233:15, 234:24, 235:3, 238:10, 270:24, 279:20</p> <p>Burleigh [14] - 5:14, 15:10, 55:16, 55:22, 56:2, 68:21, 69:10, 70:5, 222:12, 222:16, 256:15, 256:17</p> <p>burning [1] - 114:19</p> <p>burp [1] - 103:12</p> <p>bursts [1] - 269:15</p> <p>bury [5] - 64:20, 199:23, 233:8, 238:6, 279:25</p> <p>burying [5] - 231:24, 232:25, 233:4, 233:23, 235:13</p> <p>bushel [2] - 101:22, 101:23</p> <p>bushels [5] - 190:20, 192:18, 193:7, 193:10, 195:13</p> <p>business [6] - 53:19, 196:11, 196:16, 198:8, 258:8, 258:9</p> <p>businesses [3] - 166:12, 247:12, 249:12</p> <p>businessman [2] - 245:18, 257:2</p> <p>busy [1] - 9:9</p> <p>but. [1] - 189:5</p> <p>butt [2] - 110:16, 267:6</p> <p>buy [8] - 115:16, 148:20, 148:22, 159:6, 190:25, 236:5, 272:19</p> <p>buying [3] - 65:22,</p>	<p>117:6, 247:11</p> <p>BY [19] - 13:19, 16:22, 25:6, 28:20, 29:14, 33:23, 36:1, 37:2, 46:22, 48:7, 48:16, 51:5, 51:17, 262:18, 263:22, 264:24, 275:7, 278:2, 278:20</p> <p>byproduct [1] - 89:21</p> <p>Byron [2] - 7:6, 7:8</p>
C				
<p>C-student [1] - 21:12</p> <p>C-U-R-R-A-N [1] - 79:21</p> <p>calculated [1] - 192:1</p> <p>calculations [1] - 192:3</p> <p>California [2] - 114:8, 117:5</p> <p>calm [1] - 149:19</p> <p>camera [1] - 284:4</p> <p>camps [1] - 17:18</p> <p>Canada [3] - 114:8, 198:10, 198:12</p> <p>candidates [1] - 248:5</p> <p>candle [1] - 112:10</p> <p>cannot [7] - 64:10, 64:17, 66:24, 93:7, 93:11, 182:11, 184:25</p> <p>capabilities [3] - 203:24, 209:16, 210:2</p> <p>capacity [3] - 50:3, 230:17, 230:18</p> <p>capitalizing [1] - 250:22</p> <p>Capitol [5] - 135:3, 135:4, 140:21, 254:4, 254:11</p> <p>captain [1] - 203:3</p> <p>Capture [2] - 123:7, 250:16</p> <p>capture [8] - 94:13, 103:24, 123:5, 156:23, 166:7, 197:25, 231:1, 250:14</p> <p>capturing [2] - 123:2, 198:5</p> <p>car [3] - 61:17, 192:2, 235:25</p> <p>carb [1] - 156:23</p> <p>Carbon [35] - 5:11, 7:7, 63:10, 69:3, 77:4, 80:22, 81:11, 89:1, 104:4, 104:7, 123:6, 142:13, 156:5, 168:3, 168:8, 168:12, 169:21,</p>				

<p>175:4, 175:8, 175:22, 181:9, 181:19, 182:5, 182:20, 183:13, 184:24, 202:8, 204:13, 205:2, 249:13, 250:16, 259:5, 259:13, 260:25, 268:5</p> <p>carbon [58] - 5:13, 19:3, 19:7, 94:13, 95:19, 98:17, 99:11, 103:23, 103:24, 104:4, 114:9, 114:11, 117:1, 123:5, 135:9, 148:24, 152:12, 190:12, 191:5, 191:12, 193:23, 197:6, 197:10, 197:13, 197:17, 197:20, 198:1, 198:5, 230:5, 230:23, 231:1, 231:5, 231:9, 231:14, 231:24, 232:1, 232:22, 233:15, 234:23, 235:1, 235:2, 235:3, 235:7, 235:8, 235:12, 250:13, 252:8, 257:6, 257:7, 257:24, 266:16, 269:10, 269:18, 271:19, 271:24, 273:3, 275:16</p> <p>card [2] - 135:11, 178:4</p> <p>care [2] - 153:3, 271:4</p> <p>career [1] - 203:2</p> <p>careful [1] - 22:21</p> <p>carried [1] - 287:11</p> <p>carrier [2] - 119:11, 136:3</p> <p>carriers [1] - 130:15</p> <p>carries [1] - 286:22</p> <p>carry [1] - 253:8</p> <p>carrying [1] - 178:16</p> <p>Case [1] - 4:5</p> <p>case [44] - 4:17, 4:18, 6:18, 8:7, 12:23, 13:1, 41:7, 42:13, 57:22, 59:3, 80:6, 88:12, 91:5, 92:22, 97:25, 109:21, 113:21, 120:18, 128:8, 132:16, 135:18, 145:23, 149:22, 155:7, 162:3, 164:10, 167:17, 179:5, 181:1, 182:15, 188:1, 188:15,</p>	<p>193:18, 201:24, 211:14, 224:13, 226:2, 229:1, 243:17, 245:2, 245:7, 258:16, 262:9, 266:17</p> <p>cases [3] - 41:19, 182:11, 183:16</p> <p>Cass [1] - 5:15</p> <p>casualties [1] - 181:25</p> <p>catastrophe [1] - 64:19</p> <p>catastrophes [1] - 63:17</p> <p>catastrophic [1] - 269:7</p> <p>catch [1] - 101:14</p> <p>categorization [1] - 88:25</p> <p>category [1] - 122:23</p> <p>cats [5] - 108:9, 108:10, 108:13, 108:14</p> <p>Cattail [1] - 90:7</p> <p>cattle [1] - 44:14</p> <p>caused [6] - 30:20, 157:16, 170:7, 221:11, 231:21, 275:9</p> <p>causes [1] - 279:17</p> <p>causing [2] - 40:12, 169:19</p> <p>caveat [1] - 264:12</p> <p>cavity [1] - 231:7</p> <p>CBRNEs [1] - 122:18</p> <p>CCS [3] - 250:24, 252:4, 252:22</p> <p>CECILE [10] - 161:18, 161:22, 161:25, 162:4, 162:6, 162:8, 165:25, 166:10, 166:15, 167:1</p> <p>Cecile [1] - 161:18</p> <p>cell [3] - 4:13, 4:14, 142:25</p> <p>center [3] - 171:6, 172:20, 217:22</p> <p>centers [1] - 164:2</p> <p>Central [3] - 36:13, 36:14, 217:25</p> <p>Century [11] - 128:16, 128:18, 128:19, 129:1, 130:1, 130:3, 130:12, 130:13, 130:14, 130:20, 132:25</p> <p>certain [9] - 24:17, 26:22, 41:22, 55:2, 82:6, 108:3, 222:17, 267:22, 284:20</p> <p>certainly [8] - 65:22, 73:10, 81:23, 191:22, 194:4,</p>	<p>198:15, 281:15, 284:5</p> <p>certificate [1] - 5:11</p> <p>certified [2] - 67:14, 163:8</p> <p>cha [1] - 125:19</p> <p>cha-ching [1] - 125:19</p> <p>chair [1] - 11:15</p> <p>chairs [1] - 227:20</p> <p>challenges [1] - 83:18</p> <p>chance [2] - 14:9, 116:11</p> <p>change [13] - 94:12, 98:17, 101:8, 101:12, 101:19, 102:17, 110:14, 116:23, 123:13, 174:12, 193:16, 253:2, 285:7</p> <p>changed [10] - 24:11, 24:18, 24:19, 33:15, 71:5, 71:6, 136:17, 179:21, 225:18, 229:6</p> <p>changes [4] - 21:18, 77:21, 78:18, 102:17</p> <p>channel [1] - 184:11</p> <p>Chapter [3] - 129:3, 129:5, 130:16</p> <p>chapter [1] - 130:14</p> <p>character [2] - 54:10, 174:19</p> <p>characterization [1] - 244:1</p> <p>charge [4] - 67:20, 93:10, 159:3, 160:13</p> <p>charges [1] - 243:9</p> <p>check [6] - 4:12, 67:9, 67:11, 172:7, 219:18, 287:15</p> <p>checked [1] - 172:1</p> <p>checking [2] - 133:9, 178:6</p> <p>cheer [2] - 110:20, 110:22</p> <p>cheering [1] - 4:19</p> <p>cheerleader [1] - 112:1</p> <p>chem [1] - 122:18</p> <p>chemical [1] - 226:3</p> <p>cherished [1] - 170:24</p> <p>cherry [1] - 69:13</p> <p>cherry-picking [1] - 69:13</p> <p>chest [1] - 135:1</p> <p>chicken [1] - 89:19</p> <p>chickenfeed [1] - 273:1</p> <p>chief [3] - 69:7, 159:10, 159:13</p> <p>children [6] - 66:21, 66:24, 163:23, 190:9, 191:18, 235:5</p>	<p>China [1] - 246:18</p> <p>Chinese [11] - 114:23, 115:6, 116:4, 246:13, 246:19, 247:10, 253:25, 254:1, 254:22, 254:25, 258:25</p> <p>ching [1] - 125:19</p> <p>choice [5] - 65:20, 139:25, 170:12, 235:18, 236:21</p> <p>choose [2] - 56:20, 65:21</p> <p>chooses [1] - 168:16</p> <p>chopper [1] - 163:11</p> <p>chose [1] - 174:25</p> <p>chosen [1] - 249:23</p> <p>Christmann [37] - 8:4, 10:19, 39:11, 74:12, 85:10, 86:21, 91:21, 96:9, 106:19, 112:13, 118:23, 119:5, 125:13, 128:16, 131:12, 141:9, 153:7, 160:4, 166:18, 168:24, 179:12, 186:3, 189:19, 189:20, 199:8, 208:9, 221:19, 225:6, 237:6, 253:18, 254:5, 258:12, 279:6, 285:11, 287:4, 293:1</p> <p>CHRISTMANN [146] - 8:5, 39:12, 39:25, 40:4, 40:14, 40:18, 41:1, 41:9, 41:15, 42:5, 42:9, 42:11, 43:3, 43:7, 43:12, 43:25, 44:22, 45:10, 45:17, 45:20, 45:24, 46:3, 46:10, 74:14, 74:24, 75:1, 75:4, 75:7, 75:12, 75:15, 75:19, 75:23, 76:9, 76:11, 76:15, 76:17, 76:22, 80:11, 85:12, 85:17, 85:22, 85:24, 86:2, 86:6, 86:8, 86:12, 86:22, 86:25, 87:4, 87:7, 87:14, 87:17, 91:22, 96:10, 96:16, 96:21, 106:20, 107:5, 108:17, 112:14, 112:19, 112:21, 118:24, 125:14, 125:18, 125:21, 125:25, 126:3, 126:8, 126:11, 126:13, 126:16, 131:13, 141:11,</p>	<p>141:14, 141:17, 141:21, 141:24, 142:1, 142:4, 153:9, 153:17, 153:19, 153:24, 154:3, 160:5, 160:9, 160:12, 160:17, 160:23, 161:3, 166:19, 179:14, 179:22, 180:3, 186:4, 186:11, 186:17, 186:23, 186:25, 187:5, 199:9, 199:13, 199:16, 199:19, 200:4, 200:20, 200:24, 208:11, 221:20, 222:5, 222:9, 222:12, 222:14, 222:24, 223:3, 223:7, 225:7, 226:23, 227:3, 227:11, 237:7, 237:19, 237:23, 238:1, 238:7, 238:11, 258:13, 259:6, 259:8, 259:12, 259:16, 260:2, 260:5, 260:8, 279:7, 279:16, 280:4, 282:25, 285:12, 285:14, 286:18, 286:23, 287:1, 287:5, 293:2</p> <p>Chuck [2] - 214:8, 218:25</p> <p>chunk [1] - 267:1</p> <p>circumstance [1] - 189:13</p> <p>circumstances [1] - 189:12</p> <p>cite [1] - 276:25</p> <p>cities [1] - 70:2</p> <p>citizen [4] - 53:5, 96:15, 157:10, 163:19</p> <p>citizens [21] - 6:7, 34:18, 38:21, 38:22, 51:10, 51:20, 53:16, 54:25, 96:3, 104:9, 104:17, 105:18, 125:3, 175:17, 175:18, 175:24, 176:2, 178:16, 251:18, 273:16</p> <p>city [5] - 32:8, 110:5, 115:25, 162:10, 171:11</p> <p>City [1] - 203:3</p> <p>civil [2] - 268:2, 279:11</p> <p>Civil [1] - 281:10</p> <p>civilians [1] - 109:9</p>
---	--	--	--	--

<p>claim [8] - 63:4, 67:18, 67:20, 168:13, 168:14, 179:8, 206:23, 207:25</p> <p>claiming [2] - 81:7, 208:7</p> <p>claims [5] - 62:21, 62:24, 140:2, 169:8, 284:20</p> <p>clap [2] - 110:19, 110:22</p> <p>clapping [1] - 4:19</p> <p>clarification [7] - 47:21, 78:8, 124:20, 208:14, 219:10, 278:15, 291:6</p> <p>clarified [1] - 224:5</p> <p>clarify [6] - 28:21, 112:15, 151:16, 185:7, 217:15, 241:12</p> <p>clarifying [4] - 40:1, 95:6, 185:23, 279:5</p> <p>clarity [3] - 176:1, 216:10, 216:25</p> <p>Class [2] - 12:17, 239:18</p> <p>classified [1] - 172:5</p> <p>clause [1] - 219:25</p> <p>clean [1] - 234:17</p> <p>cleaning [2] - 84:22, 270:10</p> <p>cleanup [1] - 164:8</p> <p>clear [14] - 26:21, 29:4, 42:2, 44:7, 96:11, 173:22, 189:25, 191:22, 207:21, 278:5, 289:3, 289:5, 289:17, 291:22</p> <p>cleared [1] - 269:20</p> <p>clearly [2] - 175:23, 272:11</p> <p>client [2] - 16:12, 98:21</p> <p>clients [2] - 274:6, 281:15</p> <p>climate [10] - 94:12, 98:17, 100:6, 101:12, 101:19, 102:17, 110:13, 193:16, 250:23, 253:2</p> <p>clinic [1] - 98:21</p> <p>clock [1] - 227:19</p> <p>clocked [1] - 224:15</p> <p>close [22] - 11:22, 41:4, 43:8, 76:12, 76:18, 115:20, 118:8, 122:3, 149:14, 152:4, 154:5, 183:20, 186:8, 213:2,</p>	<p>214:17, 224:9, 225:15, 233:2, 233:25, 234:1, 271:9, 288:7</p> <p>closed [1] - 242:8</p> <p>closer [5] - 13:6, 38:23, 59:6, 80:9, 238:24</p> <p>closest [3] - 26:10, 122:3, 149:9</p> <p>closing [3] - 106:5, 289:22, 292:25</p> <p>cloud [2] - 156:21, 269:19</p> <p>clouds [1] - 103:5</p> <p>Club [1] - 4:6</p> <p>clue [2] - 151:5, 163:18</p> <p>co [1] - 199:23</p> <p>co-op [1] - 199:23</p> <p>CO2 [95] - 19:14, 19:21, 19:23, 21:17, 31:16, 32:2, 64:1, 64:9, 64:24, 65:6, 88:20, 88:21, 91:2, 91:7, 93:4, 98:25, 99:7, 99:12, 99:19, 99:21, 99:23, 99:25, 100:8, 100:9, 100:23, 102:6, 103:8, 104:20, 104:22, 105:8, 105:12, 105:15, 106:6, 106:23, 107:9, 107:14, 107:23, 110:14, 111:8, 111:11, 114:11, 114:23, 115:1, 115:8, 115:9, 115:10, 115:13, 115:24, 121:24, 122:22, 123:1, 130:5, 130:15, 152:17, 152:22, 156:1, 163:19, 166:2, 172:22, 173:4, 175:2, 175:21, 181:10, 181:22, 182:5, 184:1, 184:8, 184:9, 190:13, 199:12, 209:24, 210:15, 230:5, 230:15, 230:20, 231:9, 231:14, 231:24, 232:1, 232:22, 234:21, 234:23, 234:25, 235:3, 235:12, 245:20, 245:24, 250:19, 274:13, 279:13</p> <p>coal [1] - 17:23</p> <p>code [5] - 17:13, 40:8,</p>	<p>87:5, 87:11, 225:18</p> <p>Code [10] - 128:16, 128:18, 128:19, 129:2, 130:1, 130:3, 130:12, 130:15, 222:22, 225:12</p> <p>Codes [3] - 130:13, 130:20, 132:25</p> <p>coffins [1] - 116:10</p> <p>cofounder [1] - 101:14</p> <p>coined [1] - 249:11</p> <p>Cold [1] - 100:3</p> <p>cold [1] - 267:14</p> <p>collaboration [2] - 204:8, 205:1</p> <p>collaborative [2] - 50:22, 202:16</p> <p>collect [2] - 56:12, 257:16</p> <p>coma [1] - 275:16</p> <p>combination [1] - 204:16</p> <p>combing [1] - 76:2</p> <p>combustion [1] - 272:22</p> <p>comfort [2] - 43:23, 214:17</p> <p>comfortable [1] - 205:3</p> <p>coming [32] - 31:10, 34:22, 54:22, 73:23, 95:15, 105:22, 107:23, 115:9, 117:2, 117:9, 133:18, 136:4, 140:7, 143:17, 147:7, 150:4, 162:9, 162:20, 166:3, 181:10, 205:18, 212:17, 225:8, 241:9, 245:15, 247:10, 249:18, 253:24, 254:14, 254:15, 254:17, 285:8</p> <p>commands [1] - 115:22</p> <p>commendable [1] - 293:13</p> <p>comment [5] - 14:21, 72:10, 173:3, 276:25, 280:7</p> <p>comments [20] - 4:24, 8:2, 53:12, 57:1, 58:7, 59:7, 63:10, 70:16, 74:7, 90:23, 104:19, 130:21, 135:16, 218:24, 230:13, 236:12, 249:1, 274:3, 277:1, 277:2</p> <p>commercial [4] - 17:6,</p>	<p>17:17, 18:4, 114:18</p> <p>commercialize [1] - 231:1</p> <p>Commission's [7] - 6:2, 6:22, 16:18, 194:25, 283:1, 285:17, 292:9</p> <p>Commissioners [2] - 60:9, 71:15</p> <p>commissioners [28] - 7:18, 8:3, 11:16, 32:14, 34:2, 47:6, 48:21, 50:23, 51:23, 52:17, 53:17, 54:4, 54:21, 55:18, 56:24, 57:3, 57:9, 59:12, 129:10, 129:16, 171:12, 174:22, 202:22, 213:7, 258:17, 277:6, 280:25, 292:24</p> <p>commissions [1] - 129:6</p> <p>commit [2] - 63:25, 64:1</p> <p>commitment [4] - 202:25, 203:11, 204:8, 204:20</p> <p>commits [1] - 240:15</p> <p>committed [4] - 67:4, 152:11, 152:14, 203:20</p> <p>Committee [1] - 250:20</p> <p>committee [3] - 33:21, 33:24, 257:22</p> <p>committees [1] - 195:8</p> <p>common [7] - 32:17, 71:7, 81:8, 99:24, 130:15, 136:3, 184:16</p> <p>communicate [2] - 67:24, 264:5</p> <p>communicated [1] - 107:22</p> <p>communication [9] - 67:16, 142:17, 143:10, 144:17, 144:19, 176:12, 223:11, 223:16, 224:1</p> <p>communications [3] - 204:2, 206:9, 215:5</p> <p>Communist [1] - 254:1</p> <p>communities [7] - 157:14, 175:1, 192:21, 192:25, 251:2, 251:6, 252:18</p> <p>community [21] - 37:5, 38:10, 54:10, 55:2, 147:24, 149:2,</p>	<p>149:3, 149:7, 149:8, 149:14, 164:4, 164:9, 171:6, 173:9, 173:24, 179:2, 202:25, 204:22, 205:5, 251:11, 256:16</p> <p>community's [1] - 37:18</p> <p>companies [4] - 23:19, 35:23, 81:7, 253:1</p> <p>company [35] - 22:4, 22:7, 22:11, 32:22, 38:21, 62:21, 62:24, 64:7, 68:19, 80:25, 81:5, 136:2, 137:7, 137:11, 157:11, 168:12, 168:14, 170:13, 173:23, 174:19, 174:23, 174:25, 181:17, 200:2, 206:4, 209:13, 210:9, 242:14, 242:19, 247:16, 249:25, 253:24, 254:21, 259:20, 267:4</p> <p>Company [1] - 63:3</p> <p>company's [4] - 63:5, 63:6, 82:19, 204:20</p> <p>compared [2] - 62:10, 64:17</p> <p>comparing [2] - 56:1, 64:18</p> <p>comparison [1] - 203:25</p> <p>compatibility [3] - 5:12, 18:23, 37:9</p> <p>compatible [1] - 6:8</p> <p>compensated [1] - 183:12</p> <p>compensation [2] - 60:20, 253:6</p> <p>compete [1] - 256:23</p> <p>competing [1] - 274:11</p> <p>competitive [3] - 257:3, 257:13, 258:8</p> <p>complacent [1] - 183:23</p> <p>complaint [2] - 241:17, 242:6</p> <p>complete [2] - 133:25, 207:6</p> <p>completed [1] - 156:12</p> <p>completely [5] - 31:25, 67:3, 206:7, 241:18, 265:19</p> <p>complexity [1] - 289:7</p> <p>compliance [1] - 48:10</p>
--	---	--	---	---

<p>complicated [1] - 31:21</p> <p>complied [1] - 144:2</p> <p>comply [3] - 26:25, 38:1, 38:5</p> <p>complying [2] - 26:25, 37:23</p> <p>component [1] - 99:12</p> <p>comprehensive [2] - 43:10, 203:20</p> <p>computation [1] - 251:25</p> <p>computers [1] - 146:24</p> <p>concentrate [1] - 115:15</p> <p>concentration [4] - 99:23, 105:3, 181:23, 274:13</p> <p>concern [24] - 35:20, 54:13, 118:11, 146:13, 146:22, 147:5, 149:12, 149:14, 149:15, 162:9, 162:19, 172:10, 178:23, 195:6, 195:7, 197:12, 204:9, 204:14, 207:14, 219:17, 227:10, 270:7, 275:10, 284:18</p> <p>concerned [26] - 26:11, 36:3, 59:18, 65:7, 69:14, 70:20, 81:3, 87:10, 88:24, 90:18, 96:15, 100:24, 121:20, 136:18, 147:17, 163:19, 166:11, 175:17, 182:18, 190:13, 193:25, 194:3, 196:4, 230:15, 284:19</p> <p>concerning [5] - 5:12, 42:19, 174:24, 268:18, 270:13</p> <p>concerns [33] - 5:10, 16:17, 18:17, 24:25, 25:25, 26:6, 26:7, 26:14, 34:16, 34:17, 44:17, 49:6, 53:13, 57:16, 59:12, 70:21, 71:1, 88:17, 96:17, 96:18, 98:17, 127:15, 156:10, 164:21, 165:23, 165:24, 173:12, 175:24, 219:16, 231:17, 249:1, 252:16, 279:12</p> <p>conclude [6] - 130:21, 157:18, 287:22,</p>	<p>290:13, 292:19, 293:16</p> <p>concluded [1] - 15:14</p> <p>concluding [1] - 284:1</p> <p>conclusion [5] - 42:23, 103:20, 204:23, 282:19, 283:20</p> <p>conclusions [5] - 5:18, 42:19, 49:17, 289:23, 290:8</p> <p>conclusive [1] - 257:24</p> <p>condemnation [1] - 94:18</p> <p>Condemning [1] - 250:18</p> <p>condemns [1] - 252:7</p> <p>condescending [1] - 173:23</p> <p>condition [1] - 129:13</p> <p>conditional [25] - 17:4, 17:5, 17:13, 18:2, 18:3, 18:7, 18:9, 18:12, 18:17, 18:20, 20:4, 21:23, 24:7, 24:20, 25:10, 25:16, 26:4, 26:23, 27:7, 29:17, 38:4, 38:6, 38:7, 38:13, 38:18</p> <p>conductive [1] - 197:1</p> <p>conduct [1] - 71:10</p> <p>conference [3] - 98:22, 98:23</p> <p>confessed [1] - 68:23</p> <p>confidence [2] - 153:10, 204:11</p> <p>confident [4] - 175:9, 204:5, 204:12, 205:4</p> <p>confidentiality [1] - 207:1</p> <p>confine [1] - 165:21</p> <p>confirm [5] - 51:21, 85:2, 207:5, 278:3, 290:22</p> <p>conflict [3] - 18:15, 18:17, 208:19</p> <p>confronted [1] - 61:15</p> <p>confused [1] - 40:19</p> <p>confusing [1] - 85:19</p> <p>confusion [2] - 47:22, 207:22</p> <p>connect [2] - 72:2, 196:23</p> <p>connected [1] - 196:10</p> <p>connection [1] - 194:1</p> <p>conscience [1] - 184:23</p> <p>consent [1] - 252:17</p> <p>consequences [2] - 89:3, 175:20</p>	<p>conservative [1] - 110:12</p> <p>consider [16] - 41:23, 51:23, 53:25, 54:4, 55:4, 57:20, 78:14, 93:4, 93:13, 127:13, 266:22, 272:5, 273:3, 282:11, 282:14, 283:4</p> <p>consideration [7] - 54:24, 55:13, 90:9, 149:11, 212:5, 234:5, 282:9</p> <p>considered [12] - 5:25, 19:10, 19:17, 19:22, 54:20, 122:23, 147:23, 147:24, 148:1, 237:13, 251:3, 271:11</p> <p>considering [6] - 15:9, 71:6, 150:4, 190:18, 190:22, 227:4</p> <p>consisted [1] - 202:23</p> <p>consistent [1] - 203:16</p> <p>consistently [1] - 205:2</p> <p>consists [1] - 266:22</p> <p>consolidated [1] - 15:16</p> <p>conspiracy [1] - 259:25</p> <p>conspired [1] - 65:2</p> <p>constant [2] - 62:1, 62:16</p> <p>constantly [3] - 90:7, 95:21, 234:23</p> <p>constituents [3] - 39:19, 50:25, 51:8</p> <p>Constitution [2] - 130:1, 251:24</p> <p>constructed [3] - 28:22, 81:24, 136:8</p> <p>constructing [1] - 81:20</p> <p>construction [8] - 6:4, 6:11, 43:2, 63:12, 63:13, 104:14, 106:1, 229:22</p> <p>constructive [1] - 202:10</p> <p>consult [2] - 283:2, 285:15</p> <p>consultant [2] - 172:13, 173:11</p> <p>consultation [1] - 252:17</p> <p>consume [1] - 191:9</p> <p>consumer [1] - 165:12</p> <p>consumers [1] - 191:5</p> <p>contact [5] - 53:16, 55:13, 78:5, 170:5,</p>	<p>240:13</p> <p>contacted [2] - 68:2, 133:22</p> <p>contacts [1] - 265:24</p> <p>contained [1] - 152:15</p> <p>containing [1] - 268:25</p> <p>contains [1] - 264:6</p> <p>contaminants [1] - 227:6</p> <p>contaminated [1] - 155:25</p> <p>content [4] - 4:23, 206:25, 207:9, 207:11</p> <p>contents [2] - 207:5, 264:2</p> <p>Continental [1] - 247:3</p> <p>continue [4] - 127:8, 148:23, 168:7, 291:2</p> <p>continued [1] - 173:5</p> <p>continues [1] - 190:6</p> <p>continuing [1] - 6:14</p> <p>continuous [1] - 104:25</p> <p>contract [8] - 60:19, 60:21, 62:18, 63:1, 63:3, 69:17, 139:15, 220:2</p> <p>contractors [1] - 267:20</p> <p>contracts [2] - 60:22, 267:15</p> <p>contrary [1] - 252:22</p> <p>control [8] - 46:9, 96:6, 163:11, 169:15, 182:11, 183:18</p> <p>convenience [2] - 13:14, 129:8</p> <p>convenient [2] - 9:7, 37:13</p> <p>Convention [1] - 116:3</p> <p>convention [1] - 250:12</p> <p>conversation [12] - 19:15, 34:9, 91:8, 140:18, 141:1, 143:15, 143:17, 144:17, 174:4, 206:1, 206:2, 223:25</p> <p>conversations [2] - 205:17, 221:2</p> <p>convinced [1] - 156:10</p> <p>convulsions [1] - 275:16</p> <p>cooler [3] - 93:20, 103:2, 103:19</p> <p>cools [1] - 103:5</p> <p>coordinate [1] -</p>	<p>159:12</p> <p>coordination [2] - 47:16, 47:18</p> <p>copies [1] - 206:15</p> <p>copy [9] - 13:24, 20:25, 26:3, 84:12, 84:13, 85:2, 171:20, 177:13, 264:22</p> <p>cords [1] - 212:9</p> <p>cork [1] - 110:16</p> <p>corn [34] - 101:23, 102:2, 184:18, 184:20, 190:14, 190:17, 190:20, 190:25, 191:1, 191:8, 192:17, 192:18, 192:20, 192:24, 193:5, 193:6, 193:8, 193:9, 194:1, 194:2, 195:13, 195:14, 195:25, 196:4, 197:5, 234:24, 245:16, 245:23, 257:9, 258:5, 258:6</p> <p>corner [13] - 45:18, 80:19, 116:7, 116:15, 125:22, 126:4, 133:15, 147:7, 151:24, 212:7, 214:16, 217:11, 221:13</p> <p>corners [1] - 134:2</p> <p>corporate [1] - 32:7</p> <p>corporation [1] - 249:14</p> <p>corporations [1] - 250:21</p> <p>correct [33] - 28:23, 29:7, 38:11, 38:24, 40:24, 48:11, 54:22, 76:10, 85:4, 142:16, 142:20, 143:3, 143:19, 151:14, 158:11, 176:14, 176:24, 176:25, 208:24, 218:4, 221:25, 223:13, 226:22, 226:23, 240:22, 263:25, 265:20, 265:21, 279:17, 291:24, 291:25, 292:6, 292:8</p> <p>corrected [1] - 143:8</p> <p>correctly [3] - 74:21, 134:22, 165:25</p> <p>correspondence [3] - 77:4, 77:8, 77:13</p> <p>corridor [2] - 5:11, 153:14</p> <p>corruption [1] - 183:3</p> <p>cosmic [1] - 100:5</p> <p>cost [2] - 139:18,</p>
--	---	--	--	--

<p>182:4 costs [1] - 184:3 coulees [1] - 213:13 counsel [6] - 23:18, 31:1, 143:3, 169:11, 283:2, 285:16 count [2] - 41:19, 267:24 counties [11] - 5:16, 5:24, 55:14, 55:21, 89:4, 99:2, 159:17, 183:11, 232:6, 256:19, 273:5 counting [1] - 68:4 countries [3] - 93:9, 123:12, 184:9 country [7] - 45:2, 106:4, 172:20, 175:11, 246:24, 249:7, 271:16 County [110] - 7:18, 9:13, 11:15, 12:12, 13:21, 13:24, 15:10, 15:22, 15:24, 15:25, 16:1, 16:19, 17:1, 18:4, 18:7, 18:19, 18:24, 19:3, 19:6, 20:23, 21:5, 22:11, 22:12, 22:16, 23:4, 23:6, 23:12, 23:15, 23:20, 23:24, 24:4, 24:8, 25:11, 25:17, 27:6, 27:10, 29:1, 29:4, 30:24, 31:16, 36:12, 36:13, 39:1, 40:13, 44:8, 45:11, 45:15, 47:11, 51:10, 51:20, 60:5, 60:10, 60:13, 65:10, 65:11, 66:8, 68:21, 70:5, 70:6, 70:10, 70:11, 72:17, 80:21, 89:3, 101:21, 106:7, 110:5, 117:20, 117:22, 120:24, 124:5, 169:24, 174:10, 181:7, 185:18, 192:16, 192:17, 193:3, 193:5, 193:9, 193:10, 193:11, 202:6, 202:15, 202:22, 205:15, 208:15, 208:18, 222:12, 222:16, 232:4, 232:5, 232:10, 232:11, 232:14, 232:18, 233:4, 233:20, 237:14, 240:12, 246:15, 247:19, 247:20, 256:14, 256:15, 256:18,</p>	<p>290:4 county [64] - 7:18, 10:3, 11:16, 12:13, 22:15, 22:18, 24:13, 27:4, 30:16, 30:17, 30:20, 31:5, 31:18, 32:3, 32:12, 32:14, 32:16, 33:7, 35:7, 36:6, 37:22, 37:23, 37:25, 41:23, 42:1, 44:9, 45:19, 47:14, 51:24, 53:1, 53:17, 54:4, 54:5, 55:2, 56:1, 56:4, 69:22, 75:25, 90:2, 128:22, 128:25, 129:6, 129:10, 129:11, 129:15, 129:16, 129:23, 129:24, 171:11, 175:6, 183:15, 193:3, 193:7, 202:22, 203:25, 204:3, 213:18, 240:7, 254:3, 272:18, 272:25, 273:1 county's [2] - 54:9, 160:25 County's [5] - 10:20, 15:21, 20:19, 53:4, 192:20 couple [15] - 8:9, 10:22, 28:18, 51:21, 94:6, 98:15, 100:2, 128:17, 179:25, 185:18, 233:5, 265:18, 274:4, 290:14 courage [1] - 176:1 course [2] - 124:16, 184:6 court [1] - 284:3 courthouse [6] - 37:21, 128:23, 134:16, 134:21, 158:20, 160:21 courts [2] - 14:23, 130:19 cousin [3] - 121:1, 124:15, 125:14 cover [19] - 13:12, 19:13, 19:16, 20:15, 62:17, 64:1, 197:8, 219:22, 220:13, 267:13, 270:13, 271:6, 272:2, 272:3, 272:6, 278:21, 279:8, 279:22, 279:25 coverage [2] - 63:16, 219:24 covered [4] - 22:24, 127:10, 237:8,</p>	<p>292:20 covers [1] - 23:1 cow [1] - 103:12 cows [5] - 81:17, 81:19, 81:22, 82:6, 103:12 CRAIG [11] - 127:20, 127:23, 128:2, 128:5, 128:9, 128:11, 128:13, 130:23, 131:16, 131:20, 131:24 Craig [1] - 127:23 crazy [1] - 110:16 create [4] - 20:11, 34:17, 93:11, 163:1 created [4] - 157:12, 234:13, 249:15, 253:1 creates [2] - 35:6, 103:13 creating [1] - 249:12 creation [1] - 35:5 creatures [1] - 105:1 credits [2] - 95:9, 123:4 Creek [1] - 232:15 crew [3] - 61:25, 106:1, 128:24 crews [1] - 62:1 CRI [1] - 163:8 crime [1] - 183:3 Crisis [1] - 163:8 critical [2] - 99:16, 191:20 crop [5] - 196:5, 278:24, 279:2, 279:4 cropland [4] - 60:12, 79:5, 269:25, 278:24 crops [5] - 91:6, 102:9, 197:8, 213:24, 235:2 cross [6] - 23:24, 117:19, 124:6, 165:19, 274:10, 286:1 CROSS [5] - 28:19, 29:13, 37:1, 278:1, 278:19 cross-examination [1] - 286:1 cross-examined [1] - 274:10 crosses [4] - 90:10, 141:18, 211:19, 218:9 crossing [6] - 118:13, 118:14, 152:4, 174:11, 181:12, 181:14 crowds [1] - 8:10 CRP [1] - 222:15 crucial [1] - 203:23</p>	<p>cubic [3] - 105:15, 107:20, 107:22 cultural [7] - 66:7, 66:11, 66:18, 72:13, 72:14, 72:20, 125:9 curious [4] - 45:21, 55:13, 225:10, 279:7 CURRAN [21] - 79:20, 79:25, 80:3, 80:7, 80:14, 80:16, 83:9, 83:20, 83:25, 85:16, 85:19, 85:23, 86:1, 86:3, 86:7, 86:24, 87:3, 87:6, 87:12, 87:16, 87:19 Curran [4] - 79:20, 79:22, 80:16, 87:20 current [4] - 12:12, 28:23, 43:18, 65:18 customer [1] - 196:15 customers [5] - 191:5, 193:20, 193:21, 196:16 cut [3] - 60:14, 100:21, 244:10 cutting [5] - 60:18, 78:16, 78:17, 78:23, 246:6 cylinder [1] - 105:13</p>	<p>190:17, 190:21, 190:25, 191:2, 192:25, 193:20, 196:5, 196:17, 196:22, 198:7, 222:22, 225:12, 226:7, 226:8, 226:9, 226:19, 231:18, 231:20, 231:21, 234:9, 234:11, 234:17, 236:18, 245:18, 245:23, 245:24, 247:14, 250:19, 250:24, 251:16, 252:7, 252:12, 252:20, 253:4, 254:9, 256:21, 256:22, 256:24, 256:25, 257:5, 257:6, 269:14, 272:24, 273:11, 273:16 Dakota's [4] - 190:19, 191:21, 198:13, 234:20 Dakotans [2] - 110:11, 257:4 dam [2] - 234:3, 234:4 damage [3] - 63:4, 236:14, 272:4 damaged [1] - 279:21 damages [3] - 62:21, 62:24, 139:8 danger [6] - 64:16, 104:24, 121:5, 182:8, 184:5, 184:8 dangerous [6] - 81:18, 82:15, 104:21, 105:21, 175:2, 235:19 dangers [2] - 69:19, 130:5 DAPL [3] - 31:13, 39:23, 62:11 darn [1] - 226:21 data [6] - 65:18, 65:19, 68:25, 101:3, 152:18, 206:16 date [3] - 4:3, 176:15, 178:17 dated [2] - 168:22, 174:8 dates [1] - 98:15 Daum [1] - 204:7 Dave [5] - 202:19, 204:7, 206:1, 221:6 DAVID [52] - 109:6, 109:12, 109:15, 109:18, 109:22, 110:1, 110:3, 112:2, 112:17, 112:20, 112:23, 113:3, 132:5, 132:10,</p>
D				
<p>D-O-O-L-I-T-T-L-E [1] - 167:7 dad [1] - 254:18 Daily [1] - 229:8 Dakota [108] - 4:4, 4:7, 5:16, 6:7, 12:16, 24:3, 24:7, 24:11, 24:12, 24:21, 24:24, 25:2, 25:10, 25:13, 25:17, 26:12, 28:21, 48:9, 70:4, 70:11, 70:12, 81:9, 96:3, 104:9, 104:17, 105:18, 105:20, 106:7, 107:13, 107:18, 111:4, 111:12, 112:1, 117:23, 117:25, 118:2, 118:5, 118:6, 118:8, 118:12, 119:19, 123:19, 125:4, 125:10, 133:10, 135:12, 149:15, 149:18, 157:14, 175:1, 175:14, 175:17, 175:25, 176:3, 181:11, 183:5, 183:7, 184:17, 190:6, 190:14,</p>				

<p>132:13, 132:17, 132:19, 132:21, 137:4, 137:9, 137:12, 137:18, 137:20, 138:2, 138:7, 139:6, 139:22, 140:4, 140:20, 140:24, 141:3, 141:13, 141:16, 141:19, 141:23, 141:25, 142:2, 142:10, 142:15, 142:19, 142:21, 142:24, 143:4, 143:7, 143:12, 143:20, 143:25, 144:8, 144:14, 144:21, 145:4, 145:8</p> <p>David [2] - 109:6, 132:5</p> <p>Dawson [30] - 10:13, 46:15, 79:8, 86:17, 92:2, 97:2, 108:23, 113:4, 119:15, 126:23, 131:21, 136:5, 144:5, 144:13, 144:25, 154:11, 161:10, 166:23, 180:8, 187:10, 189:21, 201:5, 210:19, 225:3, 238:18, 250:6, 261:3, 280:8, 287:8, 293:9</p> <p>DAWSON [29] - 10:14, 46:16, 79:9, 86:18, 92:3, 97:3, 97:6, 108:24, 113:5, 119:16, 119:20, 126:24, 131:22, 145:1, 145:6, 154:12, 161:11, 166:24, 180:9, 187:11, 201:6, 210:20, 225:4, 238:19, 261:4, 280:9, 286:19, 287:9, 293:10</p> <p>daycare [1] - 164:2</p> <p>days [16] - 67:22, 68:20, 77:13, 116:22, 149:19, 174:21, 207:16, 257:22, 285:23, 285:24, 288:3, 288:18, 288:20, 289:6</p> <p>daytime [1] - 229:17</p> <p>DC [3] - 111:3, 111:11, 111:13</p> <p>dead [5] - 115:18, 115:19, 187:3,</p>	<p>269:18, 269:21</p> <p>deadline [2] - 289:11, 289:21</p> <p>deadlines [3] - 288:6, 288:8, 289:14</p> <p>Deal [3] - 98:16, 110:8, 168:8</p> <p>deal [8] - 22:12, 65:6, 81:25, 134:22, 157:11, 183:8, 199:24, 268:23</p> <p>dealing [3] - 31:2, 114:7, 149:2</p> <p>deals [3] - 17:17, 17:21, 101:3</p> <p>dealt [1] - 17:23</p> <p>death [2] - 102:16, 275:17</p> <p>deaths [2] - 220:5</p> <p>debilitating [1] - 170:9</p> <p>debt [14] - 93:7, 93:9, 93:11, 95:7, 95:8, 95:10, 95:14, 95:16, 95:23, 96:4, 96:17, 96:18</p> <p>deceased [1] - 249:3</p> <p>December [3] - 134:9, 140:20, 248:8</p> <p>deception [2] - 69:22, 169:21</p> <p>decide [8] - 25:3, 32:22, 130:7, 130:9, 130:11, 176:1, 277:7, 282:13</p> <p>decided [4] - 14:18, 15:11, 116:9, 171:17</p> <p>deciding [1] - 33:12</p> <p>decision [30] - 15:5, 15:7, 15:8, 15:9, 15:11, 15:12, 15:23, 16:9, 32:18, 47:4, 47:7, 47:8, 50:3, 51:25, 107:12, 128:18, 129:4, 129:20, 130:7, 130:18, 130:19, 168:5, 170:14, 184:21, 195:4, 235:11, 281:18, 285:5, 285:6, 285:7</p> <p>Decisionmaker [2] - 189:21, 287:8</p> <p>decisions [6] - 8:22, 8:25, 9:1, 32:2, 32:15, 159:5</p> <p>declares [1] - 64:22</p> <p>decorum [2] - 4:21, 110:20</p> <p>decrease [1] - 190:17</p> <p>dedication [2] - 203:17, 204:22</p> <p>deeded [1] - 45:9</p> <p>deemed [4] - 20:1,</p>	<p>20:13, 147:16, 182:9</p> <p>deep [3] - 64:20, 121:15, 121:16</p> <p>deeper [3] - 64:20, 200:3, 279:20</p> <p>default [1] - 246:21</p> <p>defend [3] - 35:24, 170:12, 170:18</p> <p>defending [1] - 170:23</p> <p>defense [1] - 34:23</p> <p>deficiencies [3] - 6:1, 6:21, 245:9</p> <p>define [1] - 18:19</p> <p>defined [2] - 269:9, 272:11</p> <p>definitely [5] - 140:4, 214:20, 227:7, 233:17, 234:4</p> <p>definition [3] - 18:12, 22:23, 249:14</p> <p>degree [2] - 93:20, 276:19</p> <p>delays [2] - 137:20, 138:15</p> <p>delves [1] - 190:1</p> <p>demand [2] - 190:12, 190:16</p> <p>demanded [1] - 61:16</p> <p>demands [2] - 190:11, 196:13</p> <p>Democrat [1] - 111:2</p> <p>demonstrated [4] - 71:2, 175:23, 202:25, 205:3</p> <p>demonstrating [1] - 251:10</p> <p>denial [5] - 70:18, 70:19, 71:4, 71:9, 171:5</p> <p>denied [7] - 70:21, 168:3, 274:8, 281:9, 282:6, 286:7, 287:11</p> <p>deny [5] - 71:16, 138:9, 175:22, 178:14, 284:6</p> <p>denying [2] - 5:18, 287:11</p> <p>department [11] - 155:19, 156:3, 156:9, 156:18, 156:25, 157:3, 157:4, 158:19, 159:1, 160:20, 160:22</p> <p>Department [9] - 123:8, 155:22, 158:1, 159:4, 162:14, 203:3, 203:5, 226:11, 226:19</p> <p>departments [1] - 135:4</p> <p>dependent [1] - 88:25</p>	<p>Depression [1] - 89:20</p> <p>depth [10] - 232:7, 232:9, 232:12, 232:15, 232:17, 232:21, 270:13, 272:2, 278:21, 279:8</p> <p>derrick [1] - 7:16</p> <p>describe [2] - 41:22, 66:6</p> <p>described [5] - 35:3, 105:19, 108:1, 130:2, 159:16</p> <p>describes [1] - 44:3</p> <p>description [6] - 19:10, 22:19, 59:25, 124:6, 141:15, 211:21</p> <p>descriptions [1] - 168:25</p> <p>deserve [1] - 243:18</p> <p>design [1] - 229:22</p> <p>designated [1] - 4:9</p> <p>designed [1] - 211:25</p> <p>desirable [2] - 269:2, 269:3</p> <p>Desirae [1] - 7:19</p> <p>desire [2] - 175:23, 191:6</p> <p>desktop [1] - 266:8</p> <p>destroy [1] - 269:19</p> <p>destruction [3] - 122:23, 184:5, 236:15</p> <p>detailed [4] - 89:16, 202:13, 204:10, 207:23</p> <p>details [1] - 122:12</p> <p>determination [1] - 49:10</p> <p>determine [4] - 49:14, 68:10, 90:19, 288:5</p> <p>determined [7] - 6:24, 6:25, 32:11, 33:5, 49:11, 237:11, 288:14</p> <p>determining [1] - 33:14</p> <p>devalue [1] - 268:10</p> <p>developed [1] - 203:13</p> <p>developing [1] - 55:14</p> <p>development [5] - 37:4, 37:13, 51:24, 60:16, 191:24</p> <p>diagonally [2] - 60:14, 78:23</p> <p>dialogue [1] - 264:6</p> <p>diameter [2] - 5:14, 105:9</p> <p>Dickey [1] - 5:15</p> <p>Dickinson [1] - 183:1</p> <p>dictates [1] - 191:16</p>	<p>died [1] - 271:12</p> <p>difference [9] - 33:8, 114:4, 114:16, 148:10, 212:14, 224:12, 227:8, 231:15, 285:9</p> <p>differences [2] - 24:23, 33:9</p> <p>different [32] - 18:3, 18:23, 24:21, 30:4, 34:21, 37:10, 41:21, 53:2, 55:20, 75:8, 114:20, 123:12, 123:15, 125:25, 139:25, 140:6, 142:11, 159:2, 178:10, 178:11, 185:18, 188:22, 206:10, 219:16, 220:3, 220:7, 225:24, 226:1, 226:25, 234:20, 248:19, 276:12</p> <p>difficulties [1] - 47:11</p> <p>dig [2] - 82:2, 87:14</p> <p>dilemma [1] - 225:11</p> <p>Dillon [1] - 204:7</p> <p>DiMeo [2] - 61:19, 134:8</p> <p>dioxide [14] - 5:13, 19:3, 19:8, 148:24, 152:12, 252:8, 257:24, 266:16, 269:10, 269:19, 271:19, 271:24, 273:3, 275:16</p> <p>DIRECT [2] - 13:18, 262:17</p> <p>direct [2] - 27:22, 291:8</p> <p>directed [3] - 172:13, 177:3, 260:24</p> <p>direction [2] - 233:11, 269:9</p> <p>directly [3] - 68:18, 147:11, 176:23</p> <p>Director [1] - 7:14</p> <p>director [1] - 160:25</p> <p>directors [1] - 159:8</p> <p>disagree [6] - 4:23, 107:6, 107:15, 107:16, 193:18, 242:11</p> <p>disappear [1] - 115:3</p> <p>disapproved [1] - 129:19</p> <p>disaster [1] - 65:6</p> <p>disbursement [1] - 114:23</p> <p>discern [1] - 218:21</p> <p>discharges [2] - 62:21, 62:24</p> <p>disclosed [3] -</p>
---	---	--	---	---

<p>246:11, 247:2, 247:5 discrediting [1] - 168:18 discretion [1] - 9:3 discuss [8] - 11:4, 57:13, 156:14, 182:13, 182:14, 223:16, 240:10, 292:19 discussed [7] - 21:17, 50:18, 50:20, 83:23, 199:4, 206:3, 222:25 discussing [3] - 34:14, 46:25, 105:6 discussion [10] - 14:11, 26:18, 34:13, 93:23, 103:20, 103:23, 148:5, 284:22, 285:4, 286:15 discussions [4] - 32:13, 33:22, 89:16, 137:14 disgusted [2] - 61:13, 174:22 dishonest [1] - 66:25 dishonored [1] - 249:25 disperse [3] - 104:25, 152:22, 172:22 dispersed [1] - 115:4 dispersion [9] - 148:7, 152:18, 179:7, 199:2, 206:16, 207:12, 273:10, 280:21, 286:2 displace [1] - 104:25 displacement [1] - 105:5 display [1] - 174:20 disposal [1] - 234:6 disqualify [1] - 247:15 disregarded [1] - 89:25 disrespect [2] - 255:12, 258:15 dissipates [1] - 156:21 distance [12] - 43:17, 43:21, 50:22, 87:1, 172:20, 214:4, 214:12, 214:13, 214:20, 215:21, 215:24, 224:11 distances [3] - 32:11, 32:13, 49:15 distorted [3] - 65:10, 65:11, 70:5 distorting [1] - 69:22 distribution [1] - 229:24 district [13] - 9:22, 18:13, 18:18, 36:16,</p>	<p>155:14, 159:1, 159:7, 159:10, 194:2, 194:3, 213:3, 213:4, 240:14 District [9] - 12:11, 36:15, 155:13, 155:14, 158:23, 189:24, 218:1, 249:21, 256:14 districts [2] - 253:13, 253:14 diverted [1] - 182:2 divides [2] - 213:5, 213:11 division [1] - 115:23 docket [2] - 263:14, 292:7 Docket [4] - 20:24, 291:16, 291:17, 291:18 doctoring [1] - 68:25 document [3] - 73:19, 265:15, 265:16 documentation [5] - 73:25, 77:17, 146:12, 206:17, 259:2 documents [8] - 54:20, 73:22, 77:6, 177:20, 262:20, 266:10, 266:12, 280:22 dog [3] - 12:2, 12:3 Dollars [1] - 123:7 dollars [5] - 95:9, 95:14, 182:2, 183:14, 184:12 Domain [1] - 250:18 domain [20] - 50:21, 64:4, 70:22, 88:24, 89:6, 94:16, 136:2, 139:23, 140:7, 140:15, 169:10, 169:15, 169:22, 183:25, 251:3, 251:7, 252:8, 259:21, 272:9 Domina [1] - 7:25 Donald [1] - 112:10 donations [1] - 123:14 done [27] - 8:6, 8:9, 30:13, 64:11, 69:23, 69:25, 91:1, 91:11, 93:17, 101:1, 133:19, 134:4, 134:15, 134:18, 137:22, 143:17, 163:7, 165:1, 192:5, 197:4, 198:22, 198:24, 207:7, 221:4, 255:23, 270:20, 273:8 DOOLITTLE [18] -</p>	<p>167:6, 167:11, 167:14, 167:18, 167:20, 167:22, 176:14, 176:17, 176:20, 176:25, 177:5, 177:14, 178:3, 178:18, 178:22, 179:9, 179:19, 179:24 Doolittle [3] - 167:6, 167:8, 176:10 door [4] - 5:1, 215:9, 232:11, 265:7 double [3] - 267:5, 271:21, 287:15 double-check [1] - 287:15 doubled [3] - 100:12, 100:14, 106:25 doubt [1] - 69:24 Doug [1] - 112:9 down [31] - 23:11, 54:16, 82:7, 85:13, 100:23, 102:5, 111:10, 115:3, 128:24, 135:10, 136:10, 143:9, 144:20, 148:7, 165:15, 184:11, 186:7, 207:14, 207:15, 212:10, 232:25, 233:22, 233:24, 245:17, 254:12, 265:4, 267:13, 268:18, 270:22, 279:24, 280:1 downhill [1] - 226:5 downstairs [1] - 174:9 dozen [1] - 8:7 draining [1] - 62:14 draw [1] - 270:16 drawn [1] - 170:16 dread [1] - 62:16 dried [1] - 63:23 drill [1] - 164:18 drink [1] - 114:11 drive [2] - 10:8, 169:16 drones [1] - 115:23 drop [1] - 115:24 dropped [3] - 107:1, 133:8, 271:20 drought [1] - 101:21 drums [1] - 40:15 drunk [1] - 115:17 dry [4] - 166:3, 235:7, 235:8, 270:18 Dublinske [17] - 7:4, 7:8, 15:3, 27:25, 28:16, 48:3, 189:11, 242:3, 256:4, 263:16, 264:17, 273:25, 276:9,</p>	<p>277:19, 283:13, 287:16, 290:12 DUBLINSKE [37] - 14:6, 24:9, 28:3, 28:18, 28:20, 29:10, 48:5, 48:7, 49:20, 49:22, 49:25, 188:18, 206:24, 207:10, 217:12, 217:17, 240:25, 241:2, 241:5, 241:8, 241:10, 241:13, 241:16, 242:5, 242:15, 243:23, 244:1, 244:6, 248:16, 248:18, 256:5, 263:17, 264:18, 274:1, 276:11, 277:21, 283:14 due [10] - 38:8, 102:3, 102:4, 105:5, 170:4, 221:9, 235:7, 239:8, 240:11, 281:1 dug [1] - 221:14 duly [22] - 13:16, 59:23, 80:15, 88:16, 93:2, 98:5, 110:2, 114:2, 120:22, 128:12, 132:20, 146:2, 155:11, 162:7, 167:21, 181:5, 189:17, 202:3, 211:18, 229:5, 245:12, 262:15 dump [2] - 236:16, 236:18 dumping [2] - 232:22, 234:8 Dunn [3] - 232:5, 232:10, 232:18 duress [2] - 69:16, 170:6 during [11] - 4:20, 39:1, 54:8, 65:1, 82:6, 82:7, 89:20, 102:15, 137:17, 174:4, 206:19 duty [2] - 107:12, 175:15 Dwight [1] - 60:7</p>	<p>earth [13] - 93:5, 93:19, 103:2, 103:5, 103:15, 103:25, 115:3, 230:17, 231:23, 233:13, 234:9, 234:11, 234:12 earthquake [7] - 232:4, 232:6, 232:8, 232:11, 232:14, 232:16, 232:19 earthquakes [6] - 63:17, 231:18, 231:21, 231:23, 232:3, 238:9 easement [22] - 60:19, 61:4, 62:18, 62:25, 63:2, 63:5, 63:6, 64:3, 125:16, 137:11, 138:9, 138:11, 139:2, 139:3, 169:16, 212:6, 220:2, 221:10, 265:5, 265:7 easements [19] - 38:17, 68:4, 69:4, 69:12, 69:14, 69:17, 138:11, 140:3, 179:18, 183:16, 199:22, 215:10, 254:7, 254:8, 254:11, 254:13, 254:17, 290:25 easier [2] - 268:15, 282:12 east [15] - 60:12, 74:20, 75:1, 126:9, 152:2, 212:3, 213:9, 213:11, 215:14, 278:7, 278:9, 278:11, 278:12 East [1] - 119:8 eastern [1] - 231:19 easy [4] - 69:13, 100:21, 100:22, 255:9 EC-1 [3] - 13:23, 28:15, 30:6 EC-2 [6] - 17:12, 20:24, 21:2, 21:9, 21:16, 30:13 EC-3 [2] - 24:6, 25:7 EC-4 [1] - 26:2 EC-5 [2] - 27:22, 28:15 economic [6] - 104:8, 190:23, 192:23, 193:14, 195:19, 198:16 economy [4] - 190:24, 191:15, 191:21, 256:21 Ed [2] - 93:16, 249:2 edge [5] - 146:25,</p>
E				
<p>E2E2 [2] - 60:6, 278:11 eager [1] - 203:15 early [8] - 61:9, 61:21, 69:4, 69:6, 70:4, 153:16, 196:1, 202:15</p>				

<p>147:1, 147:5, 265:4 Edgeley [1] - 9:24 educate [1] - 252:21 educated [1] - 164:11 educational [1] - 268:1 EERC [2] - 194:9, 257:22 effect [4] - 29:22, 245:17, 253:9, 273:15 effective [1] - 203:24 effectively [1] - 204:19 effects [6] - 6:6, 70:24, 104:16, 105:17, 121:20, 175:16 efficient [4] - 6:9, 13:10, 15:13, 37:14 efficiently [1] - 16:11 effort [4] - 50:22, 191:25, 194:11, 241:16 efforts [1] - 204:4 eight [7] - 44:12, 68:4, 105:9, 105:11, 146:12, 249:8, 249:19 eight-foot [1] - 105:11 eighth [1] - 60:22 either [7] - 4:13, 76:12, 93:4, 140:6, 152:3, 218:22, 271:23 elaborate [1] - 137:19 elderly [1] - 164:5 elected [4] - 9:25, 32:14, 50:24, 55:3 electric [5] - 17:22, 18:5, 148:19, 272:22, 272:23 electrical [1] - 62:12 electricity [1] - 184:3 eliminate [1] - 214:21 elite [1] - 104:3 email [4] - 67:14, 72:1, 171:20, 263:9 emergencies [1] - 209:24 emergency [14] - 149:1, 160:25, 164:20, 182:13, 202:5, 202:6, 202:11, 203:10, 203:12, 204:24, 208:3, 208:15, 272:10, 272:19 Eminent [1] - 250:18 eminent [19] - 64:3, 70:22, 88:24, 89:6, 94:16, 136:2, 139:23, 140:7, 140:14, 169:9,</p>	<p>169:15, 169:22, 183:25, 251:2, 251:7, 252:8, 259:21, 272:9 emissions [1] - 156:1 emitting [1] - 184:10 Emmons [86] - 5:15, 5:23, 7:17, 9:12, 10:20, 11:15, 12:12, 13:21, 13:24, 15:21, 15:22, 15:24, 16:1, 16:19, 17:1, 18:4, 18:7, 18:19, 18:23, 19:3, 19:6, 20:19, 20:23, 21:5, 22:11, 22:12, 22:16, 23:4, 23:6, 23:11, 23:15, 23:20, 23:24, 24:4, 24:8, 25:11, 25:17, 27:6, 27:9, 29:1, 29:4, 30:24, 31:16, 36:12, 36:13, 39:1, 40:13, 44:8, 45:15, 47:11, 51:10, 51:20, 53:4, 60:5, 60:10, 60:13, 65:10, 65:11, 66:8, 70:6, 70:10, 70:11, 72:17, 89:3, 101:21, 106:6, 110:5, 117:20, 151:5, 151:8, 169:24, 174:10, 181:7, 185:18, 192:16, 192:17, 192:19, 193:9, 193:10, 193:11, 247:19, 247:20, 256:14, 290:4 emotion [1] - 122:10 emotional [1] - 170:4 emotionally [1] - 170:8 emphasize [1] - 189:25 employed [1] - 257:2 employees [1] - 178:8 EMTs [1] - 65:5 enabling [1] - 256:22 enacted [1] - 30:6 encouraged [1] - 122:6 encouraging [1] - 128:16 end [17] - 91:7, 96:5, 133:17, 140:15, 212:3, 212:10, 212:11, 218:9, 223:22, 228:13, 256:17, 258:15, 266:19, 266:21, 285:20, 287:20 ended [3] - 215:10, 223:25, 231:2</p>	<p>endless [1] - 175:19 endorsed [3] - 195:8, 253:18, 253:19 ends [1] - 269:7 energy [6] - 6:15, 95:20, 247:15, 250:22, 253:1, 257:21 Energy [3] - 68:14, 123:9, 169:18 enforced [1] - 122:5 enforcement [2] - 240:3, 242:7 enforcing [2] - 229:21, 239:23 engage [1] - 68:1 engagement [4] - 202:15, 203:1, 203:12, 204:18 engineer [7] - 105:7, 174:2, 178:10, 208:3, 268:3, 275:8 engineering [2] - 115:13, 279:11 enhanced [1] - 257:19 enhances [3] - 91:3, 91:5 enjoying [1] - 184:6 enjoyment [1] - 44:21 enormous [1] - 190:24 ensure [3] - 37:9, 175:15, 204:4 ensures [1] - 204:18 ensuring [3] - 6:14, 6:15, 203:23 enter [1] - 139:4 entered [2] - 61:22, 173:13 enters [1] - 186:6 entire [5] - 13:11, 48:13, 206:22, 278:7, 278:9 entirely [1] - 14:10 entities [1] - 104:5 entity [4] - 57:4, 243:8, 251:8 entourage [1] - 61:24 entry [1] - 138:13 environment [8] - 6:6, 82:11, 104:16, 105:17, 107:25, 125:10, 175:16, 193:1 environmental [7] - 6:9, 6:13, 90:25, 101:15, 251:12, 252:2, 252:16 environmental-oriented [1] - 101:15 environmentally [1] - 54:1 envision [1] - 270:14</p>	<p>equation [1] - 90:22 equip [1] - 203:22 equipment [17] - 63:16, 156:14, 159:18, 166:7, 182:15, 203:23, 209:9, 209:20, 270:14, 270:15, 270:21, 270:23, 272:4, 272:10, 272:12, 272:14, 273:6 equipped [1] - 273:2 equipping [1] - 204:21 Erin [5] - 10:4, 11:16, 12:8, 41:4, 247:18 ERIN [8] - 11:20, 11:24, 12:3, 12:8, 12:11, 12:21, 13:2, 13:15 erodible [2] - 213:6, 213:17 erosion [1] - 200:1 error [1] - 63:18 erupted [1] - 231:25 escape [1] - 81:16 especially [7] - 54:24, 89:8, 99:16, 128:15, 234:16, 255:15, 270:16 essentially [6] - 18:22, 32:23, 37:17, 38:20, 165:16, 263:24 establish [4] - 16:13, 89:11, 89:23 established [4] - 32:8, 44:4, 202:19, 275:7 estate [2] - 80:17, 146:11 estimates [1] - 212:21 etcetera [5] - 64:14, 98:18, 103:6, 209:20 eternity [1] - 168:6 Ethanol [1] - 195:1 ethanol [23] - 96:19, 117:3, 117:4, 190:13, 190:15, 190:16, 190:21, 190:25, 191:4, 191:6, 191:8, 191:10, 191:12, 194:1, 195:15, 196:9, 196:22, 198:4, 198:6, 234:25, 256:23, 256:24, 257:8 Europe [1] - 102:15 evaluate [1] - 31:4 evaluation [1] - 209:15 evaporation [1] - 103:4 evaporations [1] -</p>	<p>103:5 evening [1] - 293:8 event [6] - 142:9, 172:16, 204:15, 210:1, 248:21, 269:7 eventually [1] - 257:19 evidence [23] - 6:18, 8:17, 15:23, 16:1, 16:5, 16:19, 57:10, 57:24, 84:19, 177:15, 177:18, 177:23, 179:7, 242:25, 257:24, 259:10, 262:22, 283:21, 285:8, 285:25, 286:7, 291:9, 291:20 evidentiary [2] - 57:7, 282:16 evidently [2] - 156:21, 240:16 evils [1] - 265:22 EVP [1] - 61:11 ex [2] - 142:17, 144:19 exact [2] - 87:9, 146:7 exactly [8] - 23:6, 26:11, 87:13, 142:19, 182:6, 212:8, 217:13, 258:18 EXAMINATION [11] - 13:18, 28:19, 29:13, 37:1, 46:21, 48:6, 48:15, 51:16, 262:17, 278:1, 278:19 examination [2] - 286:1, 286:2 examined [4] - 13:16, 90:14, 262:15, 274:10 example [1] - 290:6 examples [1] - 235:8 except [2] - 55:21, 105:22 excepted [1] - 36:11 exceptionally [1] - 204:1 excessive [1] - 103:18 excited [1] - 116:5 exclusion [3] - 63:25, 222:18, 222:21 excuse [3] - 171:10, 176:15, 230:24 excuses [1] - 266:2 execution [1] - 204:13 executive [4] - 33:21, 33:24, 50:13, 69:7 exempt [1] - 220:8 exhaustion [1] - 170:4 Exhibit [19] - 13:23, 17:12, 20:24, 21:9, 21:15, 24:6, 25:6,</p>
---	---	--	--	--

<p>26:2, 30:13, 40:23, 41:2, 84:4, 262:23, 263:8, 264:15, 264:16, 273:24, 277:8, 277:9</p> <p>exhibit [10] - 27:21, 27:25, 40:21, 73:24, 83:22, 134:17, 135:8, 177:21, 264:25, 273:22</p> <p>exhibits [12] - 13:13, 27:13, 27:14, 27:19, 28:2, 28:9, 83:14, 85:5, 135:3, 291:6, 291:7, 291:20</p> <p>Exhibits [1] - 28:15</p> <p>exist [4] - 22:9, 30:1, 105:14, 105:15</p> <p>existent [1] - 29:24</p> <p>existing [5] - 33:2, 36:2, 64:13, 166:12, 166:13</p> <p>exists [1] - 36:5</p> <p>exit [2] - 138:13, 139:4</p> <p>expand [1] - 214:13</p> <p>expands [1] - 267:15</p> <p>expansion [1] - 36:16</p> <p>expect [3] - 53:7, 179:15, 192:6</p> <p>expectations [1] - 223:25</p> <p>expected [1] - 63:1</p> <p>expendable [3] - 147:16, 147:24, 148:1</p> <p>expenditure [1] - 95:15</p> <p>expense [1] - 251:9</p> <p>expenses [1] - 82:1</p> <p>experience [9] - 125:6, 190:3, 195:24, 204:23, 206:7, 206:10, 209:22, 210:16, 279:1</p> <p>experiment [1] - 64:11</p> <p>expert [6] - 29:8, 32:2, 100:5, 208:5, 274:9, 274:12</p> <p>expertise [3] - 19:16, 54:3, 101:1</p> <p>experts [7] - 35:1, 49:13, 130:5, 175:18, 194:9, 194:10, 198:20</p> <p>explain [7] - 24:22, 30:23, 74:17, 225:10, 230:3, 264:25, 266:13</p> <p>explained [3] - 153:1, 172:14, 265:25</p> <p>explanation [3] - 12:24, 206:5, 276:8</p>	<p>explanations [1] - 204:10</p> <p>explicit [2] - 16:3, 19:13</p> <p>explicitly [2] - 19:7, 21:17</p> <p>explosion [4] - 121:22, 122:9, 148:5, 148:8</p> <p>explosions [3] - 121:25, 122:18, 163:16</p> <p>explosives [1] - 122:19</p> <p>export [1] - 198:13</p> <p>exports [1] - 190:16</p> <p>exposed [1] - 214:16</p> <p>expressed [3] - 26:7, 71:2, 251:6</p> <p>extends [1] - 233:6</p> <p>extension [2] - 37:22, 212:9</p> <p>extensive [2] - 55:12, 204:23</p> <p>extent [8] - 24:20, 25:3, 27:15, 33:20, 207:12, 208:6, 281:13, 282:2</p> <p>extolled [1] - 104:22</p> <p>extra [2] - 153:14, 212:14</p> <p>extraction [2] - 17:9, 18:9</p> <p>extreme [1] - 51:2</p> <p>eyesight [1] - 224:8</p>	<p>failed [1] - 123:9</p> <p>failure [2] - 231:2, 272:15</p> <p>Failures [1] - 123:8</p> <p>fair [11] - 13:7, 18:24, 22:10, 52:3, 134:5, 136:15, 139:21, 269:15, 281:13, 285:1</p> <p>fairly [1] - 35:22</p> <p>fairness [1] - 164:24</p> <p>faith [3] - 35:23, 67:4, 175:12</p> <p>faithful [1] - 253:15</p> <p>fall [2] - 158:16, 258:23</p> <p>falls [1] - 222:21</p> <p>false [2] - 241:25, 250:22</p> <p>familiar [7] - 13:20, 14:2, 31:15, 48:12, 159:18, 222:14, 226:11</p> <p>familiarized [1] - 202:7</p> <p>families [1] - 171:24</p> <p>family [23] - 44:23, 60:12, 82:3, 89:13, 106:1, 122:1, 167:24, 168:2, 168:19, 172:10, 173:13, 173:24, 174:6, 176:12, 176:22, 190:10, 215:16, 265:13, 269:6, 269:23, 269:25, 270:4, 270:9</p> <p>family's [2] - 82:18, 190:4</p> <p>fan [1] - 101:17</p> <p>fans [2] - 152:22, 152:24</p> <p>Far [1] - 119:8</p> <p>far [37] - 23:18, 33:10, 36:3, 43:23, 48:18, 49:9, 55:14, 61:5, 94:6, 94:15, 111:1, 116:2, 117:19, 118:1, 118:4, 137:7, 137:13, 137:16, 137:24, 151:22, 162:16, 162:17, 163:24, 176:10, 184:5, 187:2, 212:6, 212:11, 212:18, 212:21, 215:18, 225:21, 226:2, 231:23, 233:19, 237:13, 239:24</p> <p>Fargo [2] - 44:11, 253:17</p> <p>Farm [3] - 60:7, 60:8, 265:9</p>	<p>farm [25] - 44:23, 44:25, 63:16, 75:10, 75:14, 115:11, 116:14, 116:18, 117:8, 117:11, 126:5, 133:5, 133:12, 133:19, 134:6, 170:25, 173:9, 190:6, 190:8, 190:24, 199:11, 199:19, 270:14, 272:4, 273:11</p> <p>farmer [9] - 105:25, 189:23, 190:1, 192:24, 195:23, 196:2, 196:3, 197:22, 213:17</p> <p>farmer/rancher [1] - 200:23</p> <p>farmers [18] - 80:24, 101:23, 184:19, 190:18, 191:4, 191:17, 191:21, 193:11, 197:5, 219:17, 220:8, 227:5, 234:21, 236:3, 236:6, 236:9, 254:8, 254:12</p> <p>Farmers [2] - 219:19, 219:20</p> <p>farming [6] - 190:2, 190:3, 190:4, 190:10, 270:20, 279:2</p> <p>farmland [2] - 213:15, 247:12</p> <p>farms [3] - 44:10, 89:12, 96:19</p> <p>farmstead [2] - 89:20, 185:19</p> <p>fascism [2] - 249:11, 252:24</p> <p>fascist [4] - 249:7, 249:14, 249:17, 249:19</p> <p>fashion [1] - 6:16</p> <p>fast [3] - 59:20, 155:25, 226:4</p> <p>faster [1] - 148:12</p> <p>fatalities [1] - 64:23</p> <p>fate [2] - 176:1, 176:2</p> <p>father [1] - 174:15</p> <p>fault [11] - 231:17, 231:20, 231:22, 231:25, 232:23, 233:2, 233:6, 233:15, 238:10, 238:11</p> <p>Fault [1] - 232:5</p> <p>faults [1] - 237:14</p> <p>favor [4] - 200:7, 200:10, 253:23, 286:16</p>	<p>fear [2] - 43:7, 169:14</p> <p>fearless [1] - 65:5</p> <p>feasible [2] - 68:10, 71:3</p> <p>February [7] - 16:25, 29:21, 33:2, 174:8, 176:11, 176:16, 186:14</p> <p>federal [3] - 41:25, 94:12, 254:10</p> <p>Federal [3] - 95:12, 123:7, 254:9</p> <p>FedEx [1] - 68:5</p> <p>fee [1] - 27:7</p> <p>feedlot [1] - 116:17</p> <p>feeds [4] - 121:11, 121:13, 121:21</p> <p>feelings [1] - 4:17</p> <p>fees [1] - 174:7</p> <p>feet [63] - 32:9, 40:9, 41:17, 42:12, 60:15, 64:20, 75:18, 82:16, 86:5, 87:1, 87:2, 87:8, 87:9, 87:10, 105:15, 107:20, 107:22, 108:13, 108:16, 114:19, 121:15, 146:6, 150:1, 151:19, 151:20, 153:13, 173:21, 178:1, 212:8, 212:13, 212:14, 212:22, 212:24, 214:15, 224:9, 224:12, 224:14, 224:20, 225:12, 225:14, 226:9, 226:12, 226:20, 226:24, 265:18, 266:25, 267:8, 267:10, 267:11, 267:13, 270:24, 271:6, 271:8, 272:3, 272:5, 278:22, 279:20, 279:22, 279:23, 279:25, 280:3</p> <p>fellow [1] - 54:21</p> <p>felony [2] - 12:17, 239:18</p> <p>felt [8] - 31:7, 32:18, 34:18, 40:20, 43:22, 70:25, 140:14, 264:2</p> <p>fence [11] - 31:3, 81:20, 212:1, 213:2, 213:3, 213:4, 214:7, 214:11, 219:2, 223:21, 224:8</p> <p>fence-line [1] - 31:3</p> <p>few [19] - 14:4, 39:22, 98:18, 117:6, 133:1, 149:19, 163:1, 164:15, 171:11,</p>
	F			
	<p>face [1] - 102:6</p> <p>facet [2] - 96:7</p> <p>facilities [4] - 5:14, 17:22, 18:6, 229:23</p> <p>facility [7] - 6:5, 6:8, 6:12, 44:6, 104:15, 230:4, 230:7</p> <p>fact [13] - 5:17, 12:23, 90:10, 91:7, 111:25, 121:14, 140:1, 193:17, 246:13, 247:9, 258:1, 258:2, 289:23</p> <p>factor [4] - 45:21, 54:23, 103:9, 214:14</p> <p>factored [1] - 54:17</p> <p>factors [2] - 54:21, 102:21</p> <p>factory [1] - 267:21</p> <p>facts [3] - 24:14, 175:20, 260:1</p> <p>factual [4] - 15:23, 16:1, 16:4, 242:7</p> <p>fail [1] - 272:16</p>			

<p>173:14, 178:11, 179:15, 182:3, 198:2, 207:15, 210:3, 229:19, 231:22, 235:8</p> <p>field [6] - 62:5, 146:23, 163:16, 175:18, 237:10, 237:11</p> <p>fields [3] - 9:9, 121:18, 190:9</p> <p>Fifth [1] - 251:23</p> <p>fight [7] - 28:6, 81:5, 81:15, 82:4, 116:12, 170:4, 254:9</p> <p>fighting [2] - 81:13, 249:19</p> <p>figure [6] - 115:7, 183:18, 196:7, 197:13, 221:21, 283:5</p> <p>figured [3] - 76:2, 177:2, 236:8</p> <p>figures [1] - 100:21</p> <p>file [3] - 169:2, 281:16, 284:11</p> <p>filed [13] - 15:2, 15:16, 20:23, 23:10, 134:22, 241:17, 242:6, 291:15, 291:17, 292:4, 292:5, 292:11</p> <p>filings [4] - 68:19, 90:1, 134:17, 288:19</p> <p>filings [1] - 6:1</p> <p>fill [3] - 129:23, 245:20, 257:7</p> <p>filled [1] - 105:12</p> <p>film [1] - 61:25</p> <p>final [7] - 15:4, 15:7, 15:9, 15:12, 102:19, 285:6, 285:7</p> <p>finally [3] - 81:21, 116:9, 232:2</p> <p>finances [2] - 164:25</p> <p>financial [2] - 104:2, 170:4</p> <p>findings [8] - 5:17, 129:20, 168:2, 174:13, 289:18, 289:23, 290:7, 290:8</p> <p>fine [9] - 12:18, 74:5, 74:10, 84:14, 239:19, 267:18, 269:22, 277:18, 288:13</p> <p>finer [1] - 219:10</p> <p>finish [3] - 127:6, 277:13, 277:15</p> <p>finished [1] - 136:10</p> <p>finishing [1] - 18:2</p> <p>Fire [9] - 155:13, 155:14, 155:22, 158:1, 158:23,</p>	<p>159:4, 162:14, 203:3, 203:5</p> <p>fire [16] - 155:13, 155:19, 156:3, 156:9, 156:18, 156:25, 158:19, 158:25, 159:1, 159:6, 159:10, 159:12, 160:7, 160:22, 163:11</p> <p>fired [4] - 69:3, 69:8, 69:9, 169:19</p> <p>firefighter [6] - 159:5, 203:2, 203:4, 204:24, 209:1, 209:22</p> <p>firefighter/ ambulance [1] - 156:6</p> <p>firefighters [2] - 65:5, 156:1</p> <p>fireman [1] - 162:11</p> <p>fires [6] - 114:6, 114:7, 114:13, 114:14, 116:25</p> <p>firm [1] - 15:4</p> <p>Firm [1] - 7:17</p> <p>firmly [1] - 106:5</p> <p>first [84] - 8:6, 8:18, 9:13, 11:14, 13:16, 14:8, 23:17, 39:12, 40:21, 41:2, 45:12, 58:10, 58:12, 59:23, 60:19, 60:23, 62:18, 65:24, 66:8, 69:12, 69:14, 72:17, 74:15, 76:3, 80:12, 80:15, 88:16, 93:2, 98:5, 98:10, 109:11, 110:2, 110:19, 114:2, 120:6, 120:22, 128:12, 128:13, 130:6, 132:20, 137:6, 143:22, 146:2, 148:16, 153:10, 155:11, 155:19, 156:13, 156:25, 158:4, 162:7, 163:13, 164:5, 167:21, 167:25, 168:21, 171:13, 172:18, 173:1, 181:5, 181:18, 189:17, 190:1, 202:3, 211:18, 229:5, 231:11, 239:10, 241:23, 242:22, 245:12, 261:18, 262:15, 262:22, 266:9, 271:25, 274:2, 274:14, 274:18,</p>	<p>274:24, 276:7, 285:14, 289:12, 289:21</p> <p>Fish [2] - 226:10, 226:19</p> <p>fits [1] - 31:5</p> <p>five [31] - 12:18, 33:18, 34:2, 34:4, 34:22, 43:20, 51:3, 55:20, 63:7, 64:8, 66:4, 108:16, 112:17, 150:1, 192:22, 213:9, 239:19, 248:3, 260:19, 265:12, 268:21, 268:22, 269:6, 269:23, 269:25, 270:3, 274:2, 274:14, 274:19, 274:24, 276:7</p> <p>five-member [1] - 248:3</p> <p>five-page [2] - 63:7, 64:8</p> <p>five-state [1] - 66:4</p> <p>fixed [1] - 228:15</p> <p>fixes [1] - 269:4</p> <p>fixing [1] - 53:19</p> <p>flat [1] - 101:11</p> <p>flatly [1] - 101:16</p> <p>flexible [1] - 267:16</p> <p>flights [3] - 114:17, 114:18, 116:22</p> <p>Flint [1] - 257:11</p> <p>flipping [1] - 23:21</p> <p>flood [1] - 163:11</p> <p>flow [1] - 271:21</p> <p>flowers [1] - 82:12</p> <p>flowing [1] - 149:17</p> <p>fly [1] - 147:9</p> <p>focus [1] - 5:22</p> <p>follow [16] - 21:10, 21:12, 24:20, 51:7, 66:15, 93:3, 138:5, 144:3, 182:3, 217:20, 223:11, 224:1, 233:12, 290:15, 291:2</p> <p>follow-up [7] - 51:7, 66:15, 93:3, 144:3, 223:11, 224:1</p> <p>followed [8] - 62:7, 130:20, 155:25, 169:2, 181:20, 183:8, 223:22, 259:1</p> <p>following [7] - 6:3, 10:21, 29:15, 61:15, 131:14, 139:17, 183:3</p> <p>follows [24] - 13:17, 59:23, 80:15, 88:16, 93:2, 98:5, 105:3,</p>	<p>110:2, 114:2, 120:22, 128:12, 132:20, 146:2, 155:11, 162:7, 167:21, 181:5, 183:4, 189:17, 202:3, 211:18, 229:5, 245:12, 262:16</p> <p>food [6] - 91:7, 100:13, 100:15, 106:25, 234:22, 235:14</p> <p>fool [1] - 117:2</p> <p>foolproof [1] - 192:7</p> <p>foot [5] - 105:10, 105:11, 106:3, 153:14, 279:8</p> <p>footage [2] - 212:6, 214:19</p> <p>footages [1] - 215:25</p> <p>footprint [6] - 98:18, 191:12, 193:24, 197:6, 197:14, 197:17</p> <p>force [1] - 253:8</p> <p>forced [2] - 170:17, 268:9</p> <p>forcibly [1] - 183:25</p> <p>foreign [1] - 104:5</p> <p>foresee [1] - 209:20</p> <p>forest [2] - 114:6, 114:7</p> <p>forever [2] - 62:21, 62:24</p> <p>forget [1] - 89:9</p> <p>forgive [3] - 9:20, 33:11, 158:25</p> <p>forgot [1] - 104:10</p> <p>form [3] - 30:6, 54:11, 63:8</p> <p>formality [1] - 175:10</p> <p>formally [1] - 177:18</p> <p>Formation [1] - 257:25</p> <p>Fort [1] - 232:10</p> <p>forth [1] - 16:12</p> <p>fortunate [1] - 157:10</p> <p>forum [2] - 38:11, 53:4</p> <p>forward [9] - 10:10, 10:16, 31:6, 54:24, 87:22, 92:7, 98:18, 209:15, 227:23</p> <p>forwarded [1] - 264:13</p> <p>foundation [3] - 266:12, 274:21, 275:2</p> <p>four [22] - 60:12, 64:20, 76:7, 76:12, 76:20, 106:3, 114:12, 121:15, 124:8, 133:23, 149:23, 150:1,</p>	<p>192:22, 203:4, 253:20, 267:8, 267:10, 267:13, 270:24, 271:3, 279:10</p> <p>four-foot [1] - 106:3</p> <p>four-season [1] - 149:23</p> <p>fourth [3] - 60:12, 189:22, 190:3</p> <p>frame [2] - 100:11, 106:23</p> <p>framed [1] - 174:8</p> <p>FRANCES [15] - 180:15, 180:20, 180:23, 181:2, 181:4, 181:6, 185:12, 185:15, 185:21, 186:10, 186:13, 186:21, 186:24, 187:2, 187:14</p> <p>Frances [2] - 170:24, 180:15</p> <p>Fred [1] - 100:4</p> <p>Fredrikson [2] - 7:6, 7:8</p> <p>free [2] - 127:13, 182:19</p> <p>freed [1] - 249:9</p> <p>freedom [1] - 116:12</p> <p>freely [2] - 99:9, 149:17</p> <p>freezes [3] - 267:8, 267:10, 267:15</p> <p>freezing [1] - 272:1</p> <p>fresh [1] - 22:23</p> <p>fricking [2] - 110:15, 110:16</p> <p>friend [2] - 170:22, 258:14</p> <p>friendly [1] - 116:9</p> <p>Friends [2] - 68:14, 169:18</p> <p>friends [1] - 116:8</p> <p>front [13] - 5:1, 25:22, 30:8, 56:20, 83:10, 83:11, 150:23, 153:11, 238:24, 259:13, 262:20, 283:22, 285:5</p> <p>frost [9] - 82:10, 267:12, 267:13, 267:14, 279:21, 279:24, 279:25, 280:2</p> <p>frost-heaved [1] - 267:12</p> <p>frustrated [1] - 250:1</p> <p>frustrating [2] - 247:21, 255:17</p> <p>frustration [1] - 139:19</p>
--	--	---	---	--

<p>fuel [5] - 62:12, 114:19, 191:8, 191:14, 195:18</p> <p>fulfilled [1] - 6:15</p> <p>full [22] - 12:6, 44:9, 79:18, 87:24, 88:1, 92:9, 97:12, 109:4, 113:10, 132:3, 145:12, 161:16, 167:5, 174:19, 180:13, 188:3, 188:5, 207:23, 209:2, 228:3, 239:1, 285:22</p> <p>fully [3] - 20:12, 25:19, 210:10</p> <p>fumbling [1] - 135:21</p> <p>fume [1] - 226:4</p> <p>fun [3] - 110:20, 110:23</p> <p>function [1] - 128:25</p> <p>funded [1] - 272:14</p> <p>funding [1] - 273:5</p> <p>funds [1] - 252:21</p> <p>funnel [1] - 123:15</p> <p>furthermore [1] - 203:9</p> <p>future [10] - 20:7, 60:16, 64:11, 82:4, 133:3, 134:14, 191:16, 191:17, 191:21, 196:24</p>	<p>200:17, 202:23, 209:19, 237:20</p> <p>generally [7] - 20:14, 27:6, 37:16, 48:23, 137:16, 283:15, 284:16</p> <p>generation [7] - 60:12, 189:23, 190:3, 190:10, 254:16, 268:21, 270:9</p> <p>generational [1] - 268:19</p> <p>generations [9] - 60:16, 190:7, 265:13, 268:22, 269:6, 269:23, 269:25, 270:3</p> <p>Geneva [1] - 116:2</p> <p>genius [1] - 182:10</p> <p>Geological [1] - 231:19</p> <p>geological [2] - 245:19, 276:14</p> <p>geologist [1] - 274:8</p> <p>geology [1] - 197:1</p> <p>giant [4] - 30:25, 105:11, 107:25, 270:15</p> <p>GIS [1] - 153:11</p> <p>given [27] - 15:7, 15:15, 16:14, 19:20, 22:19, 23:8, 31:11, 31:22, 42:17, 58:1, 83:17, 90:9, 157:5, 171:9, 171:10, 172:3, 184:22, 189:9, 204:24, 209:18, 256:1, 259:5, 259:18, 260:17, 266:1, 270:13, 289:7</p> <p>glad [3] - 94:23, 110:3, 110:6</p> <p>global [6] - 98:17, 100:25, 101:12, 101:16, 193:15, 248:10</p> <p>globally [3] - 191:13, 193:22, 196:18</p> <p>Gludt [24] - 7:4, 7:6, 71:18, 82:24, 91:12, 93:25, 106:11, 111:15, 117:14, 123:23, 130:25, 136:23, 150:9, 157:20, 165:3, 176:6, 185:2, 194:16, 205:9, 215:1, 236:24, 287:16, 288:16, 290:12</p> <p>GLUDT [30] - 7:5, 11:6, 71:19, 82:25,</p>	<p>84:17, 91:14, 94:2, 106:12, 111:17, 117:15, 123:24, 131:1, 136:24, 150:10, 157:21, 165:4, 165:14, 176:7, 185:3, 194:17, 205:10, 215:2, 236:25, 287:18, 288:17, 288:23, 290:14, 291:12, 291:25, 292:16</p> <p>God [8] - 63:18, 184:22, 184:25, 192:7, 234:13, 234:17, 236:20, 249:3</p> <p>God's [1] - 116:25</p> <p>God-given [1] - 184:22</p> <p>goodbye [1] - 269:16</p> <p>goodrich [1] - 232:6</p> <p>Googled [1] - 192:15</p> <p>GOP [1] - 250:19</p> <p>Government [2] - 95:12, 254:10</p> <p>government [9] - 25:18, 35:23, 46:8, 90:3, 90:20, 184:12, 249:11, 249:15, 252:25</p> <p>governmental [1] - 252:13</p> <p>Governor [4] - 67:8, 67:10, 99:4, 263:1</p> <p>governor [5] - 111:25, 237:19, 237:21, 237:25, 259:23</p> <p>grabbed [1] - 142:24</p> <p>grabs [1] - 81:7</p> <p>gracious [1] - 171:3</p> <p>grains [1] - 79:5</p> <p>grandchildren [2] - 66:24, 191:18</p> <p>grandfather [1] - 89:17</p> <p>grandkids [1] - 268:23</p> <p>grandpa [1] - 254:18</p> <p>grandparents [3] - 89:14, 89:17, 190:4</p> <p>grant [9] - 159:16, 162:17, 203:22, 209:8, 209:9, 209:11, 225:13, 236:5</p> <p>granted [3] - 38:14, 184:4, 281:9</p> <p>granting [1] - 5:20</p> <p>grants [1] - 281:25</p> <p>grass [3] - 82:12, 159:6, 234:20</p> <p>grasses [1] - 91:8</p>	<p>grasshoppers [1] - 89:18</p> <p>Grassland [2] - 222:10, 222:16</p> <p>Grasslands [1] - 222:10</p> <p>grateful [1] - 174:16</p> <p>gravity [1] - 105:2</p> <p>graze [1] - 44:14</p> <p>Great [2] - 111:9, 135:3</p> <p>great [10] - 21:14, 57:15, 89:14, 89:17, 175:11, 190:4, 210:16, 214:14, 261:15, 268:23</p> <p>greater [3] - 41:24, 251:11, 269:24</p> <p>greatest [1] - 203:5</p> <p>greatly [1] - 193:1</p> <p>greed [1] - 183:3</p> <p>Green [3] - 98:16, 110:8, 168:7</p> <p>green [7] - 10:9, 11:19, 58:13, 127:19, 153:25, 227:24, 227:25</p> <p>greener [1] - 102:8</p> <p>greenhouse [7] - 91:8, 93:6, 103:9, 103:10, 103:14, 103:18, 103:21</p> <p>Greenpeace [2] - 101:15, 101:17</p> <p>Grenora [1] - 232:8</p> <p>grew [1] - 171:1</p> <p>grids [1] - 93:11</p> <p>ground [15] - 24:15, 99:1, 99:7, 105:4, 108:2, 108:14, 115:9, 173:16, 200:1, 237:8, 257:12, 266:17, 267:10, 272:3, 279:4</p> <p>Ground [1] - 122:18</p> <p>grounded [1] - 116:21</p> <p>grounds [1] - 129:17</p> <p>Group [2] - 246:23, 247:4</p> <p>group [6] - 32:14, 57:3, 57:4, 101:15, 248:7, 270:2</p> <p>groups [2] - 182:2, 184:12</p> <p>groves [1] - 226:16</p> <p>grow [5] - 99:20, 102:17, 193:12, 195:25, 213:25</p> <p>growers [2] - 257:9, 258:6</p> <p>growing [5] - 101:23, 102:9, 115:11, 249:8</p> <p>grown [4] - 192:17,</p>	<p>194:3, 195:14, 195:24</p> <p>growth [5] - 36:15, 91:4, 91:6, 100:1, 102:2</p> <p>guarantee [2] - 173:25, 184:19</p> <p>guaranteed [1] - 146:19</p> <p>guess [35] - 21:1, 21:10, 30:23, 33:10, 34:6, 34:8, 35:20, 41:11, 48:25, 54:15, 72:22, 73:17, 88:17, 104:6, 104:10, 136:20, 138:15, 138:16, 145:5, 155:15, 163:19, 178:13, 188:21, 189:11, 213:1, 214:18, 219:15, 220:10, 222:1, 231:14, 233:20, 271:2, 282:8, 285:19, 290:2</p> <p>gunfire [1] - 271:13</p> <p>gusting [1] - 149:24</p> <p>guy [7] - 93:8, 135:11, 240:23, 241:1, 249:10, 255:21, 258:8</p> <p>guys [12] - 46:23, 114:24, 115:5, 117:12, 229:10, 233:16, 237:22, 247:20, 255:8, 255:20, 259:9, 259:11</p> <p>Gwinner [1] - 8:10</p>
G				
<p>gain [2] - 270:2, 270:3</p> <p>gaining [1] - 184:17</p> <p>gallons [3] - 165:13, 191:10, 191:14</p> <p>Game [2] - 226:10, 226:19</p> <p>game [1] - 115:6</p> <p>Garcia [1] - 133:21</p> <p>gas [22] - 17:23, 19:16, 19:17, 19:22, 22:24, 31:14, 62:12, 93:6, 104:24, 107:24, 108:11, 108:14, 116:2, 148:18, 148:22, 163:15, 199:25, 229:24, 229:25, 258:1, 269:1, 269:16</p> <p>gases [6] - 103:9, 103:10, 103:14, 103:18, 103:21, 212:18</p> <p>Gates [1] - 259:24</p> <p>gates [1] - 81:22</p> <p>general [11] - 7:12, 27:5, 34:10, 37:10, 38:2, 115:22, 129:8,</p>	<p>200:17, 202:23, 209:19, 237:20</p> <p>generally [7] - 20:14, 27:6, 37:16, 48:23, 137:16, 283:15, 284:16</p> <p>generation [7] - 60:12, 189:23, 190:3, 190:10, 254:16, 268:21, 270:9</p> <p>generational [1] - 268:19</p> <p>generations [9] - 60:16, 190:7, 265:13, 268:22, 269:6, 269:23, 269:25, 270:3</p> <p>Geneva [1] - 116:2</p> <p>genius [1] - 182:10</p> <p>Geological [1] - 231:19</p> <p>geological [2] - 245:19, 276:14</p> <p>geologist [1] - 274:8</p> <p>geology [1] - 197:1</p> <p>giant [4] - 30:25, 105:11, 107:25, 270:15</p> <p>GIS [1] - 153:11</p> <p>given [27] - 15:7, 15:15, 16:14, 19:20, 22:19, 23:8, 31:11, 31:22, 42:17, 58:1, 83:17, 90:9, 157:5, 171:9, 171:10, 172:3, 184:22, 189:9, 204:24, 209:18, 256:1, 259:5, 259:18, 260:17, 266:1, 270:13, 289:7</p> <p>glad [3] - 94:23, 110:3, 110:6</p> <p>global [6] - 98:17, 100:25, 101:12, 101:16, 193:15, 248:10</p> <p>globally [3] - 191:13, 193:22, 196:18</p> <p>Gludt [24] - 7:4, 7:6, 71:18, 82:24, 91:12, 93:25, 106:11, 111:15, 117:14, 123:23, 130:25, 136:23, 150:9, 157:20, 165:3, 176:6, 185:2, 194:16, 205:9, 215:1, 236:24, 287:16, 288:16, 290:12</p> <p>GLUDT [30] - 7:5, 11:6, 71:19, 82:25,</p>	<p>84:17, 91:14, 94:2, 106:12, 111:17, 117:15, 123:24, 131:1, 136:24, 150:10, 157:21, 165:4, 165:14, 176:7, 185:3, 194:17, 205:10, 215:2, 236:25, 287:18, 288:17, 288:23, 290:14, 291:12, 291:25, 292:16</p> <p>God [8] - 63:18, 184:22, 184:25, 192:7, 234:13, 234:17, 236:20, 249:3</p> <p>God's [1] - 116:25</p> <p>God-given [1] - 184:22</p> <p>goodbye [1] - 269:16</p> <p>goodrich [1] - 232:6</p> <p>Googled [1] - 192:15</p> <p>GOP [1] - 250:19</p> <p>Government [2] - 95:12, 254:10</p> <p>government [9] - 25:18, 35:23, 46:8, 90:3, 90:20, 184:12, 249:11, 249:15, 252:25</p> <p>governmental [1] - 252:13</p> <p>Governor [4] - 67:8, 67:10, 99:4, 263:1</p> <p>governor [5] - 111:25, 237:19, 237:21, 237:25, 259:23</p> <p>grabbed [1] - 142:24</p> <p>grabs [1] - 81:7</p> <p>gracious [1] - 171:3</p> <p>grains [1] - 79:5</p> <p>grandchildren [2] - 66:24, 191:18</p> <p>grandfather [1] - 89:17</p> <p>grandkids [1] - 268:23</p> <p>grandpa [1] - 254:18</p> <p>grandparents [3] - 89:14, 89:17, 190:4</p> <p>grant [9] - 159:16, 162:17, 203:22, 209:8, 209:9, 209:11, 225:13, 236:5</p> <p>granted [3] - 38:14, 184:4, 281:9</p> <p>granting [1] - 5:20</p> <p>grants [1] - 281:25</p> <p>grass [3] - 82:12, 159:6, 234:20</p> <p>grasses [1] - 91:8</p>	<p>grasshoppers [1] - 89:18</p> <p>Grassland [2] - 222:10, 222:16</p> <p>Grasslands [1] - 222:10</p> <p>grateful [1] - 174:16</p> <p>gravity [1] - 105:2</p> <p>graze [1] - 44:14</p> <p>Great [2] - 111:9, 135:3</p> <p>great [10] - 21:14, 57:15, 89:14, 89:17, 175:11, 190:4, 210:16, 214:14, 261:15, 268:23</p> <p>greater [3] - 41:24, 251:11, 269:24</p> <p>greatest [1] - 203:5</p> <p>greatly [1] - 193:1</p> <p>greed [1] - 183:3</p> <p>Green [3] - 98:16, 110:8, 168:7</p> <p>green [7] - 10:9, 11:19, 58:13, 127:19, 153:25, 227:24, 227:25</p> <p>greener [1] - 102:8</p> <p>greenhouse [7] - 91:8, 93:6, 103:9, 103:10, 103:14, 103:18, 103:21</p> <p>Greenpeace [2] - 101:15, 101:17</p> <p>Grenora [1] - 232:8</p> <p>grew [1] - 171:1</p> <p>grids [1] - 93:11</p> <p>ground [15] - 24:15, 99:1, 99:7, 105:4, 108:2, 108:14, 115:9, 173:16, 200:1, 237:8, 257:12, 266:17, 267:10, 272:3, 279:4</p> <p>Ground [1] - 122:18</p> <p>grounded [1] - 116:21</p> <p>grounds [1] - 129:17</p> <p>Group [2] - 246:23, 247:4</p> <p>group [6] - 32:14, 57:3, 57:4, 101:15, 248:7, 270:2</p> <p>groups [2] - 182:2, 184:12</p> <p>groves [1] - 226:16</p> <p>grow [5] - 99:20, 102:17, 193:12, 195:25, 213:25</p> <p>growers [2] - 257:9, 258:6</p> <p>growing [5] - 101:23, 102:9, 115:11, 249:8</p> <p>grown [4] - 192:17,</p>	H
				<p>HAGEN [19] - 227:25, 228:2, 228:5, 228:6, 228:11, 228:21, 228:23, 229:2, 229:4, 229:6, 230:11, 230:14, 236:13, 237:17, 237:21, 237:24, 238:2, 238:8, 238:17</p> <p>Hagen [3] - 228:5, 228:6, 236:11</p> <p>half [35] - 32:8, 41:2, 43:13, 45:6, 60:14, 60:18, 74:20, 75:1, 80:17, 85:14, 100:21, 121:3, 121:10, 126:14, 136:12, 138:18, 140:5, 142:3, 174:6, 192:22, 193:13,</p>

<p>196:7, 226:24, 267:7, 267:10, 273:1, 278:7, 278:9, 278:12, 278:13, 285:18</p> <p>halfway [1] - 52:2</p> <p>halfways [1] - 258:16</p> <p>Hall [1] - 135:3</p> <p>hall [1] - 135:7</p> <p>hallway [1] - 254:12</p> <p>halt [1] - 252:9</p> <p>Hamm [1] - 99:5</p> <p>hand [10] - 58:11, 132:1, 135:19, 187:18, 187:23, 226:10, 227:22, 261:16, 272:18</p> <p>handed [3] - 59:7, 132:21, 266:10</p> <p>handicap [1] - 164:5</p> <p>handle [2] - 93:12, 182:14</p> <p>hands [4] - 38:20, 82:18, 154:15, 227:14</p> <p>hang [13] - 82:22, 84:25, 109:10, 112:24, 120:5, 123:21, 200:11, 241:23, 242:17, 274:23</p> <p>hanging [1] - 271:13</p> <p>happy [4] - 142:23, 168:15, 255:5, 255:18</p> <p>hard [13] - 9:18, 30:22, 31:25, 78:19, 89:22, 93:13, 98:13, 170:2, 174:16, 184:22, 185:17, 218:21, 234:21</p> <p>hard-working [1] - 170:2</p> <p>harder [1] - 234:22</p> <p>hardly [1] - 224:25</p> <p>harm [1] - 70:23</p> <p>harmed [1] - 270:5</p> <p>harmful [1] - 104:8</p> <p>harmless [1] - 63:4</p> <p>Harold [2] - 99:5, 170:22</p> <p>hashed [2] - 218:13, 222:7</p> <p>hat [1] - 119:6</p> <p>Haugen [27] - 10:6, 46:12, 55:9, 76:24, 86:14, 91:24, 96:23, 108:20, 112:25, 119:3, 126:19, 131:17, 142:6, 154:8, 161:7, 166:21, 180:5, 187:7, 189:20,</p>	<p>201:1, 208:12, 223:9, 238:14, 260:22, 280:5, 287:6, 293:6</p> <p>HAUGEN [70] - 10:7, 46:13, 55:8, 55:10, 56:5, 76:25, 77:8, 77:12, 77:15, 77:23, 78:1, 78:7, 78:11, 78:19, 78:22, 78:25, 79:3, 79:6, 86:15, 91:25, 96:24, 108:21, 113:1, 119:4, 119:12, 126:20, 131:18, 142:7, 142:11, 142:16, 142:20, 142:22, 143:1, 143:5, 143:8, 143:16, 143:21, 144:1, 144:12, 144:15, 144:23, 154:9, 161:8, 166:22, 180:6, 187:8, 201:2, 208:13, 208:17, 208:22, 208:25, 209:4, 209:7, 209:17, 210:4, 210:12, 210:17, 223:10, 223:15, 223:24, 224:16, 224:21, 225:1, 238:15, 260:23, 280:6, 286:10, 286:20, 287:7, 293:7</p> <p>Haugen-Hoffart [27] - 10:6, 46:12, 55:9, 76:24, 86:14, 91:24, 96:23, 108:20, 112:25, 119:3, 126:19, 131:17, 142:6, 154:8, 161:7, 166:21, 180:5, 187:7, 189:20, 201:1, 208:12, 223:9, 238:14, 260:22, 280:5, 287:6, 293:6</p> <p>HAUGEN-HOFFART [70] - 10:7, 46:13, 55:8, 55:10, 56:5, 76:25, 77:8, 77:12, 77:15, 77:23, 78:1, 78:7, 78:11, 78:19, 78:22, 78:25, 79:3, 79:6, 86:15, 91:25, 96:24, 108:21, 113:1, 119:4, 119:12, 126:20, 131:18, 142:7, 142:11, 142:16, 142:20, 142:22,</p>	<p>143:1, 143:5, 143:8, 143:16, 143:21, 144:1, 144:12, 144:15, 144:23, 154:9, 161:8, 166:22, 180:6, 187:8, 201:2, 208:13, 208:17, 208:22, 208:25, 209:4, 209:7, 209:17, 210:4, 210:12, 210:17, 223:10, 223:15, 223:24, 224:16, 224:21, 225:1, 238:15, 260:23, 280:6, 286:10, 286:20, 287:7, 293:7</p> <p>haul [2] - 27:2, 267:1</p> <p>Hayen [1] - 83:9</p> <p>Hayen's [1] - 84:5</p> <p>hayland [1] - 278:25</p> <p>hazardous [8] - 20:1, 20:14, 146:14, 148:21, 150:5, 175:2, 175:21, 229:25</p> <p>hazards [1] - 164:9</p> <p>Hazelton [30] - 60:11, 60:13, 61:9, 65:4, 65:13, 65:15, 70:2, 70:7, 70:9, 75:21, 76:7, 76:14, 76:18, 76:20, 76:21, 90:8, 106:2, 137:4, 141:12, 147:25, 160:22, 162:11, 162:12, 162:13, 163:1, 163:22, 164:13, 171:15, 269:14, 269:17</p> <p>Hazen [1] - 257:18</p> <p>heads [2] - 169:11, 173:18</p> <p>health [2] - 104:21, 129:7</p> <p>hear [34] - 8:22, 9:11, 9:12, 9:15, 10:1, 11:23, 13:6, 31:24, 40:4, 40:10, 40:15, 58:5, 59:6, 62:22, 72:4, 72:5, 80:9, 98:21, 105:24, 139:1, 149:11, 169:17, 174:15, 184:18, 192:13, 220:7, 228:2, 228:15, 233:13, 236:16, 246:4, 255:18, 281:6</p> <p>heard [27] - 34:20, 38:9, 38:10, 89:17, 95:16, 99:12, 130:4,</p>	<p>135:6, 157:5, 158:17, 168:17, 169:7, 172:25, 173:19, 181:16, 182:23, 184:13, 185:10, 219:25, 231:6, 250:10, 262:2, 266:14, 266:18, 274:18, 274:19, 290:19</p> <p>hearing [73] - 4:3, 4:5, 4:6, 4:10, 4:11, 4:20, 5:5, 5:10, 5:22, 5:24, 6:21, 8:14, 10:10, 10:15, 10:16, 14:13, 14:21, 19:5, 34:10, 38:9, 47:10, 47:17, 49:4, 52:20, 52:21, 52:24, 57:7, 57:13, 60:9, 66:9, 66:14, 68:21, 69:10, 72:18, 88:18, 90:17, 147:13, 170:14, 173:15, 187:20, 205:18, 208:18, 238:13, 240:12, 240:18, 243:12, 244:16, 244:18, 246:8, 246:15, 247:19, 248:21, 248:24, 250:2, 250:10, 255:22, 259:11, 261:2, 281:3, 281:12, 281:14, 283:25, 285:1, 285:22, 286:16, 287:20, 288:1, 288:19, 289:13, 289:19, 293:12, 293:16</p> <p>hearings [23] - 8:7, 8:13, 8:18, 16:16, 25:1, 34:9, 46:23, 48:18, 50:13, 52:25, 53:21, 57:21, 83:15, 98:11, 175:10, 205:15, 245:5, 246:4, 277:5, 282:17, 282:19, 285:8, 285:21</p> <p>hearsay [1] - 189:2</p> <p>heart [3] - 99:16, 235:6, 236:19</p> <p>heat [4] - 91:9, 93:4, 101:5, 103:15</p> <p>heated [1] - 232:2</p> <p>heaved [1] - 267:12</p> <p>heavier [3] - 173:4, 213:22, 214:1</p> <p>heavy [2] - 107:24, 108:11</p> <p>heighth [1] - 105:9</p> <p>held [12] - 4:6, 48:18,</p>	<p>72:13, 158:20, 160:6, 160:20, 171:7, 171:22, 195:15, 220:10, 229:17, 275:8</p> <p>Helena [1] - 231:25</p> <p>helicopter [1] - 82:8</p> <p>help [17] - 37:17, 151:7, 152:22, 163:20, 164:6, 164:10, 164:11, 166:1, 184:25, 192:7, 197:6, 205:23, 229:20, 235:14, 236:3, 260:6, 267:25</p> <p>helped [1] - 54:11</p> <p>helpers [1] - 133:13</p> <p>helpful [5] - 57:2, 59:11, 64:19, 249:1, 293:5</p> <p>helps [2] - 5:7, 197:10</p> <p>hence [1] - 101:11</p> <p>Hennen [2] - 68:15, 69:2</p> <p>herd [1] - 81:18</p> <p>hi [1] - 238:23</p> <p>hide [1] - 115:21</p> <p>hides [1] - 115:25</p> <p>hiding [1] - 156:16</p> <p>high [8] - 66:7, 93:17, 105:2, 133:5, 173:3, 175:20, 227:9, 271:24</p> <p>high-pressure [2] - 175:20, 271:24</p> <p>higher [1] - 105:2</p> <p>highest [2] - 205:6, 269:4</p> <p>highfalutin [1] - 285:19</p> <p>highlight [2] - 59:11, 264:3</p> <p>highlighted [1] - 276:2</p> <p>highlights [1] - 204:21</p> <p>highly [3] - 198:20, 213:6, 213:17</p> <p>highway [5] - 41:18, 41:23, 42:2, 213:10, 213:14</p> <p>highways [1] - 41:20</p> <p>hill [1] - 226:2</p> <p>hills [4] - 81:17, 86:3, 213:13, 224:25</p> <p>hire [1] - 61:3</p> <p>history [3] - 89:15, 102:11, 105:25</p> <p>hit [1] - 270:25</p> <p>hoc [1] - 35:8</p> <p>Hoeven [1] - 99:4</p> <p>Hoffart [27] - 10:6, 46:12, 55:9, 76:24, 86:14, 91:24, 96:23,</p>
---	--	--	--	---

<p>108:20, 112:25, 119:3, 126:19, 131:17, 142:6, 154:8, 161:7, 166:21, 180:5, 187:7, 189:20, 201:1, 208:12, 223:9, 238:14, 260:22, 280:5, 287:6, 293:6</p> <p>HOFFART [70] - 10:7, 46:13, 55:8, 55:10, 56:5, 76:25, 77:8, 77:12, 77:15, 77:23, 78:1, 78:7, 78:11, 78:19, 78:22, 78:25, 79:3, 79:6, 86:15, 91:25, 96:24, 108:21, 113:1, 119:4, 119:12, 126:20, 131:18, 142:7, 142:11, 142:16, 142:20, 142:22, 143:1, 143:5, 143:8, 143:16, 143:21, 144:1, 144:12, 144:15, 144:23, 154:9, 161:8, 166:22, 180:6, 187:8, 201:2, 208:13, 208:17, 208:22, 208:25, 209:4, 209:7, 209:17, 210:4, 210:12, 210:17, 223:10, 223:15, 223:24, 224:16, 224:21, 225:1, 238:15, 260:23, 280:6, 286:10, 286:20, 287:7, 293:7</p> <p>hold [7] - 15:4, 16:16, 46:23, 63:4, 103:15, 112:9, 197:10</p> <p>holding [4] - 47:10, 98:10, 212:11, 264:25</p> <p>holdings [1] - 89:12</p> <p>hole [1] - 173:17</p> <p>holes [1] - 121:17</p> <p>home [8] - 44:20, 116:16, 121:23, 153:22, 153:25, 154:1, 214:22, 269:2</p> <p>homes [1] - 31:15</p> <p>homesteaded [1] - 89:14</p> <p>honest [6] - 31:22, 52:1, 163:17, 170:1, 220:22, 221:9</p> <p>honestly [4] - 27:16, 69:17, 151:21,</p>	<p>151:22</p> <p>Honor [124] - 7:5, 7:16, 7:24, 8:5, 11:6, 11:8, 11:10, 11:12, 14:6, 14:12, 14:16, 15:1, 16:21, 24:9, 28:3, 29:10, 35:15, 36:24, 39:13, 46:17, 46:20, 48:5, 49:20, 50:2, 56:10, 71:19, 71:24, 79:10, 80:11, 82:25, 83:4, 84:2, 85:9, 86:8, 91:14, 91:18, 91:20, 92:4, 94:2, 95:4, 106:12, 106:16, 106:18, 108:25, 109:18, 109:22, 111:17, 111:21, 113:6, 117:15, 118:18, 123:24, 124:23, 131:1, 131:6, 136:24, 138:22, 138:24, 150:10, 150:12, 155:8, 157:21, 159:25, 165:4, 165:8, 165:14, 166:19, 176:7, 177:9, 185:3, 185:25, 188:18, 189:6, 189:18, 194:21, 205:10, 206:24, 208:11, 215:2, 216:4, 217:12, 219:12, 225:7, 236:25, 238:20, 241:2, 241:5, 241:8, 241:13, 242:5, 242:15, 243:23, 248:16, 256:5, 256:9, 263:17, 264:18, 264:23, 274:1, 274:8, 274:22, 276:11, 276:13, 276:16, 277:21, 280:12, 280:17, 282:15, 282:25, 283:14, 283:16, 284:15, 285:12, 285:15, 287:18, 288:17, 289:25, 290:14, 291:7, 291:12, 291:25, 292:17, 292:23, 293:2</p> <p>honor [2] - 193:19, 249:24</p> <p>hooking [1] - 117:9</p> <p>Hope [1] - 4:8</p> <p>hope [8] - 9:17, 10:15, 83:11, 157:17, 181:12, 192:7,</p>	<p>195:2, 261:12</p> <p>hopefully [1] - 181:15</p> <p>hopes [1] - 171:17</p> <p>hoping [2] - 14:7, 169:14</p> <p>hopping [1] - 110:13</p> <p>horrific [1] - 170:7</p> <p>horses [1] - 234:18</p> <p>hospital [1] - 172:17</p> <p>hospitalized [1] - 65:1</p> <p>hostile [1] - 271:12</p> <p>Hot [1] - 100:3</p> <p>hotcakes [1] - 234:19</p> <p>hotter [1] - 103:15</p> <p>hour [3] - 136:12, 149:25, 212:15</p> <p>hours [9] - 77:18, 77:21, 78:13, 98:12, 98:13, 136:20, 168:17, 173:7, 175:19</p> <p>House [1] - 249:5</p> <p>house [33] - 40:12, 43:17, 43:24, 44:25, 45:2, 45:6, 45:7, 66:3, 82:7, 118:3, 121:4, 121:10, 121:25, 151:20, 168:5, 171:7, 172:6, 172:9, 172:12, 211:23, 212:7, 212:20, 214:4, 214:13, 214:16, 215:22, 217:21, 218:6, 218:20, 219:8, 221:25, 224:9, 224:14</p> <p>houses [1] - 112:17</p> <p>huge [7] - 82:13, 104:24, 105:10, 191:6, 191:15, 233:20, 245:19</p> <p>human [4] - 6:13, 63:18, 220:5, 273:16</p> <p>humanity [1] - 184:8</p> <p>humans [2] - 64:10, 148:21</p> <p>humble [1] - 171:2</p> <p>hundred [13] - 34:11, 89:23, 93:20, 101:22, 101:23, 115:19, 151:19, 153:14, 191:14, 192:6, 224:12, 231:22, 265:18</p> <p>hundred-bushel [2] - 101:22, 101:23</p> <p>hundreds [1] - 102:13</p> <p>hunt [1] - 226:15</p> <p>hunting [1] - 226:13</p> <p>hurried [1] - 71:12</p> <p>hurt [3] - 103:13, 194:8, 269:19</p>	<p>hurts [1] - 157:12</p> <p>husband [4] - 162:10, 163:6, 167:22, 181:13</p> <p style="text-align: center;">I</p> <p>Ice [2] - 102:14, 102:15</p> <p>ice [2] - 235:7, 235:9</p> <p>idea [11] - 5:7, 20:9, 38:2, 103:21, 170:8, 171:23, 206:9, 206:11, 213:1, 227:14, 234:1</p> <p>ideal [1] - 91:2</p> <p>ideas [1] - 184:16</p> <p>identical [1] - 60:22</p> <p>identified [2] - 202:13, 218:20</p> <p>identify [1] - 57:4</p> <p>identity [1] - 54:10</p> <p>ignorance [1] - 158:25</p> <p>ignored [1] - 67:3</p> <p>Il [1] - 249:4</p> <p>ill [1] - 157:12</p> <p>Illinois [1] - 245:24</p> <p>illnesses [1] - 170:20</p> <p>imagine [2] - 105:10, 160:15</p> <p>imaging [2] - 101:7, 102:7</p> <p>immediate [2] - 204:14, 252:9</p> <p>impact [18] - 6:13, 36:15, 44:21, 122:13, 147:8, 190:23, 191:15, 192:23, 192:24, 193:8, 193:14, 195:19, 196:8, 198:17, 199:14, 268:19, 273:16, 274:13</p> <p>impacted [7] - 65:17, 148:13, 149:3, 152:6, 171:24, 176:23, 183:15</p> <p>impacts [5] - 71:1, 96:3, 125:3, 125:9, 273:17</p> <p>impartial [1] - 281:14</p> <p>imperfections [1] - 267:23</p> <p>implementation [1] - 251:14</p> <p>implemented [2] - 290:19, 290:24</p> <p>implication [1] - 90:12</p> <p>implications [3] - 88:21, 90:11, 90:14</p> <p>implore [2] - 71:15,</p>	<p>184:21</p> <p>importance [3] - 181:25, 204:25, 266:13</p> <p>important [11] - 9:3, 37:4, 37:12, 87:2, 87:11, 128:19, 128:21, 133:2, 182:24, 198:16, 275:12</p> <p>importantly [1] - 204:20</p> <p>impossible [3] - 182:15, 234:23, 266:5</p> <p>imprisonment [2] - 12:19, 239:20</p> <p>improper [1] - 284:5</p> <p>improve [2] - 174:17, 183:9</p> <p>inadequate [2] - 31:7, 272:2</p> <p>inappropriate [3] - 165:18, 241:18, 248:22</p> <p>inaudible [14] - 37:4, 38:1, 51:22, 51:25, 53:13, 53:24, 84:3, 139:20, 152:19, 165:12, 166:9, 166:12, 220:24, 292:5</p> <p>inaudible [8] - 74:9, 75:5, 84:13, 200:9, 263:1, 273:21, 282:22, 289:8</p> <p>inch [1] - 81:1</p> <p>inches [3] - 231:12, 235:20, 272:2</p> <p>incident [1] - 203:8</p> <p>incidents [2] - 64:4, 204:19</p> <p>inclined [1] - 284:8</p> <p>include [8] - 17:6, 73:25, 74:7, 74:10, 123:4, 168:25, 177:1, 190:24</p> <p>included [9] - 32:20, 42:4, 44:16, 129:21, 169:25, 174:8, 177:21, 275:11, 276:24</p> <p>includes [2] - 6:2, 53:12</p> <p>including [13] - 6:19, 57:20, 61:25, 73:24, 98:11, 122:22, 168:11, 202:21, 203:7, 242:21, 274:12, 286:8</p> <p>inclusion [1] - 43:11</p> <p>incorrect [1] - 272:11</p> <p>increase [2] - 100:10,</p>
---	--	---	---	--

<p>102:6 increased [2] - 184:3, 184:18 increases [1] - 272:16 increasing [1] - 184:9 incredibly [1] - 104:21 indeed [1] - 147:23 indemnify [1] - 63:3 indicate [4] - 5:6, 7:2, 57:18, 160:5 indicated [10] - 6:17, 47:19, 56:16, 57:12, 57:14, 153:15, 157:4, 177:19, 230:8, 278:22 indicating [1] - 265:3 indiscernible [2] - 73:2, 106:8 individual [4] - 119:23, 140:19, 251:17, 253:5 individual's [1] - 251:20 individuals [8] - 31:1, 38:10, 58:1, 182:2, 184:12, 246:16, 247:9, 252:15 indulge [1] - 250:14 Industrial [2] - 237:12, 237:15 industrial [1] - 25:10 industry [7] - 191:11, 195:5, 196:4, 196:8, 196:20, 197:14, 248:5 inedible [1] - 89:20 influx [2] - 183:2 information [43] - 23:7, 31:11, 31:22, 31:25, 38:5, 39:4, 49:19, 51:1, 53:14, 57:10, 59:24, 65:18, 77:3, 85:13, 87:12, 90:17, 116:24, 121:7, 121:9, 122:9, 122:14, 156:15, 171:18, 188:19, 189:1, 189:2, 206:3, 206:25, 207:12, 208:4, 209:18, 209:19, 247:6, 257:23, 259:5, 259:14, 260:17, 268:13, 280:23, 291:23, 292:3, 292:9, 293:4 informational [1] - 171:7 informed [4] - 60:25, 67:10, 204:5, 223:12 infrastructure [4] - 38:23, 116:2, 247:12, 251:14</p>	<p>Infrastructure [1] - 247:1 infringe [1] - 252:14 infringement [1] - 253:5 inherent [1] - 251:21 inherited [1] - 44:10 initial [3] - 70:18, 105:16, 209:21 initiate [1] - 61:1 inject [1] - 234:6 injecting [1] - 257:12 injection [1] - 103:25 injured [3] - 64:25, 90:15, 194:8 injury [2] - 63:18, 64:23 innuendo [1] - 258:16 input [16] - 47:2, 47:3, 48:19, 48:20, 49:2, 49:3, 50:14, 50:23, 51:19, 51:22, 53:10, 53:11, 53:19, 54:19, 55:12 inside [1] - 54:5 instead [4] - 78:16, 78:22, 193:12, 267:6 institutions [1] - 175:12 instruction [1] - 50:25 instructions [1] - 182:3 instructor [1] - 115:12 insulate [1] - 103:15 insult [1] - 247:24 insulting [1] - 60:21 insurance [10] - 63:10, 63:24, 64:6, 70:23, 219:18, 219:20, 219:22, 220:4, 224:6 Insurance [1] - 219:19 insurances [1] - 220:13 intake [1] - 104:25 integrity [2] - 6:14, 174:25 intelligently [1] - 37:18 intend [1] - 16:16 intended [2] - 19:13, 169:20 intensity [5] - 190:12, 191:6, 197:14, 197:20, 232:20 intent [6] - 18:18, 20:2, 20:3, 20:15, 23:1, 43:1 intention [2] - 169:5, 170:13 interactions [2] - 137:17, 206:4 interest [9] - 10:10,</p>	<p>66:16, 93:7, 93:10, 95:16, 133:5, 265:10, 265:13, 290:5 interested [4] - 179:20, 191:11, 238:12, 281:6 interesting [4] - 100:6, 100:17, 101:13, 114:22 interests [1] - 252:23 interject [1] - 41:6 internal [1] - 272:22 International [1] - 163:9 interrupt [2] - 130:22, 228:12 interrupted [1] - 136:11 interrupting [1] - 244:11 interruptions [1] - 4:15 interstate [1] - 257:17 intervening [1] - 9:12 Intervenor [1] - 280:18 intervenors [2] - 7:25, 10:22 intimidate [1] - 169:14 intimidation [1] - 61:23 intrastate [2] - 229:23, 229:24 introduced [1] - 203:21 introducing [1] - 250:24 invade [1] - 62:3 investigated [1] - 242:6 investigation [3] - 242:8, 244:2, 244:6 investment [2] - 123:18, 246:23 investor [5] - 246:14, 246:20, 259:1, 259:14, 260:25 investors [10] - 104:4, 246:12, 247:2, 247:7, 247:8, 258:18, 259:20, 260:18, 271:16, 271:17 invitation [2] - 160:13, 161:1 invitations [3] - 171:9, 171:10, 172:5 invite [1] - 172:2 invited [7] - 26:12, 160:7, 160:10, 171:12, 171:14, 172:1, 254:4</p>	<p>involve [2] - 94:12, 252:17 involved [7] - 23:9, 26:8, 65:23, 69:19, 114:17, 198:20, 237:18 involvement [1] - 251:12 Inyan [1] - 234:7 Iowa [6] - 157:15, 181:10, 245:24, 256:23, 274:8, 276:14 irrelevant [3] - 15:19, 35:10, 242:9 irreparable [1] - 70:23 irritated [1] - 173:12 issue [25] - 14:17, 16:20, 42:12, 43:13, 43:16, 49:7, 52:12, 54:6, 55:24, 98:16, 100:2, 140:1, 147:12, 147:19, 148:2, 148:11, 189:10, 224:18, 242:9, 274:12, 285:1, 290:9, 291:3, 291:5 issued [4] - 4:4, 5:17, 5:20, 70:19 issues [17] - 5:24, 6:23, 14:21, 20:6, 24:15, 26:13, 31:3, 52:19, 57:17, 70:20, 83:24, 90:25, 147:4, 148:15, 234:16, 289:8, 290:8 Italians [1] - 249:10 item [2] - 266:14, 270:7 items [6] - 6:25, 66:12, 182:17, 277:5, 291:13, 292:22 itself [8] - 17:2, 25:16, 25:19, 76:19, 121:3, 123:5, 123:8, 280:2</p>	<p>160:18, 161:2, 161:14 Jackson [1] - 80:20 Jamestown [2] - 9:23, 189:23 January [3] - 186:14, 232:8, 241:11 Japanese [1] - 105:22 JEFF [45] - 238:23, 239:3, 239:7, 239:13, 239:16, 239:22, 240:2, 240:8, 240:11, 240:23, 241:1, 241:3, 241:6, 241:9, 241:11, 241:20, 241:25, 242:12, 242:18, 243:15, 243:18, 243:21, 243:25, 244:3, 244:7, 244:10, 244:13, 244:21, 244:24, 245:3, 245:11, 245:13, 248:17, 249:2, 256:13, 257:1, 259:4, 259:7, 259:9, 259:13, 259:19, 260:3, 260:7, 260:14, 261:7 Jeff [3] - 9:21, 249:6, 291:8 Jeffery [1] - 239:3 Jersey [1] - 111:10 Jimmy [1] - 63:7 job [4] - 98:12, 110:18, 110:25, 194:25 jobs [1] - 164:14 John [9] - 136:9, 136:11, 136:12, 141:4, 143:4, 143:5, 143:9, 143:13, 144:9 join [2] - 16:8, 283:15 Join [1] - 49:21 joined [3] - 35:14, 49:23, 281:23 joining [1] - 112:21 joints [1] - 267:2 Jorde [62] - 7:21, 7:22, 7:24, 11:11, 28:11, 35:13, 36:23, 49:22, 50:1, 51:14, 72:1, 72:4, 73:22, 77:24, 78:8, 83:5, 83:13, 84:15, 84:17, 91:19, 95:5, 106:17, 111:22, 118:20, 124:24, 131:9, 138:23, 152:9, 160:1, 165:9, 165:15, 165:20, 177:10, 186:1, 194:22, 205:22,</p>
J				
<p>Jack [3] - 143:3, 143:6, 154:20 JACK [25] - 154:20, 154:23, 155:1, 155:4, 155:8, 155:10, 155:12, 158:2, 158:4, 158:7, 158:9, 158:14, 158:16, 158:24, 159:3, 159:11, 159:14, 159:19, 159:21, 160:8, 160:11, 160:14,</p>				

<p>207:14, 220:16, 228:16, 237:4, 256:10, 256:13, 257:1, 261:10, 262:12, 263:9, 273:23, 274:6, 274:24, 277:10, 280:11, 280:15, 281:5, 281:15, 281:22, 282:5, 284:11, 285:5, 285:24, 289:2, 292:1, 292:18</p> <p>JORDE [130] - 7:24, 11:12, 28:12, 33:19, 35:12, 35:14, 36:24, 37:2, 49:21, 49:24, 51:15, 51:17, 72:5, 72:7, 72:12, 72:22, 72:25, 73:2, 73:4, 73:6, 73:11, 73:14, 73:16, 74:2, 74:5, 78:10, 83:6, 83:10, 83:14, 83:21, 84:1, 84:9, 84:19, 85:8, 91:20, 95:6, 95:25, 96:8, 106:18, 111:23, 112:12, 118:21, 124:25, 125:7, 125:12, 131:10, 138:24, 139:17, 140:1, 140:17, 140:23, 140:25, 141:7, 152:10, 152:14, 152:17, 152:21, 153:1, 153:6, 160:2, 165:10, 165:23, 166:5, 166:11, 166:16, 177:11, 177:17, 177:22, 178:13, 178:19, 179:4, 179:10, 186:2, 194:23, 195:10, 195:20, 196:9, 196:21, 197:15, 198:4, 198:15, 198:25, 199:6, 200:9, 200:13, 205:23, 206:5, 206:15, 206:21, 207:4, 207:21, 208:8, 220:17, 220:24, 221:18, 228:12, 228:17, 237:5, 256:11, 256:20, 258:10, 261:12, 261:15, 262:13, 262:18, 263:7, 263:11, 263:13, 263:22, 264:16, 264:24, 273:19,</p>	<p>273:24, 275:1, 275:6, 275:7, 276:6, 277:11, 277:14, 277:17, 280:12, 280:17, 282:15, 282:21, 282:24, 289:3, 292:3, 292:7, 292:10, 292:20</p> <p>Jorde's [6] - 14:7, 274:6, 283:12, 283:19, 284:17, 286:5</p> <p>Josh [2] - 215:9, 221:10</p> <p>journal [1] - 274:20</p> <p>Journalism [1] - 108:8</p> <p>Judge [9] - 7:11, 239:8, 240:11, 241:9, 241:20, 242:12, 242:18, 244:11</p> <p>judge [3] - 4:9, 241:20, 243:7</p> <p>JULIA [51] - 58:14, 58:16, 58:18, 58:22, 58:25, 59:4, 59:8, 59:14, 59:17, 59:20, 59:24, 60:2, 60:5, 70:14, 70:17, 72:11, 72:17, 72:24, 73:1, 73:3, 73:5, 73:10, 73:13, 73:15, 74:8, 74:22, 74:25, 75:3, 75:6, 75:10, 75:13, 75:17, 75:22, 76:8, 76:10, 76:14, 76:16, 76:19, 77:7, 77:11, 77:14, 77:18, 77:25, 78:4, 78:12, 78:21, 78:24, 79:2, 79:5, 79:11, 79:13</p> <p>Julia [1] - 58:16</p> <p>Julie [4] - 61:19, 134:8, 135:15, 145:13</p> <p>JULIE [25] - 59:22, 145:13, 145:17, 145:20, 145:24, 146:1, 146:3, 150:19, 150:21, 150:24, 151:1, 151:4, 151:8, 151:11, 151:21, 152:13, 152:16, 152:20, 152:25, 153:5, 153:15, 153:18, 153:23, 154:1, 154:7</p> <p>July [7] - 60:23, 60:24, 122:20, 168:22, 169:25, 289:11, 289:22</p> <p>jumping [1] - 268:18</p>	<p>junction [1] - 117:10</p> <p>June [4] - 4:2, 47:11, 232:16, 264:11</p> <p>junk [1] - 264:7</p> <p>junkyards [2] - 17:8, 18:8</p> <p>jurisdiction [4] - 6:24, 94:7, 94:11, 94:17</p> <p>justice [1] - 111:6</p>	<p>kids [2] - 106:2, 214:9</p> <p>kids' [1] - 212:22</p> <p>kills [2] - 108:14, 116:1</p> <p>kilometers [1] - 231:23</p> <p>kind [40] - 12:24, 22:6, 22:7, 23:7, 27:3, 44:5, 47:18, 53:20, 54:3, 54:16, 85:19, 114:15, 114:22, 133:4, 134:25, 135:18, 135:20, 135:24, 135:25, 136:5, 139:11, 149:16, 153:2, 155:15, 162:25, 186:6, 194:4, 215:21, 216:12, 216:20, 217:23, 218:13, 218:19, 218:21, 225:18, 226:9, 229:6, 233:24, 266:20, 268:15</p> <p>kindly [1] - 58:4</p> <p>kinds [5] - 26:24, 34:22, 34:24, 122:21, 150:3</p> <p>Kintyre [1] - 45:19</p> <p>kitty [2] - 116:7, 116:15</p> <p>KLABO [7] - 88:1, 88:6, 88:9, 88:13, 88:15, 88:17, 92:1</p> <p>Klabo [3] - 88:1, 88:3, 92:5</p> <p>knowing [3] - 35:23, 110:11, 170:13</p> <p>knowledge [12] - 19:2, 19:4, 23:13, 24:2, 27:11, 30:17, 32:16, 45:23, 156:2, 163:25, 176:22, 208:21</p> <p>known [5] - 64:17, 66:22, 68:24, 246:24, 249:10</p> <p>knows [3] - 15:3, 259:24, 281:22</p> <p>Korea [2] - 246:23, 259:1</p>	<p>lady [5] - 85:13, 108:9, 134:20, 152:5, 156:17</p> <p>Lake [3] - 233:21, 234:1, 237:15</p> <p>lake [2] - 106:4, 233:20</p> <p>Lakes [1] - 111:9</p> <p>land [80] - 17:12, 17:18, 18:20, 18:23, 26:25, 35:3, 37:10, 37:18, 44:24, 60:16, 61:16, 61:18, 62:3, 63:24, 64:3, 64:5, 65:23, 66:11, 66:17, 67:7, 74:18, 79:3, 80:24, 81:1, 81:5, 81:7, 81:24, 89:8, 89:10, 90:21, 96:13, 112:16, 116:7, 121:17, 140:8, 141:17, 146:3, 146:5, 149:8, 168:24, 169:8, 169:12, 174:16, 179:17, 181:6, 181:12, 181:15, 182:8, 183:18, 183:25, 187:3, 199:10, 199:24, 213:20, 213:23, 219:1, 220:20, 234:2, 236:7, 250:25, 251:4, 265:14, 265:23, 266:1, 268:4, 268:10, 268:11, 268:19, 268:20, 268:25, 269:4, 270:1, 271:7, 271:8, 271:10, 272:6, 278:23, 278:24</p> <p>landings [1] - 163:11</p> <p>landowner [26] - 7:25, 10:22, 25:25, 26:6, 26:7, 26:9, 36:1, 36:4, 45:3, 56:25, 62:23, 63:4, 63:20, 67:20, 77:4, 80:17, 120:24, 122:3, 124:5, 168:16, 169:6, 172:4, 192:10, 226:14, 263:20, 273:24</p> <p>Landowner [3] - 62:20, 263:7, 280:18</p> <p>landowner's [1] - 38:24</p> <p>landowners [36] - 22:4, 22:11, 34:16, 34:19, 35:22, 43:23, 62:10, 67:5, 68:17, 69:15, 69:18, 71:2,</p>
K				
<p>K-E-N-N-E-R [1] - 97:15</p> <p>K-E-R-T-Z-M-A-N [1] - 261:24</p> <p>K-L-A-B-O [1] - 88:2</p> <p>Kara [1] - 234:7</p> <p>KARI [21] - 79:20, 79:25, 80:3, 80:7, 80:14, 80:16, 83:9, 83:20, 83:25, 85:16, 85:19, 85:23, 86:1, 86:3, 86:7, 86:24, 87:3, 87:6, 87:12, 87:16, 87:19</p> <p>Kari [3] - 79:20, 80:13, 80:16</p> <p>keep [20] - 11:25, 57:6, 58:6, 58:7, 66:22, 70:3, 81:14, 91:8, 95:14, 103:19, 130:23, 136:21, 221:14, 247:22, 248:25, 254:25, 260:20, 270:22, 272:13, 279:20</p> <p>keeping [1] - 41:17</p> <p>keeps [1] - 93:4</p> <p>KENNER [12] - 97:14, 97:19, 97:22, 98:1, 98:3, 98:4, 98:6, 104:20, 107:4, 107:16, 108:19, 109:2</p> <p>Kenner [5] - 97:14, 97:16, 98:6, 104:18, 106:21</p> <p>kept [4] - 28:5, 62:6, 66:20, 246:6</p> <p>KERTZMAN [6] - 261:18, 261:23, 262:3, 262:6, 262:10, 262:14</p> <p>Kertzman [12] - 60:7, 60:8, 72:9, 261:13, 261:23, 261:25, 262:19, 264:24, 265:9, 273:20, 277:20, 280:14</p> <p>Kertzman's [1] - 274:2</p> <p>key [1] - 99:12</p>				
L				
<p>L-O-N-G [1] - 161:18</p> <p>labeled [3] - 41:13, 222:10, 273:23</p> <p>labeling [2] - 27:21, 27:22</p> <p>lack [4] - 22:8, 49:7, 175:4, 235:7</p>				

<p>89:7, 96:12, 114:24, 168:6, 168:15, 168:19, 169:4, 169:14, 169:23, 170:3, 170:5, 170:16, 172:2, 174:3, 175:6, 179:25, 183:15, 184:2, 192:10, 206:6, 236:10, 242:20, 251:2, 251:5</p> <p>landowners' [1] - 249:20</p> <p>lands [1] - 129:14</p> <p>landscape [1] - 76:1</p> <p>landslides [1] - 63:17</p> <p>language [8] - 19:22, 19:25, 20:2, 22:21, 42:6, 42:8, 50:6, 60:21</p> <p>large [4] - 173:16, 183:17, 251:14, 268:25</p> <p>large-scale [1] - 251:14</p> <p>largely [1] - 24:18</p> <p>largest [4] - 61:4, 256:16, 259:1, 271:24</p> <p>LARRY [43] - 211:2, 211:5, 211:8, 211:11, 211:15, 211:17, 211:19, 214:24, 215:7, 215:20, 216:13, 216:17, 216:22, 217:5, 217:8, 217:10, 218:2, 218:5, 218:7, 218:11, 218:14, 218:16, 218:25, 219:6, 219:12, 219:15, 220:21, 221:5, 222:1, 222:8, 222:11, 222:13, 222:23, 223:2, 223:5, 223:14, 223:19, 224:2, 224:19, 224:22, 225:24, 227:2, 227:4</p> <p>Larry [1] - 211:2</p> <p>last [72] - 9:17, 10:15, 10:16, 12:7, 14:4, 29:16, 58:17, 64:24, 79:18, 87:24, 88:1, 89:8, 89:23, 92:9, 93:8, 93:20, 97:12, 98:9, 109:5, 109:7, 112:5, 112:6, 113:10, 114:7, 114:22, 120:8, 127:22, 129:23, 132:4, 132:5,</p>	<p>132:22, 140:5, 145:12, 154:19, 158:16, 161:17, 167:5, 167:23, 170:23, 173:1, 176:11, 179:19, 179:25, 180:13, 188:4, 192:18, 193:5, 201:12, 207:15, 211:1, 211:3, 213:3, 215:20, 224:10, 228:4, 228:6, 239:2, 245:5, 245:14, 246:4, 246:12, 248:8, 258:23, 259:11, 260:11, 261:11, 261:22, 274:5, 276:13, 277:4, 291:7</p> <p>lastly [2] - 37:16, 123:11</p> <p>late [3] - 133:16, 183:22, 193:4</p> <p>latest [2] - 63:2, 232:3</p> <p>laughing [1] - 110:10</p> <p>Laughter [4] - 40:17, 52:5, 119:9, 282:23</p> <p>law [24] - 4:9, 5:18, 8:23, 8:24, 8:25, 9:2, 12:15, 15:21, 23:5, 130:1, 130:7, 130:9, 130:10, 226:19, 226:25, 242:6, 243:3, 243:6, 243:7, 253:9, 254:10, 271:13, 289:23</p> <p>Law [2] - 7:17, 7:25</p> <p>Lawrence [1] - 25:13</p> <p>laws [9] - 23:12, 23:15, 24:1, 37:3, 37:16, 53:24, 107:13, 130:12, 226:9</p> <p>lawsuit [1] - 271:4</p> <p>lawsuits [2] - 64:5, 169:2</p> <p>lawyer [14] - 61:5, 62:6, 67:13, 67:22, 68:8, 78:6, 78:13, 81:15, 82:4, 134:8, 137:14, 137:15, 138:5, 139:15</p> <p>lawyered [1] - 63:9</p> <p>lawyers [3] - 50:14, 60:25, 139:13</p> <p>lay [4] - 149:22, 164:9, 266:11, 275:2</p> <p>layer [1] - 38:14</p> <p>laying [1] - 266:25</p> <p>lays [1] - 134:7</p> <p>leadership [2] - 169:21, 204:3</p>	<p>league [1] - 56:1</p> <p>leak [4] - 81:16, 82:9, 82:10, 182:14</p> <p>leakage [1] - 163:2</p> <p>leaks [1] - 163:15</p> <p>learn [4] - 23:4, 66:21, 168:12, 285:20</p> <p>learned [4] - 23:14, 135:8, 143:18, 171:16</p> <p>learning [2] - 45:13, 238:3</p> <p>lease [1] - 236:7</p> <p>least [13] - 9:7, 20:11, 31:21, 34:12, 43:22, 83:11, 121:16, 172:19, 180:1, 200:17, 212:15, 263:23, 290:4</p> <p>least-worst [1] - 263:23</p> <p>leave [5] - 113:7, 123:17, 168:23, 223:6, 288:5</p> <p>leaving [1] - 221:16</p> <p>left [5] - 61:17, 218:3, 218:6, 218:19, 270:10</p> <p>legacy [2] - 89:12, 89:13</p> <p>legal [18] - 8:14, 14:22, 16:9, 23:17, 28:6, 29:8, 31:1, 42:19, 42:23, 49:17, 59:25, 61:1, 141:14, 143:2, 169:11, 174:7, 281:16, 283:2</p> <p>legally [1] - 28:4</p> <p>legals [1] - 137:5</p> <p>legislation [1] - 253:4</p> <p>legislative [3] - 50:3, 241:7, 253:7</p> <p>legislator [2] - 247:22, 248:19</p> <p>legislators [1] - 9:20</p> <p>legislature [1] - 45:12</p> <p>Legislature [3] - 130:11, 130:19, 246:7</p> <p>legitimate [2] - 50:5, 71:1</p> <p>Leibel [2] - 72:18, 262:24</p> <p>length [3] - 212:3, 235:21, 266:25</p> <p>lengthy [1] - 212:8</p> <p>lens [1] - 65:12</p> <p>less [14] - 65:22, 77:18, 78:13, 87:8, 101:11, 102:24, 121:3, 121:9, 126:14, 142:2, 213:21, 269:14,</p>	<p>270:12, 271:21</p> <p>lesser [1] - 265:21</p> <p>lethal [1] - 116:3</p> <p>letter [27] - 60:24, 63:7, 63:8, 64:6, 64:8, 64:22, 65:3, 65:16, 66:6, 67:15, 67:23, 68:13, 77:5, 77:7, 77:13, 84:17, 168:21, 174:7, 176:10, 176:11, 176:14, 186:21, 262:24, 262:25, 263:4, 263:22, 264:4</p> <p>letter's [1] - 264:2</p> <p>letters [4] - 66:16, 68:6, 68:8, 169:10</p> <p>letting [2] - 81:6, 134:20</p> <p>level [1] - 203:15</p> <p>levels [6] - 55:20, 91:2, 93:17, 105:4, 106:23, 108:12</p> <p>liability [9] - 62:18, 63:11, 63:16, 70:23, 220:9, 221:1, 265:12, 269:5</p> <p>liable [2] - 64:4, 270:8</p> <p>liars [1] - 66:22</p> <p>license [1] - 275:8</p> <p>lie [8] - 111:3, 111:5, 169:20, 240:20, 240:23, 243:22, 243:25, 244:4</p> <p>lied [4] - 65:2, 240:24, 241:4, 242:20</p> <p>lies [3] - 66:22, 171:15, 182:20</p> <p>life [16] - 60:11, 63:19, 66:23, 67:1, 80:17, 81:11, 82:20, 99:16, 115:14, 147:16, 147:20, 147:21, 147:23, 170:20, 170:23, 269:8</p> <p>life-threatening [1] - 67:1</p> <p>lifetime [1] - 114:10</p> <p>lift [1] - 119:11</p> <p>light [5] - 11:19, 58:13, 69:11, 127:19, 227:24</p> <p>lighter [3] - 114:3, 116:20, 213:20</p> <p>lights [1] - 52:18</p> <p>likelihood [1] - 272:15</p> <p>likely [5] - 14:17, 15:15, 169:17, 271:18, 271:23</p> <p>likewise [2] - 57:3, 57:13</p> <p>limit [4] - 57:11, 58:2, 82:3, 198:3</p>	<p>limited [3] - 47:18, 72:12, 290:5</p> <p>Lincoln [1] - 256:15</p> <p>LINDA [18] - 227:25, 228:2, 228:5, 228:11, 228:21, 228:23, 229:2, 229:4, 229:6, 230:11, 230:14, 236:13, 237:17, 237:21, 237:24, 238:2, 238:8, 238:17</p> <p>Linda [1] - 228:5</p> <p>line [37] - 25:4, 31:3, 42:1, 77:20, 90:16, 105:8, 107:23, 108:4, 137:3, 149:16, 165:15, 186:8, 186:18, 212:13, 213:3, 213:5, 214:7, 214:11, 215:6, 219:3, 221:13, 221:23, 222:1, 222:2, 223:22, 224:9, 233:2, 233:6, 233:15, 241:21, 253:24, 254:12, 265:3, 266:9, 279:16</p> <p>lines [14] - 20:16, 41:19, 82:10, 199:20, 199:22, 199:24, 223:21, 231:17, 231:20, 231:25, 232:23, 233:2, 238:10, 238:11</p> <p>Linton [23] - 4:6, 47:10, 70:7, 98:7, 98:11, 110:5, 126:9, 134:21, 155:13, 155:14, 155:22, 156:4, 156:24, 158:1, 158:13, 158:23, 159:4, 160:6, 162:14, 164:13, 167:23, 171:6, 173:2</p> <p>Linton's [1] - 65:11</p> <p>liquefied [1] - 229:25</p> <p>liquid [5] - 14:3, 17:7, 19:17, 19:22, 234:7</p> <p>liquids [1] - 229:25</p> <p>list [10] - 28:1, 84:11, 104:3, 160:13, 161:1, 178:8, 209:25, 239:17, 259:14</p> <p>listed [4] - 134:1, 232:3, 278:11, 291:11</p> <p>listen [5] - 95:11, 196:16, 246:4,</p>
---	--	--	---	--

<p>255:5, 260:6 listed [3] - 61:10, 143:14, 255:5 listening [5] - 98:13, 150:7, 192:15, 229:11, 273:8 listens [1] - 12:4 lists [1] - 291:10 literally [3] - 52:15, 52:22, 102:16 live [35] - 40:2, 44:11, 44:18, 44:19, 45:2, 52:22, 85:25, 86:3, 89:10, 90:4, 90:5, 97:4, 109:9, 112:17, 118:1, 124:17, 126:5, 126:6, 141:21, 141:25, 147:25, 148:24, 149:4, 149:6, 149:8, 149:14, 149:23, 164:15, 172:10, 172:19, 175:25, 185:20, 235:4, 235:15, 269:6 live-streamed [1] - 52:22 lived [2] - 60:11, 170:21 livelihood [1] - 81:10 livelihoods [1] - 191:17 liver [1] - 235:7 lives [9] - 66:24, 86:4, 124:18, 164:15, 170:8, 182:24, 183:9, 183:10, 192:2 livestock [5] - 63:19, 121:25, 234:18, 269:8, 271:11 living [4] - 32:17, 44:2, 45:6, 82:1 LLC [3] - 5:11, 7:7, 259:14 load [2] - 267:5, 271:19 loams [1] - 213:23 local [22] - 24:1, 25:18, 26:25, 46:8, 46:9, 65:5, 90:3, 160:25, 171:12, 171:17, 192:21, 192:25, 202:20, 203:10, 203:21, 204:2, 204:18, 204:21, 209:15, 209:25, 220:13, 251:9 located [6] - 38:23, 46:5, 121:4, 137:3, 212:22, 226:1 locating [1] - 19:2 location [10] - 6:5,</p>	<p>6:12, 83:19, 104:15, 129:12, 146:9, 214:22, 219:20, 269:2, 269:3 lodge [1] - 14:6 log [1] - 178:5 Logan [4] - 5:15, 5:23, 120:24, 124:5 lomas [1] - 213:23 LONG [10] - 161:18, 161:22, 161:25, 162:4, 162:6, 162:8, 165:25, 166:10, 166:15, 167:1 long-term [1] - 252:4 long-time [1] - 258:14 long-worded [1] - 52:1 look [35] - 10:10, 10:16, 17:16, 20:11, 21:15, 24:6, 41:4, 70:6, 84:24, 86:10, 90:24, 93:13, 101:20, 102:25, 103:17, 107:20, 114:24, 116:4, 116:20, 121:23, 140:21, 144:21, 146:16, 163:4, 186:25, 193:3, 193:4, 213:14, 221:21, 247:25, 248:4, 264:14, 270:23 look-alike [1] - 144:21 looked [11] - 75:24, 76:6, 122:7, 133:1, 133:4, 133:17, 135:24, 151:23, 173:18, 255:14 looking [16] - 34:15, 36:17, 55:14, 57:23, 74:18, 74:19, 74:23, 85:4, 88:23, 107:11, 115:24, 122:21, 150:3, 186:4, 193:13, 212:10 looks [12] - 25:13, 32:5, 70:1, 150:16, 153:12, 154:3, 185:19, 186:5, 217:24, 221:24, 265:16 looming [1] - 250:23 loose [1] - 55:23 lose [3] - 196:4, 196:6, 196:7 loses [1] - 147:21 losing [2] - 81:25, 169:15 loss [4] - 63:4, 63:18, 63:19, 168:8 lost [4] - 52:2, 90:22,</p>	<p>175:12, 193:22 Louisiana [1] - 108:6 love [3] - 110:22, 168:24, 249:16 loved [1] - 106:22 low [6] - 108:13, 162:23, 162:24, 190:12, 191:5, 270:16 low-carbon [2] - 190:12, 191:5 lower [4] - 191:12, 197:6, 197:13, 197:22 lowered [2] - 198:11, 198:12 lowering [1] - 193:23 lowest [1] - 267:3 lucked [1] - 9:10 ludicrous [3] - 99:10, 99:11, 121:15 lunch [3] - 10:25, 119:24, 127:5 lung [1] - 99:17 lying [5] - 12:22, 111:2, 240:4, 255:16, 255:23 LYLE [12] - 97:14, 97:19, 97:22, 98:1, 98:3, 98:4, 98:6, 104:20, 107:4, 107:16, 108:19, 109:2 Lyle [2] - 97:14, 98:6 LYNNE [26] - 119:25, 120:2, 120:7, 120:9, 120:12, 120:15, 120:19, 120:21, 120:23, 124:3, 124:8, 124:11, 124:15, 125:5, 125:11, 125:17, 125:19, 125:23, 126:2, 126:6, 126:10, 126:12, 126:14, 126:18, 126:22, 127:3 Lynne [3] - 120:3, 120:23, 126:20</p>	<p>73:19, 83:7, 109:15, 120:12, 120:15, 120:19, 124:21, 124:25, 128:2, 165:11, 166:16, 177:6, 177:12, 177:24, 179:10, 208:16, 227:22, 237:23 mad [1] - 270:12 magnitude [7] - 66:3, 205:2, 232:7, 232:9, 232:12, 232:15, 232:16 Magrum [29] - 9:21, 10:4, 11:16, 11:17, 12:8, 12:15, 13:20, 16:22, 17:11, 25:6, 28:17, 28:21, 39:17, 39:21, 42:24, 46:23, 48:8, 55:11, 56:8, 56:22, 239:3, 239:5, 242:2, 242:23, 244:12, 245:4, 248:25, 258:14, 261:6 MAGRUM [53] - 11:20, 11:24, 12:3, 12:8, 12:11, 12:21, 13:2, 13:15, 238:23, 239:3, 239:7, 239:13, 239:16, 239:22, 240:2, 240:8, 240:11, 240:23, 241:1, 241:3, 241:6, 241:9, 241:11, 241:20, 241:25, 242:12, 242:18, 243:15, 243:18, 243:21, 243:25, 244:3, 244:7, 244:10, 244:13, 244:21, 244:24, 245:3, 245:11, 245:13, 248:17, 249:2, 256:13, 257:1, 259:4, 259:7, 259:9, 259:13, 259:19, 260:3, 260:7, 260:14, 261:7 Magrums [1] - 241:17 mail [4] - 67:14, 68:3, 172:2, 264:7 main [5] - 30:14, 89:7, 112:1, 212:23 maintain [5] - 4:21, 37:7, 175:2, 195:16, 196:20 maintained [1] - 202:16 maintaining [1] - 205:5</p>	<p>maintenance [3] - 6:5, 6:12, 104:14 major [9] - 20:16, 23:23, 27:3, 28:25, 59:11, 89:15, 164:21, 198:13, 199:21 majority [1] - 212:17 Makoti [1] - 232:5 man [9] - 81:21, 102:20, 112:6, 112:8, 112:10, 141:6, 143:14, 248:10 man's [1] - 182:10 man-made [1] - 248:10 manage [1] - 81:24 managed [2] - 100:2, 204:19 management [3] - 69:6, 115:11, 222:15 manager [9] - 60:24, 61:20, 69:8, 202:5, 202:6, 202:12, 204:24, 208:3, 208:15 Mandan [7] - 8:10, 47:25, 68:22, 124:18, 202:21, 203:3, 203:5 manipulator [1] - 66:19 manner [2] - 13:13, 37:14 mantra [1] - 246:19 manual [3] - 133:1, 133:10, 133:24 map [34] - 65:10, 65:11, 70:4, 70:8, 70:9, 70:10, 70:11, 70:12, 74:19, 74:23, 75:24, 84:20, 87:2, 150:19, 150:22, 153:11, 153:12, 153:20, 172:12, 177:1, 185:17, 186:4, 186:17, 187:1, 215:8, 216:25, 217:20, 217:24, 218:21, 219:11, 222:6, 233:18 maps [7] - 5:2, 69:23, 75:20, 76:4, 151:23, 202:13, 216:19 March [3] - 4:5, 232:14, 250:12 marijuana [1] - 91:4 marine [2] - 116:10, 119:10 Marine [1] - 119:10 mark [1] - 105:24</p>
---	--	--	---	--

M

M-A-G-R-U-M [2] -

12:9, 239:4

M-A-R-T-I-N [1] -

201:14

M-A-T-H-E-R-N [2] -

92:12, 228:7

M-I-L-L-E-R [1] -

127:23

M-O-C-H [1] - 132:6

ma'am [19] - 71:22,

<p>marked [5] - 85:3, 151:1, 177:21, 262:23, 264:14</p> <p>markers [2] - 133:6, 133:15</p> <p>market [7] - 190:11, 190:15, 191:13, 196:6, 196:7, 196:13, 197:7</p> <p>marketing [1] - 191:7</p> <p>markets [6] - 190:12, 191:8, 193:22, 195:17, 198:10, 198:13</p> <p>MARTIN [23] - 201:13, 201:18, 201:21, 201:25, 202:2, 202:4, 205:16, 205:20, 206:1, 206:11, 206:18, 207:19, 208:2, 208:16, 208:20, 208:24, 209:2, 209:6, 209:10, 209:23, 210:7, 210:13, 210:22</p> <p>Martin [5] - 201:13, 201:15, 202:5, 205:14, 210:21</p> <p>Marxist [1] - 111:3</p> <p>Mary [1] - 190:5</p> <p>mask [2] - 148:22</p> <p>masks [2] - 156:17, 164:3</p> <p>mass [1] - 122:23</p> <p>master [1] - 66:19</p> <p>match [1] - 269:12</p> <p>material [6] - 12:23, 28:4, 146:14, 150:5, 188:20, 284:4</p> <p>materially [2] - 65:17, 276:12</p> <p>materials [2] - 177:12, 267:22</p> <p>math [2] - 61:8, 105:13</p> <p>MATHERN [34] - 92:11, 92:16, 92:19, 92:23, 93:1, 93:3, 94:9, 94:14, 94:20, 95:1, 95:11, 96:4, 96:15, 96:20, 97:1, 97:5, 227:25, 228:2, 228:5, 228:11, 228:21, 228:23, 229:2, 229:4, 229:6, 230:11, 230:14, 236:13, 237:17, 237:21, 237:24, 238:2, 238:8, 238:17</p> <p>Mathern [7] - 92:12, 92:13, 94:5, 97:8, 228:5, 228:6, 236:11</p>	<p>matter [12] - 4:18, 15:8, 15:17, 15:21, 57:13, 119:17, 175:13, 182:3, 182:21, 187:2, 193:17, 257:25</p> <p>matters [5] - 11:3, 287:23, 289:15, 290:13, 292:19</p> <p>maximum [4] - 12:18, 239:19</p> <p>mayor [1] - 202:21</p> <p>McIntosh [2] - 5:15, 5:23</p> <p>McKenzie [1] - 232:13</p> <p>McLean [1] - 256:18</p> <p>McMichael [1] - 143:13</p> <p>McPherson [1] - 117:22</p> <p>mean [32] - 31:22, 33:10, 34:21, 34:24, 41:6, 49:25, 50:11, 110:16, 110:22, 111:2, 186:17, 189:1, 208:4, 221:23, 229:10, 244:7, 245:14, 247:24, 249:21, 250:9, 253:10, 255:12, 255:15, 255:23, 257:1, 259:21, 259:23, 259:24, 278:11, 278:23, 278:24</p> <p>meaning [2] - 47:21, 271:21</p> <p>meaningful [1] - 252:17</p> <p>means [4] - 6:18, 77:19, 125:16, 230:7</p> <p>meant [1] - 258:15</p> <p>measure [1] - 15:3</p> <p>measured [2] - 215:21, 215:22</p> <p>measurement [1] - 146:7</p> <p>measures [4] - 156:14, 157:5, 204:6, 204:15</p> <p>meat [1] - 89:19</p> <p>medical [3] - 172:20, 234:15, 276:19</p> <p>Medieval [1] - 102:12</p> <p>meet [7] - 156:13, 190:11, 190:15, 196:13, 198:21, 202:19, 235:23</p> <p>meeting [43] - 34:13, 39:6, 39:8, 47:14, 61:9, 61:14, 61:19, 68:14, 68:16, 69:2, 104:13, 145:2,</p>	<p>156:5, 156:11, 156:19, 156:24, 157:1, 157:6, 157:25, 158:6, 158:12, 158:13, 160:6, 160:14, 160:15, 162:13, 169:25, 171:16, 172:5, 172:7, 178:6, 181:18, 192:3, 202:19, 202:23, 202:24, 204:6, 206:19, 220:21, 224:3, 224:4, 242:22</p> <p>meetings [21] - 26:1, 34:20, 39:2, 48:21, 50:20, 52:11, 53:1, 53:5, 53:9, 54:19, 67:7, 128:17, 155:17, 171:22, 203:6, 229:10, 229:16, 235:25, 242:21</p> <p>melts [1] - 267:15</p> <p>member [5] - 144:6, 156:3, 157:24, 157:25, 248:3</p> <p>members [6] - 33:22, 155:19, 155:21, 157:13, 215:16, 248:2</p> <p>memory [1] - 145:7</p> <p>men [1] - 99:5</p> <p>Menoken [1] - 256:16</p> <p>mention [6] - 26:6, 130:15, 130:16, 162:14, 219:13, 229:18</p> <p>mentioned [12] - 51:20, 137:13, 139:1, 140:8, 152:5, 164:3, 165:11, 174:13, 197:16, 209:7, 210:5, 220:3</p> <p>mentioning [3] - 20:10, 39:15, 168:1</p> <p>mentions [1] - 75:20</p> <p>Mercer [9] - 45:11, 99:2, 232:4, 232:5, 232:11, 232:18, 233:4, 233:19, 237:14</p> <p>merges [1] - 213:9</p> <p>mess [3] - 164:9, 170:17, 270:10</p> <p>message [2] - 248:9, 255:20</p> <p>messing [2] - 80:23, 234:13</p> <p>met [6] - 6:15, 18:16, 134:8, 198:19, 202:12, 248:7</p> <p>metering [1] - 210:2</p>	<p>methane [2] - 103:11, 103:13</p> <p>method [1] - 153:2</p> <p>methodology [1] - 280:22</p> <p>mic [3] - 13:5, 59:6, 80:9</p> <p>Michael [1] - 95:11</p> <p>microphone [5] - 11:18, 58:13, 127:19, 227:24, 285:13</p> <p>middle [5] - 41:17, 65:12, 117:11, 186:6, 289:10</p> <p>might [21] - 50:18, 54:25, 80:8, 94:16, 95:23, 100:7, 140:11, 152:22, 171:8, 177:2, 178:11, 197:22, 238:12, 254:16, 254:22, 258:2, 259:25, 271:1</p> <p>migrated [1] - 190:5</p> <p>Mike [4] - 9:23, 69:11, 88:1, 109:8</p> <p>MIKE [7] - 88:1, 88:6, 88:9, 88:13, 88:15, 88:17, 92:1</p> <p>Mike's [1] - 89:15</p> <p>mile [14] - 32:8, 40:11, 43:13, 45:5, 90:5, 121:3, 121:10, 126:15, 142:2, 149:9, 172:11, 172:15, 178:24, 186:10</p> <p>miles [36] - 5:13, 32:7, 43:19, 43:20, 60:12, 65:4, 65:8, 65:14, 76:9, 76:13, 76:19, 76:20, 105:9, 105:12, 107:23, 115:4, 126:9, 147:25, 149:4, 149:25, 171:15, 172:17, 212:15, 213:9, 232:8, 232:9, 232:13, 232:15, 232:17, 232:21, 233:1, 233:5, 266:23, 266:24, 269:14</p> <p>military [8] - 115:22, 119:13, 122:16, 246:16, 246:25, 247:9, 268:2, 280:7</p> <p>MILLER [1] - 127:20, 127:23, 128:2, 128:5, 128:9, 128:11, 128:13, 130:23, 131:16,</p>	<p>131:20, 131:24</p> <p>Miller [3] - 127:23, 127:24, 131:19</p> <p>millling [1] - 81:23</p> <p>million [21] - 93:18, 95:18, 99:14, 100:9, 100:10, 105:15, 106:25, 107:22, 190:20, 192:18, 192:19, 192:20, 192:23, 193:7, 195:12, 195:13, 246:22, 267:7, 273:1</p> <p>mind [10] - 32:25, 57:6, 58:9, 112:3, 127:16, 136:17, 198:23, 210:3, 226:8, 245:9</p> <p>mine [9] - 12:5, 21:1, 75:24, 93:15, 118:11, 134:9, 138:11, 140:9, 231:3</p> <p>mine's [1] - 225:19</p> <p>minimal [6] - 6:6, 104:15, 105:16, 125:3, 125:9, 175:16</p> <p>minimize [1] - 6:13</p> <p>minimum [3] - 197:9, 229:22, 235:23</p> <p>minimum-tilling [1] - 197:9</p> <p>mining [2] - 17:8, 18:8</p> <p>Minnesota [2] - 191:1, 256:22</p> <p>minor [3] - 24:18, 148:5, 231:24</p> <p>Minot [1] - 246:15</p> <p>minute [2] - 124:3, 124:4</p> <p>minutes [9] - 34:12, 58:3, 58:4, 58:8, 59:19, 68:16, 98:14, 169:24, 172:19</p> <p>mire [1] - 270:21</p> <p>mires [1] - 270:16</p> <p>miserable [1] - 254:20</p> <p>mishearing [4] - 280:19, 286:5, 287:12, 289:4</p> <p>misleading [1] - 66:25</p> <p>mismanagement [1] - 71:12</p> <p>miss [3] - 96:13, 195:17, 235:6</p> <p>missed [2] - 80:11, 97:4</p> <p>missing [3] - 9:18, 9:20, 9:24</p> <p>mission [1] - 107:14</p> <p>Mississippi [3] - 65:1, 90:14, 173:1</p> <p>Missouri [4] - 90:4, 162:23, 162:24,</p>
---	---	--	---	---

<p>232:13 mistake [1] - 32:21 mistaken [2] - 34:2, 189:5 mistakes [2] - 66:3, 66:4 mistrial [3] - 280:18, 281:1, 289:4 misunderstood [1] - 107:8 Mitch [3] - 72:9, 261:13, 261:23 MITCH [6] - 261:18, 261:23, 262:3, 262:6, 262:10, 262:14 mitigate [1] - 272:4 mixed [1] - 258:2 MOCH [40] - 132:5, 132:10, 132:13, 132:17, 132:19, 132:21, 137:4, 137:9, 137:12, 137:18, 137:20, 138:2, 138:7, 139:6, 139:22, 140:4, 140:20, 140:24, 141:3, 141:13, 141:16, 141:19, 141:23, 141:25, 142:2, 142:10, 142:15, 142:19, 142:21, 142:24, 143:4, 143:7, 143:12, 143:20, 143:25, 144:8, 144:14, 144:21, 145:4, 145:8 Moch [5] - 132:5, 132:7, 137:2, 142:8, 145:9 model [2] - 206:22, 269:11 modeling [10] - 152:18, 179:7, 199:2, 202:24, 208:6, 209:20, 273:10, 280:21, 286:2 models [2] - 206:16, 206:19 modern [1] - 270:14 modification [1] - 264:14 modifying [1] - 39:2 Moffit [2] - 163:22, 256:16 moisture [1] - 89:18 mom's [1] - 81:4 moment [2] - 26:18, 105:24 monetary [1] - 270:2 money [36] - 63:22,</p>	<p>81:25, 95:22, 104:2, 104:7, 114:16, 123:2, 123:4, 123:16, 123:20, 124:17, 125:15, 139:14, 139:24, 140:7, 140:13, 140:14, 170:10, 181:24, 182:22, 182:24, 183:2, 183:4, 183:6, 183:8, 183:12, 184:7, 192:14, 198:16, 231:3, 236:5, 248:5, 248:11, 253:16, 253:25 monitors [1] - 152:12 monstrosity [1] - 67:1 Montana [2] - 114:8, 173:15 month [2] - 114:22, 179:25 months [6] - 44:12, 133:18, 137:21, 173:14, 180:2 Moore [1] - 101:14 morals [1] - 129:8 morning [41] - 4:2, 7:5, 7:11, 10:7, 10:20, 10:24, 11:17, 12:14, 29:15, 56:12, 58:11, 58:20, 59:13, 79:17, 87:23, 88:4, 92:8, 92:11, 92:14, 97:11, 97:17, 113:9, 113:14, 117:17, 119:25, 120:2, 124:2, 127:10, 127:25, 132:8, 145:15, 152:5, 154:22, 161:20, 167:9, 180:18, 188:8, 201:16, 228:9, 228:19, 229:8 Morton [10] - 5:15, 55:16, 202:6, 202:14, 202:22, 205:15, 208:15, 208:18, 240:12, 246:15 most [17] - 4:16, 16:23, 37:13, 41:18, 59:11, 126:7, 134:10, 169:17, 171:2, 181:24, 197:20, 204:6, 216:6, 238:25, 271:12, 271:22 mostly [9] - 33:8, 36:12, 43:2, 122:2, 123:1, 193:25, 194:2, 213:12, 233:14</p>	<p>mother [2] - 83:8, 83:16 mother's [3] - 82:16, 82:17, 82:20 motion [32] - 14:15, 23:10, 26:19, 277:12, 277:16, 280:15, 280:18, 281:5, 281:8, 281:16, 281:17, 281:19, 281:21, 281:23, 282:1, 282:3, 282:6, 282:10, 282:14, 283:12, 283:17, 284:12, 286:5, 286:7, 286:11, 286:14, 286:22, 287:10, 287:11, 287:12, 289:3 motion's [1] - 281:4 motions [2] - 16:15, 29:6 motorcades [1] - 61:24 mouth [1] - 158:12 move [26] - 44:24, 64:18, 67:8, 68:12, 73:17, 78:15, 98:25, 108:3, 148:9, 209:15, 209:16, 214:3, 214:5, 215:19, 221:8, 221:11, 221:24, 224:22, 231:9, 265:18, 266:1, 266:6, 286:4, 286:6, 291:14, 291:19 moved [8] - 82:7, 101:20, 101:25, 151:18, 222:6, 223:13, 224:19, 265:3 movement [4] - 249:7, 249:17, 249:19, 254:24 moves [1] - 44:23 moving [14] - 40:18, 58:6, 67:18, 104:2, 104:6, 149:17, 214:19, 215:11, 221:8, 221:22, 223:16, 223:20, 282:20, 282:21 mud [1] - 112:8 multi [1] - 190:10 multi-generation [1] - 190:10 multiple [3] - 34:9, 123:15, 190:7 multitude [1] - 54:21 Mussolini [2] - 249:10 must [6] - 129:21,</p>	<p>144:21, 172:21, 178:5, 271:7, 272:8 mutually [1] - 252:24 muzzle [1] - 110:15 <p style="text-align: center;">N</p> N-A-G-E-L [1] - 154:20 NAGEL [25] - 154:20, 154:23, 155:1, 155:4, 155:8, 155:10, 155:12, 158:2, 158:4, 158:7, 158:9, 158:14, 158:16, 158:24, 159:3, 159:11, 159:14, 159:19, 159:21, 160:8, 160:11, 160:14, 160:18, 161:2, 161:14 Nagel [4] - 154:20, 154:21, 161:13, 171:8 name [68] - 4:8, 12:6, 12:7, 12:8, 58:15, 58:17, 79:18, 80:12, 83:7, 87:24, 88:1, 88:2, 92:9, 92:11, 97:12, 97:14, 98:6, 109:4, 109:5, 109:6, 109:7, 113:10, 120:3, 120:8, 120:23, 127:21, 127:22, 132:3, 132:4, 132:5, 145:12, 154:19, 154:20, 161:16, 161:17, 167:5, 174:13, 177:24, 180:13, 184:13, 188:3, 188:4, 188:5, 189:22, 201:12, 201:13, 202:5, 211:1, 211:3, 228:4, 228:6, 239:1, 239:2, 239:3, 261:22 named [1] - 165:24 narrowed [1] - 54:16 nation [3] - 193:21, 196:18, 246:17 National [1] - 192:16 nationally [1] - 191:13 native [1] - 82:12 Native [2] - 82:13, 83:18 natural [7] - 31:14, 121:11, 163:15, 199:25, 229:25, 257:22, 258:1 nature [5] - 15:7, 42:17, 104:23,</p>	<p>194:6, 288:4 Navigator [1] - 271:20 near [12] - 33:16, 64:15, 90:13, 125:22, 126:3, 173:9, 186:18, 217:22, 226:21, 231:25, 232:22, 233:15 nearest [1] - 172:17 nearly [5] - 67:2, 71:11, 76:20, 168:20, 190:2 Nebraska [2] - 245:24, 256:23 necessarily [2] - 13:11, 284:3 necessary [10] - 16:13, 88:25, 90:25, 93:11, 182:15, 182:16, 184:4, 198:2, 203:22, 251:4 need [56] - 18:16, 26:24, 35:18, 42:13, 42:14, 57:22, 59:10, 59:25, 68:12, 80:24, 82:8, 90:23, 91:8, 95:7, 95:8, 95:19, 96:6, 99:17, 99:19, 127:15, 137:5, 147:17, 147:18, 147:19, 148:15, 156:2, 164:2, 164:3, 164:5, 164:24, 166:6, 166:8, 190:11, 191:23, 192:24, 197:23, 207:17, 234:4, 235:3, 236:3, 241:12, 242:12, 244:19, 247:25, 248:4, 248:11, 251:10, 257:18, 272:21, 275:2, 282:15, 287:23, 288:1, 290:13 needed [7] - 25:23, 40:8, 140:13, 156:14, 162:22, 172:15, 210:2 needs [15] - 6:15, 18:14, 31:5, 34:18, 37:18, 95:21, 99:21, 165:1, 166:7, 198:19, 209:21, 220:13, 255:13, 255:23, 271:16 negative [9] - 89:3, 96:2, 96:5, 190:22, 190:23, 273:15, 273:16, 273:17 negatively [1] - 220:19 negotiate [5] - 22:4,</p>
--	--	---	--	---

<p>22:6, 32:21, 35:22, 139:19</p> <p>negotiation [1] - 220:25</p> <p>negotiations [3] - 67:5, 78:2, 137:17</p> <p>Nehring [3] - 202:19, 206:2, 221:6</p> <p>neighbor [9] - 26:10, 44:25, 67:9, 149:9, 168:16, 215:9, 220:19, 220:25, 265:7</p> <p>neighbor's [1] - 212:1</p> <p>neighborhood [2] - 178:25, 266:24</p> <p>neighboring [2] - 30:16, 55:21</p> <p>neighbors [4] - 157:13, 179:16, 183:21, 221:2</p> <p>nephew [2] - 190:7, 195:25</p> <p>nephews [2] - 122:1, 191:18</p> <p>nervous [1] - 59:14</p> <p>never [23] - 15:22, 64:2, 64:11, 105:14, 169:20, 170:1, 173:19, 173:22, 174:1, 178:1, 182:5, 195:11, 231:7, 258:9, 264:8, 264:9, 269:1, 269:2, 269:24, 270:9, 281:3, 285:18</p> <p>New [6] - 98:16, 108:8, 110:8, 111:10, 168:7</p> <p>new [23] - 8:12, 29:1, 31:16, 36:8, 41:17, 42:6, 47:7, 48:10, 57:24, 59:24, 81:20, 98:10, 121:8, 146:20, 168:10, 177:1, 191:7, 222:4, 234:2, 245:8, 272:17, 285:20</p> <p>newest [1] - 233:18</p> <p>news [3] - 65:25, 70:20, 174:16</p> <p>News [1] - 52:20</p> <p>next [35] - 40:19, 44:20, 62:2, 64:6, 79:15, 79:16, 81:17, 87:21, 92:6, 97:9, 109:3, 127:17, 134:24, 145:10, 146:5, 161:15, 167:3, 180:11, 187:15, 199:16, 201:9, 215:9, 221:25, 223:1, 224:1, 224:17,</p>	<p>232:11, 232:18, 238:10, 247:25, 253:20, 254:16, 254:24, 265:7, 268:20</p> <p>next-door [2] - 215:9, 265:7</p> <p>nice [5] - 10:8, 103:16, 133:25, 136:13, 141:5</p> <p>nieces [1] - 122:1</p> <p>night [4] - 93:8, 98:9, 215:21, 224:10</p> <p>nights [1] - 138:17</p> <p>nilly [1] - 89:25</p> <p>nine [2] - 62:7, 225:20</p> <p>nitrogen [1] - 99:15</p> <p>no-till [1] - 102:4</p> <p>no-tilling [1] - 197:8</p> <p>nobody [4] - 115:4, 163:25, 250:10, 259:24</p> <p>noise [2] - 26:11, 26:14</p> <p>non [6] - 22:23, 53:20, 53:23, 157:7, 242:9, 269:4</p> <p>non-animal [1] - 269:4</p> <p>non-issue [1] - 242:9</p> <p>non-potable [2] - 22:23, 53:23</p> <p>non-stop [1] - 53:20</p> <p>non-supporters [1] - 157:7</p> <p>none [11] - 49:12, 64:15, 71:5, 91:22, 106:21, 139:22, 261:10, 272:24, 286:16, 293:2</p> <p>normal [2] - 99:22, 99:23</p> <p>normally [1] - 250:4</p> <p>North [9] - 4:4, 4:7, 5:16, 6:7, 12:16, 70:4, 70:11, 70:12, 81:9, 96:3, 104:9, 104:17, 105:18, 105:20, 106:7, 107:12, 107:18, 110:11, 111:4, 111:12, 111:25, 118:2, 118:5, 118:6, 118:7, 123:18, 125:4, 125:10, 133:9, 135:12, 149:15, 149:18, 157:14, 175:1, 175:14, 175:17, 175:24, 176:2, 181:11, 183:4, 183:7, 184:17, 190:6, 190:14, 190:17, 190:19,</p>	<p>190:21, 190:25, 191:20, 192:25, 193:20, 196:5, 196:17, 196:22, 198:7, 198:12, 222:22, 225:11, 226:7, 226:8, 226:19, 231:18, 231:20, 231:21, 234:9, 234:11, 234:17, 234:20, 236:18, 245:18, 245:22, 247:14, 250:19, 250:24, 251:16, 252:7, 252:11, 252:19, 253:3, 254:9, 256:21, 256:24, 257:4, 257:5, 257:6, 269:14, 272:24, 273:11, 273:16</p> <p>north [29] - 45:19, 60:6, 102:9, 120:25, 141:11, 185:9, 212:2, 212:3, 212:18, 213:2, 213:7, 214:3, 214:5, 214:7, 215:19, 216:15, 218:5, 218:9, 218:14, 219:1, 219:7, 221:22, 222:8, 224:19, 224:23, 256:17, 269:14, 278:5</p> <p>northeast [3] - 45:18, 146:9, 147:10</p> <p>northern [1] - 102:8</p> <p>Northern [1] - 31:14</p> <p>northwest [13] - 80:19, 85:17, 85:20, 120:25, 124:11, 126:4, 137:4, 147:8, 211:21, 212:17, 216:16</p> <p>note [14] - 7:22, 16:17, 19:25, 27:25, 28:13, 71:25, 76:1, 76:5, 121:6, 186:22, 276:23, 277:3, 283:21, 293:15</p> <p>noted [10] - 6:1, 6:21, 10:19, 27:25, 34:6, 35:16, 42:22, 102:7, 122:25, 200:16</p> <p>notes [3] - 62:6, 75:23, 258:24</p> <p>nothing [32] - 29:4, 29:10, 55:5, 61:17, 62:15, 77:19, 77:21, 78:18, 96:8, 102:10, 111:4, 122:12, 125:12, 146:20,</p>	<p>146:21, 156:8, 166:16, 172:22, 172:23, 173:5, 179:5, 181:17, 182:12, 192:5, 192:7, 192:13, 197:17, 199:6, 210:15, 255:16, 290:3, 292:16</p> <p>nothing's [1] - 164:3</p> <p>notice [8] - 4:3, 5:24, 23:12, 38:9, 171:9, 171:10, 172:3, 279:10</p> <p>noticed [1] - 29:5</p> <p>notification [1] - 174:12</p> <p>notified [5] - 147:13, 148:16, 156:25, 171:13, 186:13</p> <p>notifying [1] - 147:18</p> <p>notoriously [1] - 11:24</p> <p>November [6] - 60:20, 109:8, 134:9, 140:20, 181:14, 232:6</p> <p>nowadays [1] - 270:24</p> <p>nuclear [2] - 122:19, 246:14</p> <p>nullify [1] - 254:10</p> <p>number [30] - 6:4, 6:8, 6:11, 15:15, 17:4, 27:21, 40:21, 41:16, 58:1, 69:19, 84:7, 87:2, 100:20, 101:24, 140:10, 149:4, 195:7, 238:9, 240:13, 246:5, 246:16, 246:17, 246:20, 248:2, 266:14, 268:17, 268:18, 273:22, 279:18, 291:4</p> <p>numbered [1] - 276:4</p> <p>numbers [2] - 102:1, 107:1</p> <p>numerous [4] - 77:17, 175:18, 251:1, 290:17</p> <p>nuts [1] - 110:17</p>	<p>165:14, 243:24, 274:15</p> <p>objected [1] - 276:21</p> <p>Objection [2] - 200:9, 240:25</p> <p>objection [51] - 14:7, 14:25, 16:5, 16:9, 16:17, 24:9, 27:22, 28:3, 28:9, 28:10, 28:12, 34:6, 35:9, 35:11, 35:16, 42:21, 42:22, 49:16, 84:16, 188:23, 188:24, 200:12, 200:14, 200:15, 200:16, 206:24, 207:2, 207:10, 241:2, 241:5, 241:8, 241:10, 241:14, 242:4, 242:16, 243:10, 248:16, 263:15, 263:17, 264:17, 273:25, 274:1, 274:14, 276:11, 276:18, 276:22, 276:24, 277:1, 289:13, 292:2, 292:12</p> <p>objectionable [1] - 50:8</p> <p>objections [7] - 27:24, 28:1, 28:7, 28:14, 274:4, 276:9, 292:11</p> <p>objective [1] - 105:16</p> <p>obligations [1] - 265:10</p> <p>observation [1] - 100:22</p> <p>observed [1] - 68:24</p> <p>observing [1] - 53:25</p> <p>obtain [3] - 24:7, 70:23, 178:12</p> <p>obtained [1] - 69:5</p> <p>obtaining [1] - 17:5</p> <p>obvious [1] - 105:18</p> <p>obviously [4] - 22:22, 108:1, 139:18, 210:15</p> <p>occupancy [1] - 129:13</p> <p>occur [6] - 146:18, 146:22, 147:6, 148:4, 148:16, 148:17</p> <p>occurs [6] - 37:13, 108:4, 147:13, 147:15, 147:22, 148:8</p> <p>ocean [1] - 114:16</p> <p>oceans [1] - 103:4</p> <p>October [1] - 202:7</p> <p>odds [1] - 192:4</p> <p>odorless [1] - 147:14</p>
O				
		<p>Oakes [1] - 118:3</p> <p>oath [10] - 67:19, 129:25, 182:21, 240:3, 240:21, 240:24, 255:15, 255:21, 255:22</p> <p>object [8] - 33:19, 42:18, 52:4, 52:6,</p>		

<p>offense [2] - 195:22, 250:6</p> <p>offensive [1] - 258:19</p> <p>offer [16] - 5:5, 27:13, 27:14, 27:18, 61:4, 67:11, 84:4, 177:18, 243:16, 244:19, 244:20, 263:7, 264:16, 273:19, 275:1, 276:22</p> <p>offered [7] - 27:17, 52:25, 84:3, 84:22, 162:17, 170:6, 245:7</p> <p>offering [5] - 27:15, 34:11, 272:25, 274:24, 291:6</p> <p>offhand [1] - 104:6</p> <p>office [10] - 30:25, 155:20, 158:21, 160:21, 202:23, 204:2, 216:11, 239:25, 240:3, 243:7</p> <p>officer [3] - 4:10, 69:7, 206:3</p> <p>official [3] - 8:14, 53:9, 70:10</p> <p>officially [1] - 53:20</p> <p>officials [5] - 10:1, 50:24, 55:3, 171:12, 175:6</p> <p>often [2] - 267:11, 271:12</p> <p>oil [6] - 17:23, 31:15, 163:15, 183:1, 247:13, 257:19</p> <p>old [7] - 40:5, 40:22, 40:23, 61:7, 82:12, 249:4, 272:16</p> <p>Oliver [6] - 5:15, 55:15, 99:1, 232:3, 232:24, 237:14</p> <p>Olson [2] - 39:14, 291:8</p> <p>on-site [1] - 198:5</p> <p>once [6] - 12:23, 26:15, 156:11, 156:12, 183:6, 203:19</p> <p>one [130] - 5:1, 5:2, 6:4, 8:9, 20:5, 26:9, 26:20, 31:23, 33:11, 33:12, 40:21, 42:2, 42:18, 44:18, 44:19, 45:16, 45:17, 48:5, 52:13, 54:13, 61:18, 64:19, 65:20, 65:21, 66:9, 67:13, 68:3, 69:1, 72:2, 73:24, 81:1, 84:7, 84:13, 86:6, 86:10, 89:6, 90:5, 93:18, 96:7, 102:3, 105:6, 105:25, 108:7,</p>	<p>112:5, 112:6, 112:14, 116:4, 116:7, 117:9, 119:19, 119:23, 124:3, 124:4, 128:18, 128:21, 137:21, 139:16, 141:21, 141:24, 147:21, 148:20, 149:4, 153:25, 154:4, 156:3, 157:2, 157:6, 157:24, 163:1, 169:13, 172:10, 177:21, 179:25, 180:1, 185:12, 189:8, 196:22, 197:2, 197:3, 198:12, 199:13, 210:13, 211:3, 218:18, 219:12, 219:13, 220:4, 222:19, 223:10, 224:6, 224:12, 225:9, 229:13, 231:17, 232:1, 233:2, 236:1, 237:7, 237:22, 238:9, 245:24, 246:5, 246:17, 246:20, 246:25, 254:19, 257:8, 258:21, 260:9, 261:11, 266:9, 266:14, 266:18, 266:21, 270:15, 271:15, 271:25, 272:17, 274:4, 274:5, 277:4, 280:6, 284:24, 285:1, 291:4</p> <p>one-page [1] - 189:8</p> <p>one-sided [2] - 31:23, 139:16</p> <p>one-time [1] - 254:19</p> <p>ones [4] - 41:13, 90:21, 164:17, 181:19</p> <p>online [2] - 121:24, 122:7</p> <p>op [1] - 199:23</p> <p>open [16] - 25:21, 34:13, 38:11, 39:8, 50:12, 53:1, 53:4, 53:18, 81:6, 135:18, 171:7, 172:6, 172:9, 202:9, 206:9, 283:24</p> <p>opened [1] - 6:17</p> <p>opening [1] - 8:2</p> <p>operate [2] - 166:6, 231:13</p> <p>operated [1] - 230:1</p> <p>operating [2] - 48:9, 69:7</p> <p>operation [7] - 6:4,</p>	<p>6:11, 28:22, 63:12, 63:14, 229:23, 273:7</p> <p>operations [2] - 104:14, 204:2</p> <p>operator [4] - 270:19, 272:13, 272:25, 273:4</p> <p>opinion [9] - 33:8, 42:25, 51:2, 101:17, 101:18, 136:14, 137:16, 140:12, 178:14</p> <p>opinions [1] - 53:3</p> <p>opportunities [2] - 191:7, 195:17</p> <p>opportunity [9] - 29:6, 53:8, 57:8, 57:9, 168:11, 169:6, 202:18, 284:9, 285:25</p> <p>oppose [1] - 249:17</p> <p>opposed [6] - 181:13, 250:13, 260:12, 279:18, 286:21, 286:22</p> <p>opposes [2] - 252:20, 252:24</p> <p>Opposing [1] - 250:16</p> <p>opposite [2] - 31:25, 206:7</p> <p>opposition [2] - 157:8, 251:6</p> <p>option [2] - 263:23, 265:22</p> <p>options [2] - 23:18, 198:2</p> <p>oral [1] - 53:12</p> <p>order [18] - 5:18, 5:20, 6:2, 6:22, 15:13, 16:13, 28:6, 28:7, 68:9, 82:4, 104:10, 207:1, 215:8, 234:13, 245:9, 286:3, 286:9, 289:24</p> <p>orderly [3] - 6:16, 37:4, 51:24</p> <p>orders [2] - 169:16, 286:8</p> <p>ordinance [50] - 13:21, 13:25, 14:10, 14:20, 15:22, 16:2, 17:2, 17:3, 17:18, 18:20, 19:6, 21:5, 21:18, 21:23, 22:9, 22:17, 23:1, 24:10, 24:14, 24:17, 27:1, 28:23, 29:2, 29:19, 29:22, 30:21, 31:7, 32:4, 33:2, 34:14, 34:17, 36:8, 37:24, 38:1, 39:2, 40:6, 40:22, 40:23, 41:5, 42:3, 43:18, 47:7,</p>	<p>48:19, 49:4, 50:4, 52:12, 52:13, 52:24, 54:11, 54:22</p> <p>Ordinance [3] - 21:2, 21:4, 21:16</p> <p>ordinances [7] - 20:19, 26:19, 30:5, 38:6, 45:22, 46:1, 55:23</p> <p>Oregon [1] - 117:5</p> <p>organization [3] - 66:25, 123:2, 123:6</p> <p>organizations [1] - 123:15</p> <p>organized [6] - 32:8, 45:11, 45:13, 45:14, 46:5, 98:8</p> <p>organizing [1] - 45:25</p> <p>oriented [1] - 101:15</p> <p>original [3] - 19:15, 151:22, 151:25</p> <p>Oscar [1] - 109:8</p> <p>otherwise [1] - 164:21</p> <p>out-of-state [3] - 61:24, 190:25, 285:20</p> <p>outbursts [1] - 4:19</p> <p>outline [1] - 281:16</p> <p>outlined [1] - 288:7</p> <p>outright [1] - 284:6</p> <p>outset [1] - 202:9</p> <p>outside [4] - 101:5, 149:7, 152:23, 240:9</p> <p>outstanding [1] - 71:1</p> <p>overall [2] - 138:16, 204:12</p> <p>overlooked [1] - 182:1</p> <p>overruled [1] - 34:7</p> <p>overseeing [1] - 194:10</p> <p>oversight [2] - 181:23, 253:7</p> <p>overview [1] - 202:24</p> <p>overwhelming [1] - 174:1</p> <p>overwhelmingly [1] - 206:6</p> <p>own [31] - 26:13, 42:25, 44:25, 45:22, 46:1, 52:4, 55:25, 75:2, 81:1, 90:20, 99:6, 117:20, 118:5, 118:7, 118:12, 124:7, 157:9, 163:2, 164:14, 164:15, 176:22, 199:10, 214:8, 249:1, 251:18, 253:16, 254:22, 259:23, 271:11, 274:10, 283:2</p> <p>owned [2] - 218:25, 230:1</p>	<p>owner [1] - 259:24</p> <p>owner's [1] - 271:14</p> <p>owners [4] - 170:2, 223:23, 252:24, 271:4</p> <p>ownership [3] - 251:19, 251:20, 278:7</p> <p>owns [6] - 44:2, 45:7, 60:12, 121:1, 124:15, 125:15</p> <p>oxygen [8] - 99:15, 99:17, 104:25, 105:1, 105:3, 105:5, 148:23</p>
P				
<p>p.m [2] - 265:2, 293:15</p> <p>PA [1] - 7:6</p> <p>pack [1] - 177:2</p> <p>packet [4] - 169:25, 177:12, 268:14, 273:19</p> <p>packets [2] - 188:19, 220:8</p> <p>page [19] - 17:12, 17:16, 17:21, 21:15, 30:8, 41:1, 63:7, 63:8, 64:8, 77:2, 84:20, 150:25, 168:21, 189:8, 217:3, 217:19, 217:25, 275:14, 276:4</p> <p>pages [10] - 23:22, 59:16, 132:24, 274:2, 274:15, 274:19, 274:25, 276:4, 276:6, 276:7</p> <p>paid [8] - 39:17, 61:7, 81:21, 123:13, 170:19, 190:17, 210:10, 273:4</p> <p>pains [1] - 170:20</p> <p>pair [1] - 267:6</p> <p>paper [6] - 28:6, 77:20, 78:6, 153:12, 153:20, 160:16</p> <p>papers [2] - 60:2, 261:17</p> <p>paragraph [3] - 41:17, 77:2, 275:15</p> <p>paralegal [1] - 7:19</p> <p>parallel [1] - 271:22</p> <p>parcel [4] - 151:14, 151:15, 216:10, 278:4</p> <p>parcels [1] - 185:10</p> <p>pardon [1] - 280:20</p> <p>parents' [1] - 44:10</p> <p>park [1] - 106:3</p>				

<p>parking [1] - 61:14</p> <p>parks [3] - 17:7, 17:17, 18:5</p> <p>part [32] - 6:20, 15:19, 21:24, 29:25, 36:12, 42:4, 55:19, 57:22, 73:7, 73:8, 73:12, 73:23, 74:15, 77:2, 78:17, 117:9, 128:21, 156:4, 170:15, 177:20, 187:25, 210:14, 221:1, 232:25, 256:17, 258:5, 259:24, 276:3, 278:6, 283:21, 283:23</p> <p>parte [2] - 142:17, 144:19</p> <p>participate [3] - 29:6, 39:3, 164:14</p> <p>participated [1] - 163:12</p> <p>participating [2] - 33:9, 39:8</p> <p>particular [5] - 38:24, 151:23, 189:13, 230:4, 275:10</p> <p>particularly [1] - 15:9</p> <p>parties [14] - 7:2, 9:12, 11:3, 23:9, 23:14, 53:14, 56:23, 57:8, 248:20, 283:11, 288:1, 288:5, 288:12, 290:3</p> <p>partisan [1] - 250:4</p> <p>Partners [1] - 247:1</p> <p>partnerships [1] - 252:25</p> <p>parts [12] - 29:23, 41:8, 41:13, 93:18, 95:18, 99:14, 100:9, 106:24, 205:24, 237:9, 256:18</p> <p>party [2] - 250:6, 270:5</p> <p>Party [6] - 251:17, 252:7, 252:12, 252:20, 253:4, 254:1</p> <p>pass [5] - 32:6, 50:4, 132:1, 168:16, 177:13</p> <p>passed [5] - 13:9, 51:4, 52:24, 130:11, 250:9</p> <p>passing [1] - 181:14</p> <p>past [4] - 8:14, 23:24, 266:18, 288:2</p> <p>pastor's [1] - 98:14</p> <p>pasture [2] - 214:11, 278:24</p> <p>pastures [1] - 212:24</p> <p>patchwork [2] - 35:7,</p>	<p>35:21</p> <p>patience [2] - 9:11, 293:4</p> <p>patient [1] - 9:14</p> <p>Patrick [3] - 101:14, 201:13, 202:5</p> <p>PATRICK [23] - 201:13, 201:18, 201:21, 201:25, 202:2, 202:4, 205:16, 205:20, 206:1, 206:11, 206:18, 207:19, 208:2, 208:16, 208:20, 208:24, 209:2, 209:6, 209:10, 209:23, 210:7, 210:13, 210:22</p> <p>pause [1] - 86:20</p> <p>Pause [3] - 151:10, 217:4, 217:18</p> <p>pay [14] - 61:6, 63:3, 65:22, 81:15, 81:25, 82:4, 93:7, 95:12, 139:8, 183:14, 183:17, 265:11, 269:23, 269:25</p> <p>paying [3] - 182:16, 183:13, 184:2</p> <p>payment [3] - 183:17, 183:19, 254:20</p> <p>payments [2] - 68:18, 168:16</p> <p>Pelham [40] - 7:10, 7:12, 11:7, 16:7, 28:8, 29:11, 48:14, 50:10, 71:20, 83:1, 91:15, 94:3, 106:13, 111:18, 117:16, 123:25, 131:2, 136:25, 150:11, 157:22, 165:5, 176:8, 185:4, 194:18, 205:11, 215:3, 237:1, 256:6, 263:18, 264:19, 274:17, 276:15, 277:22, 281:6, 283:15, 284:16, 286:23, 287:24, 289:16, 292:12</p> <p>PELHAM [92] - 7:11, 11:8, 16:8, 28:10, 29:12, 29:14, 33:23, 36:1, 48:16, 50:11, 51:5, 71:21, 83:2, 91:16, 94:4, 94:10, 94:15, 94:22, 95:2, 106:14, 111:19, 117:17, 117:24, 118:4, 118:10, 118:12, 118:14,</p>	<p>124:1, 124:4, 124:10, 124:14, 124:19, 131:3, 137:1, 137:6, 137:10, 137:13, 137:19, 137:24, 138:4, 138:19, 150:12, 157:23, 158:3, 158:5, 158:8, 158:10, 158:15, 158:22, 158:25, 159:9, 159:12, 159:15, 159:20, 159:22, 165:6, 176:9, 176:16, 176:19, 176:21, 177:4, 177:6, 185:5, 188:24, 194:19, 205:12, 215:4, 215:17, 216:1, 237:2, 256:7, 263:19, 264:20, 274:18, 276:16, 277:8, 277:23, 281:8, 282:20, 286:11, 286:14, 286:21, 286:25, 287:3, 287:6, 287:8, 287:10, 287:25, 288:9, 288:11, 289:17, 292:13</p> <p>Pelham's [1] - 288:18</p> <p>penalties [45] - 12:16, 58:20, 59:2, 79:23, 80:5, 88:4, 88:11, 92:14, 92:21, 97:17, 97:24, 109:14, 109:20, 113:14, 113:20, 120:13, 120:17, 127:25, 128:7, 132:8, 132:15, 145:15, 145:22, 154:24, 155:6, 161:20, 162:2, 167:9, 167:16, 180:18, 180:25, 188:8, 188:14, 201:16, 201:23, 211:7, 211:13, 228:9, 228:20, 228:25, 239:6, 243:4, 244:25, 262:2, 262:8</p> <p>pending [5] - 15:4, 15:6, 15:18, 16:14, 78:14</p> <p>Pentagon [1] - 122:24</p> <p>people [121] - 4:16, 5:8, 8:13, 8:16, 8:22, 9:4, 10:9, 31:2, 31:14, 32:15, 32:19, 32:20, 33:9, 34:11, 34:25, 36:17, 39:17,</p>	<p>40:10, 43:7, 43:17, 43:19, 43:20, 44:9, 44:10, 44:17, 50:24, 51:7, 51:8, 53:2, 53:6, 53:12, 57:14, 58:6, 61:15, 61:18, 64:20, 64:25, 66:21, 81:22, 89:3, 89:10, 89:21, 89:22, 89:24, 90:15, 90:18, 90:19, 90:20, 100:14, 103:1, 105:20, 107:18, 110:21, 110:22, 121:6, 123:14, 133:8, 138:8, 139:24, 140:5, 140:9, 140:13, 140:14, 143:10, 147:18, 148:13, 149:2, 149:15, 149:21, 150:3, 153:3, 154:16, 157:15, 160:7, 171:3, 175:11, 178:11, 178:20, 183:2, 183:6, 184:2, 184:14, 188:19, 189:2, 227:19, 229:11, 229:12, 229:14, 229:15, 231:10, 234:3, 234:14, 235:6, 235:19, 236:3, 236:6, 238:25, 240:13, 241:24, 242:13, 243:4, 243:15, 243:18, 244:7, 244:8, 244:13, 245:15, 249:22, 253:13, 253:15, 253:19, 253:21, 253:22, 254:15, 259:22, 266:23, 269:8, 269:18, 271:12</p> <p>people's [1] - 53:19</p> <p>per [10] - 61:4, 93:18, 95:18, 99:14, 100:9, 100:10, 106:24, 183:19, 193:10, 284:3</p> <p>percent [32] - 68:16, 68:23, 69:17, 95:13, 99:14, 99:15, 99:22, 100:10, 100:18, 100:20, 105:4, 105:8, 105:12, 108:12, 115:15, 115:19, 117:4, 140:10, 140:12, 190:18, 190:19, 192:6, 230:25,</p>	<p>248:9, 248:10, 275:16, 275:18, 275:19, 275:20</p> <p>percentage [2] - 108:3, 140:2</p> <p>perfect [2] - 105:13, 228:1</p> <p>perfectly [7] - 50:5, 181:22, 182:7, 267:17, 270:25, 271:1</p> <p>performed [1] - 206:17</p> <p>perhaps [6] - 99:25, 105:23, 106:2, 258:17, 282:12</p> <p>Period [1] - 102:12</p> <p>period [3] - 33:15, 72:10, 147:2</p> <p>perjure [1] - 111:5</p> <p>perjured [1] - 261:2</p> <p>perjury [80] - 12:16, 12:17, 12:20, 12:22, 47:21, 58:21, 58:23, 59:2, 79:24, 80:1, 80:5, 88:5, 88:7, 88:11, 92:15, 92:17, 92:21, 97:18, 97:20, 97:24, 109:14, 109:16, 109:20, 111:1, 111:2, 113:15, 113:17, 113:20, 120:14, 120:17, 128:1, 128:3, 128:7, 132:9, 132:11, 132:15, 145:16, 145:18, 145:22, 154:25, 155:2, 155:6, 161:21, 161:23, 162:2, 167:10, 167:12, 167:16, 180:19, 180:21, 180:25, 188:9, 188:11, 188:14, 201:17, 201:19, 201:23, 211:7, 211:9, 211:13, 228:10, 228:20, 228:22, 228:25, 239:6, 239:9, 239:18, 239:21, 240:15, 240:19, 243:5, 243:9, 244:15, 244:23, 245:1, 255:13, 262:2, 262:4, 262:8</p> <p>permanently [1] - 64:9</p> <p>permission [5] - 61:23, 68:9, 171:19, 226:17</p> <p>permit [21] - 5:12, 17:6, 20:4, 24:8,</p>
--	---	---	---	--

<p>24:13, 24:20, 25:10, 25:16, 26:4, 27:7, 38:4, 38:6, 38:7, 38:13, 38:18, 70:18, 70:21, 71:8, 71:16, 168:3</p> <p>permits [2] - 25:23, 29:17</p> <p>permitted [3] - 18:13, 18:15, 35:8</p> <p>permitting [1] - 25:2</p> <p>perpetual [1] - 254:7</p> <p>persecuted [1] - 112:7</p> <p>person [14] - 26:15, 44:2, 45:6, 45:7, 45:8, 65:20, 147:21, 156:6, 156:9, 157:3, 187:17, 188:21, 188:25</p> <p>person's [1] - 147:20</p> <p>personal [1] - 63:18</p> <p>personally [2] - 122:3, 210:7</p> <p>personnel [3] - 156:2, 182:13, 205:23</p> <p>persons [1] - 188:20</p> <p>perspective [4] - 106:22, 149:1, 204:25, 285:17</p> <p>persuade [1] - 236:21</p> <p>Peterson [2] - 214:8, 219:1</p> <p>petition [2] - 5:20, 15:10</p> <p>petty [1] - 69:21</p> <p>PHMSA [6] - 20:1, 20:10, 20:14, 22:25, 194:9, 198:21</p> <p>phone [9] - 4:14, 62:4, 62:6, 67:15, 68:3, 135:21, 135:22, 142:25, 264:8</p> <p>phones [1] - 4:13</p> <p>phonetic [4] - 133:21, 213:22, 215:10, 249:3</p> <p>photographs [5] - 72:14, 72:19, 73:12, 73:18, 121:24</p> <p>photos [6] - 72:25, 73:2, 73:3, 73:4, 74:2, 173:13</p> <p>photosynthesis [3] - 99:19, 99:21</p> <p>physical [2] - 54:19, 104:21</p> <p>physicist [1] - 100:5</p> <p>physicist-turned-expert [1] - 100:5</p> <p>physics [1] - 19:21</p> <p>pick [3] - 112:4, 267:4, 267:5</p> <p>picked [1] - 233:18</p>	<p>picking [1] - 69:13</p> <p>pickup [1] - 272:19</p> <p>picture [1] - 72:13</p> <p>pictures [2] - 173:2, 173:20</p> <p>piece [8] - 65:23, 75:25, 77:20, 78:6, 218:18, 225:25, 270:21</p> <p>piecemeal [1] - 266:20</p> <p>pieces [1] - 270:15</p> <p>piling [1] - 95:14</p> <p>pipe [25] - 64:16, 64:20, 65:19, 115:19, 117:8, 171:16, 231:11, 257:17, 265:11, 267:1, 267:13, 267:14, 267:16, 267:19, 267:20, 267:21, 269:15, 270:24, 270:25, 271:22, 279:23, 279:25, 280:1, 280:2</p> <p>piped [1] - 36:13</p> <p>pipeline [197] - 5:13, 19:2, 22:17, 22:22, 23:19, 24:3, 25:2, 25:11, 25:16, 25:19, 26:23, 28:25, 32:6, 36:2, 38:21, 40:11, 45:3, 60:13, 60:15, 60:18, 61:11, 62:11, 62:14, 62:18, 62:22, 62:25, 63:12, 63:13, 64:2, 64:5, 65:1, 65:4, 65:14, 65:21, 66:5, 68:19, 70:7, 70:9, 71:13, 75:25, 76:4, 76:19, 80:22, 81:18, 81:20, 82:15, 86:4, 89:1, 89:4, 90:10, 93:14, 94:8, 99:1, 103:24, 104:21, 104:23, 105:14, 106:6, 111:8, 114:15, 114:21, 114:23, 115:1, 118:2, 118:4, 121:2, 121:3, 121:9, 121:14, 122:4, 122:9, 123:1, 123:9, 124:12, 124:17, 126:15, 130:5, 130:6, 130:15, 133:3, 134:7, 134:14, 135:6, 135:10, 136:4, 136:7, 136:16, 142:14, 146:4, 146:5, 146:8, 146:13, 146:20, 147:22, 148:2,</p>	<p>148:3, 148:4, 148:20, 149:17, 150:4, 151:18, 155:24, 156:2, 156:7, 156:20, 164:7, 168:4, 171:24, 172:11, 172:15, 173:4, 173:6, 173:8, 173:25, 174:10, 174:18, 175:3, 175:21, 175:25, 176:2, 181:10, 181:13, 182:6, 183:6, 184:1, 184:18, 184:25, 190:13, 191:3, 191:20, 196:10, 196:23, 197:18, 199:10, 199:25, 202:8, 202:14, 203:7, 204:13, 211:19, 211:24, 212:7, 212:13, 214:3, 214:5, 214:14, 214:15, 214:22, 215:11, 215:22, 219:8, 219:22, 219:23, 220:6, 221:8, 221:9, 221:11, 221:15, 223:13, 224:14, 224:19, 227:6, 229:23, 235:20, 237:11, 238:6, 245:16, 246:20, 250:10, 251:4, 256:21, 257:6, 258:7, 260:25, 263:24, 265:14, 266:1, 266:6, 268:5, 268:10, 268:25, 269:13, 270:11, 271:19, 271:25, 272:6, 272:13, 272:15, 272:16, 272:25, 273:4, 273:6, 273:14</p> <p>Pipeline [2] - 31:14, 135:12</p> <p>Pipelines [1] - 250:19</p> <p>pipelines [30] - 14:3, 16:23, 17:7, 17:24, 18:6, 19:7, 19:14, 21:22, 22:23, 22:25, 23:19, 23:23, 23:24, 29:20, 36:10, 41:17, 62:11, 62:13, 64:14, 64:15, 64:24, 65:17, 95:10, 117:2, 139:8, 166:1, 199:11, 199:20, 247:13, 252:9</p>	<p>pipes [1] - 233:23</p> <p>pitch [1] - 61:11</p> <p>place [8] - 33:3, 44:11, 94:18, 94:20, 153:2, 204:15, 212:7, 230:9</p> <p>places [3] - 114:13, 149:21, 230:20</p> <p>plan [8] - 4:21, 10:21, 43:10, 68:11, 162:24, 164:19, 172:21, 290:7</p> <p>planes [1] - 116:21</p> <p>planet [2] - 184:13, 271:25</p> <p>planetary [1] - 106:23</p> <p>planned [2] - 10:15, 65:7</p> <p>planning [5] - 196:22, 209:21, 235:21, 251:13, 275:1</p> <p>plans [3] - 44:19, 196:24, 233:22</p> <p>plant [6] - 44:14, 91:7, 100:1, 195:1, 198:4, 257:8</p> <p>planting [1] - 197:8</p> <p>plants [20] - 96:19, 99:20, 114:9, 117:3, 190:14, 190:21, 190:25, 191:4, 195:15, 196:10, 196:22, 196:24, 197:21, 198:7, 234:25, 256:23, 256:24, 257:14, 269:20</p> <p>plat [2] - 84:20, 146:10</p> <p>play [4] - 49:9, 102:22, 130:17, 289:8</p> <p>playhouse [1] - 212:22</p> <p>playing [2] - 106:3, 115:6</p> <p>pleas [1] - 170:14</p> <p>pleasure [1] - 282:9</p> <p>plenty [1] - 189:2</p> <p>plow [1] - 115:9</p> <p>plug [1] - 152:23</p> <p>plug-ins [1] - 152:23</p> <p>plugging [1] - 212:10</p> <p>plumber [2] - 32:1, 52:9</p> <p>plumbing [1] - 53:18</p> <p>plume [11] - 105:7, 148:6, 152:22, 182:13, 199:2, 202:24, 206:16, 208:3, 208:6, 209:20</p> <p>plus [6] - 65:8, 117:9, 183:20, 185:13, 238:9, 267:8</p> <p>plush [1] - 10:9</p> <p>point [24] - 23:4,</p>	<p>24:19, 31:17, 42:12, 54:15, 57:19, 76:12, 94:6, 95:20, 99:24, 107:7, 127:11, 238:13, 242:12, 247:17, 255:14, 259:16, 260:2, 260:5, 271:2, 275:21, 276:18, 282:13, 284:17</p> <p>points [2] - 197:23, 255:3</p> <p>Poland [1] - 190:5</p> <p>policies [3] - 94:12, 193:16, 197:12</p> <p>policy [2] - 63:24, 123:13</p> <p>political [3] - 8:14, 104:3, 241:18</p> <p>politician [1] - 190:1</p> <p>politicians [2] - 123:13, 197:19</p> <p>politics [1] - 102:20</p> <p>poll [3] - 253:11, 253:14, 253:15</p> <p>pollution [1] - 63:25</p> <p>pond [3] - 81:19, 121:12, 121:13</p> <p>poor [3] - 71:10, 231:4, 258:9</p> <p>poorly [1] - 198:22</p> <p>population [6] - 65:8, 100:12, 100:14, 100:18, 106:1, 106:25</p> <p>pore [3] - 135:8, 245:21, 257:7</p> <p>portion [3] - 177:21, 183:17, 282:16</p> <p>position [6] - 16:7, 22:10, 28:4, 225:11, 283:12, 283:19</p> <p>positions [1] - 210:10</p> <p>positively [1] - 200:5</p> <p>possession [1] - 81:6</p> <p>possibility [3] - 152:6, 183:20, 269:7</p> <p>possible [9] - 53:16, 58:6, 66:2, 71:7, 151:19, 182:14, 184:11, 264:11, 282:22</p> <p>possibly [7] - 82:17, 122:1, 180:2, 192:1, 194:12, 214:2, 235:18</p> <p>post [3] - 288:1, 288:19, 289:19</p> <p>post-hearing [3] - 288:1, 288:19, 289:19</p> <p>postulation [1] - 103:10</p>
--	---	--	---	--

<p>posture [1] - 15:18</p> <p>potable [3] - 22:23, 36:10, 53:23</p> <p>potential [33] - 18:15, 35:6, 59:1, 62:14, 80:4, 83:16, 83:22, 88:10, 92:20, 97:23, 104:24, 109:19, 113:19, 120:16, 128:6, 132:14, 145:21, 155:5, 162:1, 167:15, 180:24, 188:13, 190:22, 190:23, 201:22, 204:19, 205:4, 211:12, 221:21, 222:25, 228:24, 262:7, 290:20</p> <p>potentially [6] - 10:2, 104:22, 105:21, 215:18, 259:21, 281:11</p> <p>pounds [1] - 114:19</p> <p>Poured [1] - 123:7</p> <p>Powell [6] - 63:8, 64:9, 64:22, 65:16, 66:6, 68:22</p> <p>power [6] - 32:21, 38:20, 62:12, 136:2, 199:20, 199:23</p> <p>powerless [1] - 65:6</p> <p>powers [1] - 53:24</p> <p>practical [1] - 282:8</p> <p>practice [2] - 284:11, 289:18</p> <p>practices [1] - 71:10</p> <p>prairie [3] - 82:12, 213:12, 219:1</p> <p>pray [2] - 175:10, 229:11</p> <p>prayed [1] - 62:3</p> <p>prayers [1] - 176:1</p> <p>pre [1] - 269:11</p> <p>pre-made [1] - 269:11</p> <p>prearranged [1] - 9:14</p> <p>precautionary [1] - 15:3</p> <p>precedence [2] - 130:8, 130:9</p> <p>predict [1] - 64:10</p> <p>predictions [1] - 152:18</p> <p>preempt [3] - 16:3, 23:5, 26:19</p> <p>preempted [1] - 15:22</p> <p>preemption [6] - 14:12, 14:13, 14:14, 14:21, 16:18, 29:7</p> <p>prefer [1] - 59:15</p> <p>prefiled [1] - 84:6</p> <p>prejudice [1] - 283:25</p> <p>preliminary [1] - 11:3</p>	<p>premise [3] - 107:9, 107:10, 250:23</p> <p>premises [1] - 226:12</p> <p>premium [1] - 234:18</p> <p>preparation [1] - 88:19</p> <p>prepare [3] - 172:16, 172:22, 205:24</p> <p>prepared [5] - 164:23, 199:3, 206:23, 266:10, 270:4</p> <p>preparedness [2] - 203:24, 205:1</p> <p>prescribed [2] - 36:2, 153:2</p> <p>present [11] - 8:17, 16:19, 39:3, 47:11, 172:25, 174:3, 178:9, 205:14, 206:22, 281:18, 281:21</p> <p>presentation [1] - 207:11</p> <p>presentations [2] - 203:9, 207:24</p> <p>presented [11] - 30:6, 177:18, 206:19, 215:17, 231:12, 279:12, 280:20, 281:14, 286:1, 286:2, 286:7</p> <p>presenting [1] - 178:9</p> <p>presents [1] - 191:6</p> <p>preservation [1] - 6:9</p> <p>preserve [2] - 54:9, 191:17</p> <p>preserved [1] - 282:18</p> <p>president [7] - 69:7, 112:4, 112:11, 155:13, 158:22, 159:7, 159:9</p> <p>press [3] - 98:22, 98:23</p> <p>pressure [15] - 64:16, 99:23, 148:3, 148:8, 173:3, 175:20, 181:23, 227:9, 231:9, 231:13, 233:10, 233:24, 235:8, 235:20, 271:24</p> <p>pressured [1] - 173:10</p> <p>presumably [3] - 40:9, 41:18, 159:10</p> <p>presume [3] - 125:16, 196:21, 200:4</p> <p>pretext [1] - 253:2</p> <p>pretty [18] - 9:19, 30:24, 53:4, 55:23, 101:24, 122:4, 133:8, 133:12, 138:2, 138:4, 139:6, 179:22, 192:4,</p>	<p>215:24, 217:21, 225:15, 226:4, 226:6</p> <p>prevented [3] - 16:4, 39:7, 280:20</p> <p>prevents [1] - 253:5</p> <p>previous [3] - 85:12, 87:13, 160:24</p> <p>previously [7] - 6:19, 17:22, 39:13, 57:17, 57:25, 152:21, 173:14</p> <p>price [3] - 213:19, 213:23, 245:22</p> <p>prices [3] - 184:18, 190:17, 245:16</p> <p>Prichard [1] - 39:15</p> <p>primarily [2] - 5:23, 26:20</p> <p>primary [4] - 49:7, 196:5, 251:21, 281:17</p> <p>printed [1] - 132:23</p> <p>priority [2] - 149:4, 149:5</p> <p>private [10] - 61:22, 82:18, 136:1, 157:9, 251:8, 251:18, 251:24, 252:23, 253:1, 270:2</p> <p>Private [1] - 250:17</p> <p>privilege [1] - 50:2</p> <p>privileged [2] - 49:18, 50:18</p> <p>proactive [2] - 204:17, 206:8</p> <p>problem [6] - 101:8, 115:17, 136:6, 162:25, 178:2, 197:19</p> <p>problems [7] - 40:12, 105:6, 147:2, 169:19, 182:17, 265:11, 279:24</p> <p>procedural [2] - 15:17, 15:18</p> <p>procedurally [3] - 281:10, 282:2, 285:5</p> <p>Procedure [1] - 281:11</p> <p>procedure [2] - 284:25, 285:17</p> <p>proceed [6] - 4:15, 4:21, 11:2, 189:15, 245:10, 283:5</p> <p>proceeding [2] - 290:5, 290:9</p> <p>proceedings [2] - 47:22, 47:23</p> <p>process [14] - 29:9, 31:21, 38:8, 38:11, 38:15, 38:16, 39:1, 53:15, 53:20, 54:8, 55:19, 167:24,</p>	<p>281:1, 282:14</p> <p>produce [10] - 6:6, 104:15, 114:9, 117:4, 125:2, 125:8, 175:15, 190:15, 234:21, 235:1</p> <p>produced [1] - 114:8</p> <p>producers [2] - 191:1, 194:1</p> <p>product [1] - 49:18</p> <p>production [5] - 100:13, 100:15, 106:25, 190:20, 235:14</p> <p>productive [1] - 203:13</p> <p>productivity [1] - 102:5</p> <p>professional [4] - 105:7, 125:6, 275:8, 276:1</p> <p>profit [1] - 82:19</p> <p>profiteers [1] - 270:2</p> <p>profiting [1] - 250:11</p> <p>profits [1] - 194:25</p> <p>Program [2] - 222:10, 222:17</p> <p>program [8] - 115:11, 122:20, 164:10, 203:22, 209:8, 209:9, 209:11, 210:11</p> <p>programs [1] - 102:4</p> <p>project [53] - 19:5, 20:8, 25:18, 25:24, 27:3, 27:10, 30:15, 30:20, 30:22, 31:3, 33:3, 61:11, 61:21, 63:22, 66:2, 104:8, 112:1, 123:5, 123:9, 134:18, 156:12, 157:15, 166:14, 168:9, 168:14, 168:17, 168:23, 170:15, 171:23, 175:9, 175:15, 175:22, 178:17, 179:16, 191:3, 191:20, 191:24, 192:11, 195:9, 200:5, 202:8, 202:17, 202:24, 203:11, 203:19, 204:14, 209:14, 246:2, 246:14, 266:22, 270:8, 273:14, 275:10</p> <p>project's [2] - 204:5, 205:4</p> <p>projects [12] - 22:15, 22:17, 22:22, 28:25, 33:10, 123:1, 203:25, 205:1,</p>	<p>230:25, 250:24, 251:15, 252:3</p> <p>promise [23] - 12:25, 59:2, 80:5, 88:11, 92:21, 97:24, 109:20, 113:20, 120:3, 120:17, 128:7, 132:15, 145:22, 155:6, 162:2, 167:16, 180:25, 188:14, 201:23, 211:13, 228:25, 245:1, 262:8</p> <p>promises [1] - 66:20</p> <p>promote [1] - 194:4</p> <p>promoting [4] - 51:24, 129:7, 191:24, 246:1</p> <p>proof [1] - 231:5</p> <p>propaganda [1] - 156:7</p> <p>propane [1] - 163:15</p> <p>proper [6] - 14:22, 20:21, 90:2, 155:23, 227:1, 282:3</p> <p>properly [3] - 235:15, 273:2, 274:8</p> <p>properties [2] - 65:25, 89:12</p> <p>property [97] - 34:23, 35:24, 37:7, 44:2, 44:21, 45:9, 48:22, 49:6, 54:17, 57:2, 60:14, 60:17, 61:23, 65:17, 65:21, 65:22, 68:9, 68:12, 70:24, 76:20, 77:21, 78:16, 117:20, 118:6, 118:7, 118:8, 118:13, 121:2, 121:4, 124:6, 124:16, 137:3, 139:4, 146:8, 147:7, 147:11, 148:25, 151:12, 152:1, 152:23, 168:8, 168:20, 169:5, 169:15, 170:2, 170:13, 171:4, 174:11, 176:22, 177:3, 178:21, 178:25, 179:1, 182:24, 185:8, 186:12, 211:20, 211:23, 211:25, 212:4, 212:13, 215:6, 215:13, 215:15, 216:10, 216:14, 217:23, 218:3, 218:10, 221:10, 221:11, 221:13, 223:1, 223:13, 223:20, 223:22, 225:25,</p>
--	--	---	---	---

<p>226:15, 226:18, 249:20, 251:9, 251:19, 251:22, 251:24, 252:15, 252:23, 253:6, 265:4, 265:18, 265:20, 266:7, 269:19, 269:23, 270:1, 270:6, 278:4</p> <p>Property [1] - 250:17</p> <p>proposal [1] - 19:1</p> <p>proposed [38] - 5:25, 6:5, 6:8, 6:12, 19:2, 30:19, 33:3, 60:13, 60:17, 68:10, 80:22, 94:8, 103:23, 104:15, 117:19, 118:5, 124:6, 138:1, 138:3, 171:23, 176:23, 181:9, 184:24, 196:10, 202:14, 215:6, 218:9, 264:11, 265:17, 266:22, 271:19, 271:21, 271:22, 289:18, 289:23, 289:24, 290:7</p> <p>proposing [1] - 278:22</p> <p>prosecuting [1] - 31:2</p> <p>prosecution [1] - 239:25</p> <p>prosperity [1] - 129:9</p> <p>protect [5] - 43:4, 62:8, 80:24, 147:20, 194:25</p> <p>protecting [1] - 187:3</p> <p>protection [1] - 63:19</p> <p>protective [4] - 28:5, 28:6, 286:3, 286:9</p> <p>protects [1] - 251:24</p> <p>protesters [1] - 62:11</p> <p>protocol [2] - 155:23, 198:19</p> <p>protocols [7] - 90:3, 155:24, 191:24, 194:7, 203:9, 204:17, 210:1</p> <p>proud [1] - 157:17</p> <p>proven [4] - 146:15, 147:3, 257:20</p> <p>provide [30] - 23:12, 38:4, 56:18, 57:10, 57:15, 57:23, 58:2, 148:15, 148:19, 152:11, 152:14, 154:16, 159:17, 179:6, 189:4, 190:7, 191:5, 197:5, 204:15, 206:15, 206:20, 210:9, 230:12, 236:6,</p>	<p>247:21, 261:9, 272:5, 274:21, 287:17, 292:25</p> <p>provided [17] - 72:15, 73:19, 149:5, 152:17, 160:25, 165:21, 166:5, 175:19, 202:13, 204:10, 207:12, 258:22, 260:11, 272:12, 273:9, 273:20, 280:24</p> <p>provides [3] - 36:17, 62:15, 253:7</p> <p>providing [8] - 57:1, 57:7, 121:8, 122:14, 189:1, 203:16, 203:20, 227:23</p> <p>Proving [1] - 122:18</p> <p>provision [1] - 43:9</p> <p>provisions [8] - 14:2, 14:4, 16:23, 17:2, 20:23, 26:22, 35:2, 272:13</p> <p>proximity [3] - 26:10, 38:23, 172:15</p> <p>PSC [35] - 40:8, 52:14, 52:17, 65:6, 66:8, 68:18, 68:21, 69:10, 72:15, 72:17, 73:9, 73:19, 77:6, 96:1, 104:13, 125:1, 135:14, 140:18, 144:6, 144:10, 166:13, 171:5, 172:8, 173:14, 177:13, 178:14, 184:21, 229:21, 235:10, 240:1, 243:8, 264:3, 267:25, 273:13, 281:3</p> <p>PSC's [1] - 15:7</p> <p>PSC-like [1] - 52:14</p> <p>PSI [3] - 104:23, 173:7, 173:10</p> <p>PU-22-391 [1] - 4:5</p> <p>public [65] - 4:3, 5:5, 8:7, 10:1, 10:15, 10:21, 10:22, 14:21, 34:9, 34:10, 39:2, 39:6, 39:8, 46:23, 47:2, 47:4, 47:10, 48:17, 50:3, 50:20, 50:21, 52:11, 52:13, 52:20, 52:24, 52:25, 53:1, 53:21, 54:19, 55:12, 56:13, 56:17, 56:18, 57:15, 57:21, 59:7, 67:6, 72:10, 73:23, 114:25, 127:6, 127:9, 127:10, 129:8,</p>	<p>129:9, 171:8, 171:10, 171:22, 172:3, 177:20, 182:8, 183:14, 206:3, 230:1, 230:10, 230:12, 238:22, 247:18, 251:25, 252:21, 255:17, 259:19, 261:9, 293:3, 293:11</p> <p>Public [14] - 4:4, 4:10, 7:13, 15:5, 21:6, 23:11, 47:3, 167:25, 175:5, 175:14, 191:19, 194:24, 280:25</p> <p>publication [1] - 104:12</p> <p>publications [1] - 62:9</p> <p>publicized [2] - 158:18, 160:19</p> <p>publicly [2] - 292:4, 292:10</p> <p>pull [5] - 11:22, 13:5, 59:5, 72:23, 80:9</p> <p>pulled [1] - 132:25</p> <p>pump [2] - 46:4, 230:19</p> <p>pumping [3] - 25:21, 26:4, 26:7</p> <p>punishable [2] - 12:17, 239:18</p> <p>purchase [3] - 159:17, 190:23, 268:4</p> <p>purchased [2] - 190:21, 211:22</p> <p>purchasing [1] - 191:12</p> <p>pure [2] - 105:15, 107:23</p> <p>purely [1] - 242:10</p> <p>purpose [10] - 6:20, 6:23, 19:12, 22:2, 22:3, 129:7, 244:17, 251:21, 273:5, 277:2</p> <p>purposes [4] - 35:3, 35:4, 129:15, 276:22</p> <p>purse [1] - 66:10</p> <p>pursue [1] - 243:8</p> <p>pursuing [1] - 67:4</p> <p>push [9] - 82:13, 149:20, 162:20, 166:1, 181:20, 189:10, 231:13, 233:10</p> <p>pushback [2] - 40:5, 40:10</p> <p>pushes [1] - 105:3</p> <p>pushing [1] - 283:19</p> <p>put [35] - 15:4, 15:6, 15:23, 16:1, 16:11, 32:16, 76:5, 84:11, 110:15, 128:20,</p>	<p>144:16, 151:19, 158:11, 160:15, 172:12, 177:15, 191:3, 214:4, 221:1, 229:10, 233:8, 233:9, 255:8, 257:22, 259:3, 262:24, 263:23, 265:22, 267:2, 267:7, 267:11, 267:12, 276:9</p> <p>puts [3] - 38:20, 215:11, 281:5</p> <p>putting [7] - 16:4, 93:13, 98:25, 99:7, 215:12, 267:19, 267:20</p>	<p>82:23, 82:24, 83:5, 85:11, 86:9, 86:13, 86:16, 86:18, 88:20, 89:7, 91:13, 91:25, 94:1, 95:3, 95:5, 96:25, 97:7, 106:11, 108:7, 108:22, 108:24, 111:16, 112:12, 113:2, 117:14, 118:17, 118:20, 119:15, 123:22, 123:23, 124:21, 124:22, 124:24, 126:21, 126:24, 130:25, 131:4, 131:9, 131:13, 131:19, 131:23, 135:16, 136:23, 136:25, 138:5, 138:20, 138:21, 138:23, 141:5, 141:10, 142:5, 142:13, 144:4, 144:24, 144:25, 145:2, 148:14, 150:9, 151:15, 151:17, 152:8, 152:9, 153:8, 154:10, 154:12, 157:20, 159:23, 159:24, 160:1, 161:9, 161:11, 165:3, 165:6, 165:16, 165:21, 166:17, 166:22, 166:24, 171:18, 173:12, 174:23, 174:24, 176:6, 177:7, 177:8, 177:10, 179:13, 180:3, 180:7, 180:9, 185:2, 185:6, 185:23, 185:24, 186:1, 187:5, 187:8, 187:11, 194:16, 194:17, 194:18, 200:25, 201:3, 201:7, 203:15, 205:9, 205:10, 205:11, 205:12, 205:21, 205:22, 206:12, 208:10, 210:18, 210:20, 214:18, 215:1, 216:2, 216:3, 219:11, 220:16, 221:17, 224:6, 225:2, 225:3, 225:5, 229:20, 230:9, 236:24, 237:2, 238:16, 238:19, 243:2, 243:11, 243:12, 244:15,</p>
Q				
<p>qualitative [1] - 122:10</p> <p>quality [1] - 116:23</p> <p>quantitative [1] - 122:8</p> <p>quantitatively [1] - 122:12</p> <p>quarter [26] - 80:18, 80:19, 85:15, 85:18, 85:20, 100:19, 120:25, 124:11, 124:13, 125:15, 126:4, 139:10, 150:17, 150:18, 178:24, 181:7, 185:12, 185:17, 186:6, 186:8, 186:10, 211:22, 216:16</p> <p>quarters [8] - 74:21, 74:22, 75:3, 116:6, 116:13, 121:1, 124:9, 138:14</p> <p>questionable [1] - 281:12</p> <p>questioned [2] - 68:22, 173:3</p> <p>questioning [4] - 25:4, 81:14, 155:22, 259:25</p> <p>questions [189] - 6:3, 27:12, 28:16, 29:11, 36:20, 36:22, 36:23, 36:25, 39:22, 42:18, 46:11, 46:14, 46:17, 48:2, 48:4, 48:14, 51:12, 51:13, 51:14, 51:18, 52:19, 53:22, 55:7, 56:6, 56:7, 56:23, 66:15, 71:18, 71:21, 72:6, 74:13, 76:23, 79:7, 79:8,</p>				

<p>245:25, 247:6, 252:2, 256:1, 256:2, 256:4, 256:5, 256:10, 261:3, 261:4, 262:21, 277:10, 277:15, 277:19, 277:21, 278:16, 278:17, 280:9, 290:17</p> <p>questions.. [1] - 194:14</p> <p>quick [4] - 14:9, 71:25, 239:17, 278:18</p> <p>quiet [2] - 11:24, 13:8</p> <p>quite [13] - 19:11, 98:9, 99:9, 100:16, 105:18, 107:4, 133:16, 133:24, 144:8, 175:9, 179:14, 233:25, 293:13</p> <p>quote [1] - 68:16</p>	<p>174:25, 230:21</p> <p>rationale [1] - 33:14</p> <p>rattling [1] - 135:15</p> <p>raw [2] - 111:12</p> <p>re [3] - 6:17, 283:24, 286:2</p> <p>re-examination [1] - 286:2</p> <p>re-open [1] - 283:24</p> <p>re-opened [1] - 6:17</p> <p>reach [7] - 38:22, 55:17, 56:3, 67:5, 118:2, 197:24, 198:2</p> <p>reached [1] - 137:7</p> <p>reaction [2] - 23:17, 107:6</p> <p>reactionary [1] - 30:25</p> <p>read [17] - 13:11, 59:10, 59:15, 59:20, 60:4, 62:19, 93:18, 100:3, 100:7, 128:16, 129:3, 129:4, 130:3, 229:8, 236:1, 243:4, 275:24</p> <p>reading [7] - 41:12, 52:23, 59:12, 63:15, 100:7, 101:5, 108:8</p> <p>reads [3] - 14:15, 250:14, 250:15</p> <p>ready [2] - 269:11, 283:8</p> <p>reaffirm [1] - 290:23</p> <p>reaffirmed [1] - 204:7</p> <p>real [12] - 61:12, 71:25, 76:18, 103:20, 103:25, 136:12, 146:11, 150:14, 239:17, 251:19, 251:22, 277:25</p> <p>realize [5] - 96:7, 229:14, 235:19, 249:7, 268:21</p> <p>really [31] - 22:9, 31:10, 31:20, 31:21, 87:11, 90:11, 90:13, 90:14, 90:24, 90:25, 93:12, 93:13, 104:1, 111:5, 114:3, 122:13, 130:10, 133:9, 141:5, 145:1, 164:23, 222:16, 224:11, 227:5, 227:7, 236:9, 236:17, 249:25, 255:7, 271:16</p> <p>reasked [1] - 50:7</p> <p>reason [20] - 30:12, 30:14, 32:19, 33:5, 44:7, 88:23, 108:10, 110:7, 110:9, 111:8, 158:19, 160:19, 172:9, 184:15,</p>	<p>213:16, 215:7, 240:24, 266:5, 279:23, 284:8</p> <p>reasoned [2] - 47:7, 47:8</p> <p>reasoning [1] - 245:23</p> <p>reasons [6] - 70:19, 71:4, 93:12, 99:6, 241:18, 255:25</p> <p>rebuttal [2] - 287:17, 289:12</p> <p>receipt [1] - 67:14</p> <p>receive [7] - 51:22, 53:13, 67:15, 174:7, 174:12, 177:20, 245:8</p> <p>received [27] - 48:21, 49:2, 49:3, 50:23, 51:19, 54:20, 60:23, 63:7, 67:10, 67:22, 68:6, 76:3, 77:3, 77:13, 77:17, 78:13, 169:10, 172:2, 177:22, 186:21, 186:22, 263:21, 264:21, 277:2, 290:17, 291:8</p> <p>receives [1] - 203:19</p> <p>recent [2] - 69:10, 204:6</p> <p>recently [8] - 16:23, 81:4, 83:22, 108:5, 122:17, 123:9, 250:9, 253:10</p> <p>recess [1] - 283:1</p> <p>Recess [4] - 56:15, 127:7, 227:18, 283:7</p> <p>recklessly [1] - 184:10</p> <p>recognized [1] - 243:21</p> <p>recollect [1] - 263:2</p> <p>recollection [1] - 144:13</p> <p>recommend [1] - 288:18</p> <p>recommendation [2] - 279:8, 288:22</p> <p>recommendations [2] - 223:17, 288:18</p> <p>reconsider [5] - 14:16, 15:10, 214:19, 283:18, 284:13</p> <p>reconsideration [5] - 5:21, 172:8, 281:20, 281:22, 281:25</p> <p>reconsidered [1] - 168:9</p> <p>reconvene [4] - 56:14, 127:5, 227:16, 283:6</p> <p>record [50] - 5:4, 6:19, 7:3, 7:23, 12:7, 16:13, 27:18, 40:1, 57:22, 73:8, 73:12,</p>	<p>79:19, 84:23, 87:25, 92:10, 97:13, 109:5, 113:10, 132:4, 144:16, 154:19, 161:4, 161:17, 167:5, 173:14, 180:14, 188:1, 188:4, 201:12, 211:1, 228:4, 231:4, 239:2, 242:3, 243:13, 244:17, 259:3, 259:8, 259:17, 260:10, 260:11, 261:22, 263:6, 276:10, 282:18, 287:1, 289:7, 289:8, 293:15</p> <p>recorded [1] - 240:6</p> <p>records [2] - 74:16, 129:21</p> <p>recovery [2] - 156:21, 257:19</p> <p>recreation [4] - 17:17, 18:5, 90:5, 129:14</p> <p>recreational [1] - 17:7</p> <p>RECROSS [3] - 48:6, 48:15, 51:16</p> <p>recuse [1] - 261:1</p> <p>red [6] - 77:20, 151:12, 151:14, 153:22, 154:2, 172:12</p> <p>Red [1] - 257:11</p> <p>red-roofed [2] - 151:14, 153:22</p> <p>redirect [3] - 46:19, 280:11, 280:12</p> <p>REDIRECT [1] - 46:21</p> <p>redline [2] - 265:3, 265:16</p> <p>reduce [2] - 95:23, 197:17</p> <p>redundant [1] - 284:12</p> <p>refer [1] - 143:6</p> <p>reference [5] - 127:13, 171:21, 275:20, 276:18</p> <p>referenced [4] - 94:16, 99:18, 173:13, 198:5</p> <p>referring [3] - 51:8, 69:12, 95:8</p> <p>refers [1] - 22:23</p> <p>refinery [1] - 210:14</p> <p>reflect [3] - 65:18, 103:18, 287:2</p> <p>refrain [1] - 4:19</p> <p>refresh [1] - 160:23</p> <p>refuge [1] - 170:25</p> <p>regard [5] - 66:7, 66:17, 173:24, 181:20, 276:13</p> <p>regarding [7] - 4:17,</p>	<p>16:18, 29:6, 67:16, 86:13, 206:13, 235:11</p> <p>regardless [4] - 20:16, 29:5, 229:25, 271:16</p> <p>regards [3] - 147:19, 148:5, 173:3</p> <p>Regional [1] - 217:25</p> <p>regular [1] - 47:13</p> <p>regulate [2] - 129:11, 213:19</p> <p>regulated [1] - 237:12</p> <p>regulates [1] - 18:8</p> <p>regulating [1] - 18:22</p> <p>reiterate [1] - 127:9</p> <p>reject [2] - 184:24, 255:24</p> <p>related [10] - 14:2, 15:23, 16:1, 26:19, 39:6, 48:21, 53:22, 63:17, 64:1, 215:5</p> <p>relating [2] - 62:22, 62:25</p> <p>relationship [2] - 202:9, 203:14</p> <p>relationships [1] - 175:1</p> <p>relative [4] - 83:22, 218:23, 226:14, 275:9</p> <p>release [6] - 69:16, 70:20, 172:17, 179:6, 182:12, 266:16</p> <p>released [1] - 269:10</p> <p>releases [2] - 62:20, 62:23</p> <p>relevance [2] - 24:10, 24:25</p> <p>relevant [3] - 24:14, 200:15, 252:12</p> <p>reliability [1] - 6:14</p> <p>relief [2] - 283:21, 283:23</p> <p>relieved [1] - 174:15</p> <p>relitigate [1] - 14:20</p> <p>relocate [1] - 221:7</p> <p>rely [1] - 236:20</p> <p>relying [1] - 276:20</p> <p>remains [2] - 6:20, 169:22</p> <p>remarks [1] - 292:25</p> <p>remember [14] - 26:11, 66:9, 135:2, 140:22, 143:17, 144:11, 145:2, 177:24, 189:12, 207:17, 208:21, 254:6, 259:17, 277:4</p> <p>remind [1] - 8:12</p> <p>reminder [1] - 8:6</p> <p>remotely [1] - 7:20</p> <p>removed [1] - 221:14</p>
R				
<p>R-16 [1] - 291:11</p> <p>R-O-B-I-N-S-O-N [1] - 180:16</p> <p>radiation [2] - 103:1, 103:18</p> <p>radical [1] - 62:10</p> <p>radio [1] - 93:8</p> <p>radiological [1] - 122:19</p> <p>rain [2] - 9:9, 270:17</p> <p>raise [2] - 117:7, 193:5</p> <p>raised [4] - 172:23, 193:6, 198:11, 227:22</p> <p>rally [1] - 8:15</p> <p>ramp [1] - 90:8</p> <p>ran [6] - 37:21, 140:6, 140:14, 193:9, 193:10, 249:5</p> <p>rancher [1] - 213:17</p> <p>ranchers [4] - 219:17, 220:8, 227:5, 236:6</p> <p>ranching [1] - 279:1</p> <p>Randy [1] - 135:14</p> <p>range [8] - 57:1, 60:6, 80:18, 80:20, 85:21, 146:10, 197:21, 211:21</p> <p>rangefinder [3] - 215:23, 224:10</p> <p>ranging [1] - 5:13</p> <p>rapidly [2] - 148:9, 149:18</p> <p>rate [2] - 100:21, 192:19</p> <p>rather [6] - 29:16, 59:12, 74:16, 90:2,</p>	<p>174:25, 230:21</p> <p>rationale [1] - 33:14</p> <p>rattling [1] - 135:15</p> <p>raw [2] - 111:12</p> <p>re [3] - 6:17, 283:24, 286:2</p> <p>re-examination [1] - 286:2</p> <p>re-open [1] - 283:24</p> <p>re-opened [1] - 6:17</p> <p>reach [7] - 38:22, 55:17, 56:3, 67:5, 118:2, 197:24, 198:2</p> <p>reached [1] - 137:7</p> <p>reaction [2] - 23:17, 107:6</p> <p>reactionary [1] - 30:25</p> <p>read [17] - 13:11, 59:10, 59:15, 59:20, 60:4, 62:19, 93:18, 100:3, 100:7, 128:16, 129:3, 129:4, 130:3, 229:8, 236:1, 243:4, 275:24</p> <p>reading [7] - 41:12, 52:23, 59:12, 63:15, 100:7, 101:5, 108:8</p> <p>reads [3] - 14:15, 250:14, 250:15</p> <p>ready [2] - 269:11, 283:8</p> <p>reaffirm [1] - 290:23</p> <p>reaffirmed [1] - 204:7</p> <p>real [12] - 61:12, 71:25, 76:18, 103:20, 103:25, 136:12, 146:11, 150:14, 239:17, 251:19, 251:22, 277:25</p> <p>realize [5] - 96:7, 229:14, 235:19, 249:7, 268:21</p> <p>really [31] - 22:9, 31:10, 31:20, 31:21, 87:11, 90:11, 90:13, 90:14, 90:24, 90:25, 93:12, 93:13, 104:1, 111:5, 114:3, 122:13, 130:10, 133:9, 141:5, 145:1, 164:23, 222:16, 224:11, 227:5, 227:7, 236:9, 236:17, 249:25, 255:7, 271:16</p> <p>reasked [1] - 50:7</p> <p>reason [20] - 30:12, 30:14, 32:19, 33:5, 44:7, 88:23, 108:10, 110:7, 110:9, 111:8, 158:19, 160:19, 172:9, 184:15,</p>	<p>213:16, 215:7, 240:24, 266:5, 279:23, 284:8</p> <p>reasoned [2] - 47:7, 47:8</p> <p>reasoning [1] - 245:23</p> <p>reasons [6] - 70:19, 71:4, 93:12, 99:6, 241:18, 255:25</p> <p>rebuttal [2] - 287:17, 289:12</p> <p>receipt [1] - 67:14</p> <p>receive [7] - 51:22, 53:13, 67:15, 174:7, 174:12, 177:20, 245:8</p> <p>received [27] - 48:21, 49:2, 49:3, 50:23, 51:19, 54:20, 60:23, 63:7, 67:10, 67:22, 68:6, 76:3, 77:3, 77:13, 77:17, 78:13, 169:10, 172:2, 177:22, 186:21, 186:22, 263:21, 264:21, 277:2, 290:17, 291:8</p> <p>receives [1] - 203:19</p> <p>recent [2] - 69:10, 204:6</p> <p>recently [8] - 16:23, 81:4, 83:22, 108:5, 122:17, 123:9, 250:9, 253:10</p> <p>recess [1] - 283:1</p> <p>Recess [4] - 56:15, 127:7, 227:18, 283:7</p> <p>recklessly [1] - 184:10</p> <p>recognized [1] - 243:21</p> <p>recollect [1] - 263:2</p> <p>recollection [1] - 144:13</p> <p>recommend [1] - 288:18</p> <p>recommendation [2] - 279:8, 288:22</p> <p>recommendations [2] - 223:17, 288:18</p> <p>reconsider [5] - 14:16, 15:10, 214:19, 283:18, 284:13</p> <p>reconsideration [5] - 5:21, 172:8, 281:20, 281:22, 281:25</p> <p>reconsidered [1] - 168:9</p> <p>reconvene [4] - 56:14, 127:5, 227:16, 283:6</p> <p>record [50] - 5:4, 6:19, 7:3, 7:23, 12:7, 16:13, 27:18, 40:1, 57:22, 73:8, 73:12,</p>	<p>79:19, 84:23, 87:25, 92:10, 97:13, 109:5, 113:10, 132:4, 144:16, 154:19, 161:4, 161:17, 167:5, 173:14, 180:14, 188:1, 188:4, 201:12, 211:1, 228:4, 231:4, 239:2, 242:3, 243:13, 244:17, 259:3, 259:8, 259:17, 260:10, 260:11, 261:22, 263:6, 276:10, 282:18, 287:1, 289:7, 289:8, 293:15</p> <p>recorded [1] - 240:6</p> <p>records [2] - 74:16, 129:21</p> <p>recovery [2] - 156:21, 257:19</p> <p>recreation [4] - 17:17, 18:5, 90:5, 129:14</p> <p>recreational [1] - 17:7</p> <p>RECROSS [3] - 48:6, 48:15, 51:16</p> <p>recuse [1] - 261:1</p> <p>red [6] - 77:20, 151:12, 151:14, 153:22, 154:2, 172:12</p> <p>Red [1] - 257:11</p> <p>red-roofed [2] - 151:14, 153:22</p> <p>redirect [3] - 46:19, 280:11, 280:12</p> <p>REDIRECT [1] - 46:21</p> <p>redline [2] - 265:3, 265:16</p> <p>reduce [2] - 95:23, 197:17</p> <p>redundant [1] - 284:12</p> <p>refer [1] - 143:6</p> <p>reference [5] - 127:13, 171:21, 275:20, 276:18</p> <p>referenced [4] - 94:16, 99:18, 173:13, 198:5</p> <p>referring [3] - 51:8, 69:12, 95:8</p> <p>refers [1] - 22:23</p> <p>refinery [1] - 210:14</p> <p>reflect [3] - 65:18, 103:18, 287:2</p> <p>refrain [1] - 4:19</p> <p>refresh [1] - 160:23</p> <p>refuge [1] - 170:25</p> <p>regard [5] - 66:7, 66:17, 173:24, 181:20, 276:13</p> <p>regarding [7] - 4:17,</p>	<p>16:18, 29:6, 67:16, 86:13, 206:13, 235:11</p> <p>regardless [4] - 20:16, 29:5, 229:25, 271:16</p> <p>regards [3] - 147:19, 148:5, 173:3</p> <p>Regional [1] - 217:25</p> <p>regular [1] - 47:13</p> <p>regulate [2] - 129:11, 213:19</p> <p>regulated [1] - 237:12</p> <p>regulates [1] - 18:8</p> <p>regulating [1] - 18:22</p> <p>reiterate [1] - 127:9</p> <p>reject [2] - 184:24, 255:24</p> <p>related [10] - 14:2, 15:23, 16:1, 26:19, 39:6, 48:21, 53:22, 63:17, 64:1, 215:5</p> <p>relating [2] - 62:22, 62:25</p> <p>relationship [2] - 202:9, 203:14</p> <p>relationships [1] - 175:1</p> <p>relative [4] - 83:22, 218:23, 226:14, 275:9</p> <p>release [6] - 69:16, 70:20, 172:17, 179:6, 182:12, 266:16</p> <p>released [1] - 269:10</p> <p>releases [2] - 62:20, 62:23</p> <p>relevance [2] - 24:10, 24:25</p> <p>relevant [3] - 24:14, 200:15, 252:12</p> <p>reliability [1] - 6:14</p> <p>relief [2] - 283:21, 283:23</p> <p>relieved [1] - 174:15</p> <p>relitigate [1] - 14:20</p> <p>relocate [1] - 221:7</p> <p>rely [1] - 236:20</p> <p>relying [1] - 276:20</p> <p>remains [2] - 6:20, 169:22</p> <p>remarks [1] - 292:25</p> <p>remember [14] - 26:11, 66:9, 135:2, 140:22, 143:17, 144:11, 145:2, 177:24, 189:12, 207:17, 208:21, 254:6, 259:17, 277:4</p> <p>remind [1] - 8:12</p> <p>reminder [1] - 8:6</p> <p>remotely [1] - 7:20</p> <p>removed [1] - 221:14</p>

<p>renew ^[1] - 168:9 renewable ^[1] - 95:20 renowned ^[1] - 100:5 rent ^[3] - 44:24, 45:2, 81:25 rental ^[1] - 44:1 rented ^[1] - 45:1 renters ^[1] - 81:17 renting ^[2] - 45:6, 81:24 reoffer ^[1] - 276:6 rep ^[2] - 173:17, 177:25 repair ^[1] - 220:6 repeat ^[4] - 23:21, 57:16, 245:6, 266:15 repeatedly ^[2] - 62:17, 67:6 repeating ^[1] - 162:8 rephrase ^[1] - 50:9 replaced ^[1] - 41:8 replacement ^[1] - 144:10 replaces ^[1] - 40:23 reply ^[2] - 288:10, 288:20 report ^[5] - 6:20, 101:7, 240:4, 274:7, 276:14 reported ^[2] - 230:16, 240:6 reports ^[2] - 68:19, 230:16 represent ^[4] - 39:18, 57:3, 194:2, 249:24 Representative ^[3] - 9:23, 39:16, 69:11 representative ^[6] - 68:3, 78:5, 90:20, 99:4, 181:18, 255:18 Representatives ^[2] - 39:14, 249:5 representatives ^[6] - 61:22, 68:2, 69:4, 202:12, 202:20, 223:12 representing ^[2] - 57:5, 60:7 Republican ^[7] - 111:25, 250:12, 251:16, 252:7, 252:12, 252:20, 253:4 Republicans ^[2] - 110:12, 250:5 reputation ^[1] - 99:5 request ^[12] - 4:9, 34:16, 34:25, 67:2, 73:7, 73:8, 129:18, 191:19, 281:24, 282:17, 283:23, 292:9 requested ^[8] - 43:19,</p>	<p>43:20, 67:12, 68:8, 209:8, 209:12, 282:11, 289:19 requesting ^[1] - 73:11 requests ^[9] - 34:19, 34:22, 34:24, 36:7, 67:17, 137:25, 291:14, 291:15, 291:23 requiem ^[2] - 105:24, 105:25 require ^[3] - 27:6, 250:25, 265:7 required ^[6] - 12:15, 33:7, 38:5, 239:14, 243:3, 243:6 requirement ^[3] - 26:21, 225:22, 235:1 requirements ^[11] - 17:5, 17:14, 18:3, 18:16, 21:20, 24:21, 26:24, 33:4, 33:15, 37:19, 235:24 requires ^[1] - 9:11 reroute ^[11] - 67:2, 67:12, 67:16, 67:25, 71:2, 77:9, 77:19, 78:3, 78:14, 84:5, 264:11 rerouted ^[6] - 111:9, 178:21, 179:16, 181:15, 186:15, 186:18 reroutes ^[8] - 68:10, 83:17, 83:23, 84:20, 245:8, 290:17, 290:18, 290:21 resay ^[1] - 221:7 reschedule ^[1] - 47:14 rescue ^[5] - 156:22, 163:11, 163:12, 272:20, 272:23 rescues ^[1] - 163:7 research ^[4] - 55:21, 91:1, 93:17, 161:4 researched ^[2] - 153:20, 275:9 researching ^[1] - 74:16 Reserve ^[2] - 222:10, 222:17 reserved ^[1] - 171:6 reside ^[1] - 44:9 residence ^[18] - 32:9, 38:24, 43:25, 44:4, 75:8, 129:14, 146:3, 146:4, 146:6, 146:9, 150:15, 213:2, 225:13, 225:23, 225:24, 225:25, 226:2 residences ^[8] - 40:7, 40:10, 43:13, 43:14,</p>	<p>44:8, 83:19, 89:11, 166:13 residents ^[1] - 130:2 resolution ^[5] - 250:3, 250:8, 250:13, 250:15, 250:16 Resolutions ^[1] - 250:20 resolve ^[2] - 54:6, 224:17 resolved ^[4] - 252:6, 252:11, 252:19, 253:3 resources ^[10] - 6:10, 62:15, 66:7, 66:11, 66:18, 72:13, 72:14, 72:21, 125:9, 257:22 Resources ^[1] - 247:3 respect ^[11] - 20:22, 58:7, 175:4, 192:10, 239:8, 240:12, 252:15, 255:7, 290:6, 291:1 respectful ^[4] - 4:22, 192:12, 203:13, 229:9 respectfully ^[3] - 8:17, 191:18, 255:24 respecting ^[1] - 170:14 respectively ^[1] - 291:21 respond ^[5] - 164:18, 172:16, 242:4, 273:2, 284:10 responded ^[1] - 263:5 responder ^[3] - 158:4, 173:1, 203:12 responders ^[14] - 130:6, 155:20, 156:13, 157:1, 164:6, 171:13, 172:18, 203:10, 203:21, 203:22, 204:3, 204:18, 204:21, 209:25 responding ^[1] - 202:13 Response ^[1] - 163:8 response ^[17] - 30:2, 51:6, 84:5, 84:20, 203:8, 203:24, 206:14, 210:1, 263:5, 272:10, 272:19, 286:5, 291:14, 291:15, 291:17, 291:18, 292:8 responses ^[1] - 292:4 responsibility ^[3] - 220:12, 261:1, 270:10 responsible ^[14] -</p>	<p>63:11, 130:2, 219:21, 219:24, 220:5, 220:7, 220:9, 220:10, 224:7, 229:21, 236:14, 239:22, 240:15, 271:3 responsive ^[2] - 203:14, 288:3 responsiveness ^[1] - 203:16 rest ^[9] - 114:10, 127:12, 183:8, 193:21, 196:18, 215:16, 227:4, 231:20, 249:3 restate ^[1] - 28:7 restrict ^[1] - 129:11 restroom ^[1] - 255:10 result ^[1] - 140:15 resulting ^[1] - 63:5 retain ^[1] - 61:1 retired ^[6] - 112:20, 122:17, 170:17, 248:13, 268:2, 275:8 retirement ^[1] - 170:18 retires ^[1] - 44:23 return ^[4] - 56:13, 67:14, 123:18, 193:11 revamp ^[1] - 34:15 revealing ^[1] - 107:4 revelation ^[1] - 106:21 revenue ^[1] - 193:11 review ^[3] - 14:9, 275:25, 284:4 reviewed ^[1] - 168:10 reviewing ^[2] - 40:5, 229:19 revises ^[1] - 41:8 revisiting ^[2] - 20:4, 20:7 reward ^[1] - 82:19 rewrite ^[1] - 139:15 rewrote ^[1] - 139:16 Richardton ^[1] - 197:4 Richland ^[1] - 5:16 rid ^[3] - 114:6, 115:8, 115:13 rightfully ^[1] - 81:14 Rights ^[1] - 250:17 rights ^[14] - 34:23, 35:25, 48:22, 49:6, 54:17, 168:8, 182:24, 192:11, 249:23, 251:9, 252:15, 253:6, 281:1, 284:20 rigorous ^[2] - 204:17, 251:12 rings ^[2] - 82:12, 121:18 RINO ^[1] - 112:3</p>	<p>RINOs ^[1] - 110:12 rise ^[2] - 101:9, 258:19 rises ^[1] - 96:18 risk ^[10] - 65:23, 69:19, 82:19, 192:3, 194:5, 197:14, 199:1, 221:1, 273:10, 280:21 risks ^[2] - 192:1, 252:4 Ritchier ^[1] - 212:23 River ^[2] - 90:4, 232:13 river ^[3] - 40:16, 90:10, 90:13 Riverview ^[1] - 216:22 road ^[7] - 27:2, 42:1, 42:14, 82:9, 128:23, 207:15 roads ^[4] - 41:22, 41:23, 41:25, 43:2 ROBERT ^[18] - 113:11, 113:16, 113:18, 113:22, 114:1, 114:3, 117:21, 118:1, 118:7, 118:11, 118:13, 118:16, 119:2, 119:7, 119:10, 119:14, 119:18, 119:21 Robert ^[1] - 113:11 ROBINSON ^[15] - 180:15, 180:20, 180:23, 181:2, 181:4, 181:6, 185:12, 185:15, 185:21, 186:10, 186:13, 186:21, 186:24, 187:2, 187:14 Robinson ^[3] - 170:22, 180:15, 180:17 rock ^[2] - 135:8, 173:17 rocket ^[1] - 196:6 rocks ^[3] - 66:10, 82:1, 82:13 Rod ^[1] - 204:6 role ^[1] - 129:5 rollcall ^[2] - 286:24, 287:3 rolling ^[1] - 110:10 RON ^[16] - 92:11, 92:16, 92:19, 92:23, 93:1, 93:3, 94:9, 94:14, 94:20, 95:1, 95:11, 96:4, 96:15, 96:20, 97:1, 97:5 Ron ^[2] - 92:11, 96:24 roof ^[2] - 151:12, 154:2 roofed ^[3] - 151:14,</p>
--	---	--	--	---

<p>153:22, 153:25 room [25] - 11:22, 42:14, 56:20, 58:19, 79:23, 88:3, 89:21, 92:13, 97:17, 113:13, 115:18, 120:11, 127:25, 132:7, 145:14, 154:21, 161:19, 167:9, 180:17, 188:7, 201:15, 211:6, 228:8, 228:19, 239:5 rooms [1] - 9:18 roots [1] - 190:4 Roseanne [2] - 85:1, 263:13 roughly [3] - 10:24, 76:13, 106:24 round [2] - 98:10, 105:11 route [36] - 5:12, 5:25, 6:22, 48:9, 48:13, 65:4, 68:11, 70:1, 70:3, 70:18, 71:7, 71:16, 96:12, 96:14, 112:16, 117:19, 118:5, 124:6, 137:8, 137:24, 137:25, 138:1, 138:2, 139:5, 168:15, 168:20, 171:4, 174:10, 174:12, 176:24, 202:14, 215:6, 218:9, 272:7, 272:12, 291:2 routed [1] - 23:19 routes [3] - 83:17, 168:10, 290:24 row [4] - 110:21, 218:22, 279:2, 279:4 rugged [1] - 82:5 ruin [1] - 60:16 ruined [1] - 89:19 Rule [3] - 281:11, 282:20, 282:21 rule [1] - 282:22 ruled [5] - 15:21, 16:2, 16:6, 281:20, 282:1 rules [6] - 107:13, 130:12, 133:9, 253:8, 284:24, 291:3 Rules [1] - 281:10 ruling [10] - 14:14, 16:3, 16:18, 242:15, 248:18, 276:13, 282:15, 282:18, 283:20, 284:1 ruminates [1] - 103:12 rumor [1] - 157:5 run [12] - 58:3, 80:22, 82:16, 117:8, 166:1, 173:6, 199:10,</p>	<p>211:25, 235:21, 236:8, 257:16, 268:15 running [6] - 86:5, 162:24, 173:9, 248:5, 269:13, 271:22 runs [4] - 162:23, 166:3, 186:7, 212:3 rupture [15] - 65:2, 90:12, 149:16, 155:24, 172:17, 173:2, 173:15, 173:21, 178:1, 179:5, 182:14, 183:20, 204:15, 212:19, 271:2 ruptured [1] - 115:1 rural [13] - 30:24, 36:14, 53:17, 55:23, 149:6, 149:7, 149:8, 157:13, 164:4, 192:21, 192:25, 193:1 Rural [1] - 203:5 rural-rural [1] - 149:6 rushed [1] - 267:21 Russell [1] - 133:21</p>	<p>168:13, 172:10, 172:13, 173:11, 173:21, 175:24, 178:10, 178:20, 178:22, 181:21, 191:23, 194:7, 198:19, 198:23, 202:25, 203:17, 204:6, 204:8, 204:12, 204:17, 204:22, 204:25, 205:6, 206:13, 229:22, 233:17, 235:13, 235:24, 238:8, 251:13, 252:16, 273:4 Sakakawea [3] - 233:21, 234:1, 237:15 sake [1] - 256:20 saltwater [2] - 234:6, 234:9 salvage [2] - 17:8, 18:8 Sam [1] - 119:7 sandier [1] - 213:20 sanitary [1] - 279:19 sank [1] - 182:9 Sargent [2] - 5:16, 80:21 sat [4] - 52:16, 61:10, 174:20, 257:21 Satartia [2] - 108:5, 173:1 satellite [5] - 101:2, 101:3, 101:7, 101:8, 102:7 satisfied [1] - 26:16 Saudi [2] - 247:1, 259:1 save [2] - 116:1, 256:21 saved [1] - 10:15 saving [3] - 184:13, 195:5 saw [6] - 66:14, 97:9, 173:2, 183:1, 210:23, 262:1 scale [1] - 251:14 scary [1] - 162:23 scattered [1] - 173:17 scenario [4] - 146:17, 149:22, 149:23, 266:17 SCHAEFER [18] - 113:11, 113:16, 113:18, 113:22, 114:1, 114:3, 117:21, 118:1, 118:7, 118:11, 118:13, 118:16, 119:2, 119:7, 119:10, 119:14,</p>	<p>119:18, 119:21 Schaefer [4] - 113:11, 113:13, 117:17, 119:22 schedule [2] - 267:3, 288:4 scheduled [7] - 5:22, 9:8, 89:4, 172:7, 282:19, 285:23, 285:24 scheduling [2] - 47:17, 208:18 Schmidt [1] - 249:3 SCHNEIDER [26] - 119:25, 120:2, 120:7, 120:9, 120:12, 120:15, 120:19, 120:21, 120:23, 124:3, 124:8, 124:11, 124:15, 125:5, 125:11, 125:17, 125:19, 125:23, 126:2, 126:6, 126:10, 126:12, 126:14, 126:18, 126:22, 127:3 Schneider [4] - 120:3, 120:10, 120:24, 127:2 Schock [7] - 7:14, 36:22, 51:13, 150:13, 185:5, 216:8, 277:24 SCHOCK [32] - 150:14, 150:20, 150:22, 150:25, 151:3, 151:6, 151:13, 185:7, 185:14, 185:16, 185:22, 216:6, 216:9, 216:14, 216:19, 216:24, 217:3, 217:7, 217:9, 217:15, 217:19, 218:3, 218:6, 218:8, 218:12, 218:15, 218:17, 219:5, 219:9, 277:25, 278:2, 286:13 school [5] - 65:9, 133:5, 163:22, 171:14, 171:15 Schuh [8] - 136:9, 141:4, 143:3, 143:6, 143:9, 143:19, 144:4, 144:19 science [2] - 64:11, 235:2 Science [1] - 100:4 scientific [5] - 102:21, 103:1, 104:1, 274:4, 275:18</p>	<p>scientist [2] - 196:6, 276:14 scientists [5] - 248:8, 248:9, 248:13, 248:15, 248:23 scope [1] - 240:10 score [5] - 197:20, 197:23, 197:24, 198:12 Scott [2] - 68:15, 69:2 scraped [1] - 81:11 screen [2] - 78:9, 139:1 scrow [1] - 116:6 scrimped [1] - 81:10 script [2] - 17:10, 267:9 SCS [4] - 5:10, 7:7, 270:3, 291:11 SCS's [1] - 266:22 se [1] - 284:3 season [1] - 149:23 seat [1] - 129:24 seats [1] - 283:9 second [12] - 8:9, 21:15, 52:23, 86:21, 112:5, 112:7, 228:13, 274:23, 286:10, 286:12, 286:14, 291:5 secondhand [2] - 23:8, 248:22 seconds [1] - 148:9 secrecy [1] - 172:6 secret [2] - 227:9, 247:8 Section [1] - 40:23 section [50] - 17:3, 41:19, 42:1, 57:1, 60:6, 74:18, 74:20, 75:2, 75:9, 75:12, 76:5, 80:18, 80:20, 85:15, 85:20, 85:22, 85:23, 86:4, 86:7, 86:23, 107:21, 116:16, 124:8, 141:19, 141:20, 141:25, 146:10, 146:11, 150:16, 150:18, 181:8, 185:11, 185:14, 185:17, 186:5, 211:21, 216:15, 216:16, 217:22, 217:23, 221:23, 221:25, 222:2, 222:3, 222:4, 261:18, 266:19, 266:21, 278:6, 278:7 sections [2] - 185:9, 185:10 sector [1] - 250:22 secured [1] - 290:24</p>
S				
<p>S-C-H-A-E-F-E-R [1] - 113:12 S-C-H-N-E-I-D-E-R [1] - 120:9 S-M-I-T-H [1] - 145:13 S-T-R-A-M-E-R [1] - 58:18 safe [9] - 99:22, 99:24, 156:7, 181:22, 182:7, 182:12, 191:25, 194:11, 293:8 safely [2] - 64:10, 175:2 safety [70] - 34:23, 42:12, 43:13, 43:15, 48:22, 49:6, 49:9, 49:12, 54:17, 70:22, 129:7, 130:16, 133:3, 134:7, 134:15, 146:16, 147:6, 147:12, 147:17, 148:15, 149:12, 149:13, 149:15, 155:17, 155:24, 156:5, 156:10, 156:13, 156:15, 156:24, 157:4, 158:12, 160:6, 162:10, 162:16, 162:19,</p>				

<p>security [1] - 170:18</p> <p>see [62] - 10:8, 28:4, 50:1, 54:5, 59:6, 62:2, 65:13, 72:8, 75:7, 75:15, 76:2, 78:19, 84:11, 85:1, 86:21, 95:17, 98:8, 102:10, 105:22, 115:4, 118:4, 118:14, 123:21, 125:18, 125:21, 126:3, 130:8, 135:5, 136:14, 139:1, 144:8, 147:14, 149:12, 150:21, 151:12, 172:11, 174:20, 174:21, 184:6, 194:7, 214:2, 217:10, 217:13, 218:12, 220:11, 224:12, 224:17, 224:23, 225:11, 227:24, 231:10, 231:11, 232:24, 233:14, 249:18, 254:14, 270:19, 276:3, 276:12, 288:24, 289:11</p> <p>seed [1] - 197:10</p> <p>seeing [4] - 26:16, 102:2, 102:8, 261:10</p> <p>seek [3] - 23:17, 252:13, 265:5</p> <p>seem [3] - 200:5, 266:20, 284:12</p> <p>select [1] - 171:11</p> <p>self [2] - 152:15, 257:2</p> <p>self-contained [1] - 152:15</p> <p>self-employed [1] - 257:2</p> <p>sell [1] - 191:1</p> <p>selling [1] - 234:18</p> <p>semen [1] - 98:20</p> <p>senator [6] - 189:24, 196:3, 240:14, 254:5, 256:12, 256:13</p> <p>Senator [10] - 9:21, 9:22, 99:4, 199:9, 201:2, 201:7, 258:10, 258:14, 260:5, 261:5</p> <p>Senators [1] - 39:16</p> <p>sense [12] - 14:19, 32:17, 71:7, 95:23, 99:24, 184:16, 184:22, 203:16, 257:15, 258:5, 258:7, 275:25</p> <p>senseless [1] - 62:14</p> <p>sensitive [2] - 42:17, 82:11</p>	<p>sent [13] - 60:19, 60:22, 63:1, 68:5, 72:15, 78:6, 171:9, 171:11, 172:5, 176:12, 263:4, 264:7, 265:2</p> <p>sentence [1] - 136:10</p> <p>separate [1] - 14:13</p> <p>September [2] - 5:19, 232:19</p> <p>sequester [2] - 198:1, 231:1</p> <p>sequestered [1] - 181:11</p> <p>sequestration [5] - 70:22, 99:11, 103:24, 237:10, 237:11</p> <p>serfs [1] - 104:7</p> <p>series [1] - 51:18</p> <p>serious [3] - 90:15, 90:24, 195:19</p> <p>seriousness [1] - 69:12</p> <p>sermon [1] - 98:14</p> <p>serve [4] - 4:10, 189:23, 249:21, 282:9</p> <p>serves [1] - 173:23</p> <p>Service [13] - 4:4, 4:10, 7:13, 15:5, 21:6, 23:11, 47:3, 167:25, 175:5, 175:14, 191:19, 194:24, 280:25</p> <p>service [5] - 118:25, 119:1, 119:13, 209:5, 280:7</p> <p>Services [1] - 192:16</p> <p>services [2] - 62:13, 184:4</p> <p>session [3] - 241:7, 247:25, 254:24</p> <p>sessions [1] - 50:13</p> <p>set [8] - 4:3, 33:6, 66:10, 66:13, 202:15, 224:3, 226:9, 282:17</p> <p>setback [10] - 21:19, 32:22, 33:4, 33:14, 40:6, 41:24, 49:10, 49:15, 50:22, 227:1</p> <p>setbacks [16] - 21:23, 22:5, 26:20, 26:22, 27:5, 29:25, 33:6, 33:16, 36:3, 41:21, 43:1, 43:4, 48:10, 55:15, 70:22, 116:15</p> <p>sets [2] - 17:18, 225:12</p> <p>setting [2] - 91:2, 99:9</p> <p>settled [2] - 115:3, 138:12</p>	<p>seven [3] - 89:18, 212:9, 225:20</p> <p>Seventh [1] - 217:5</p> <p>several [11] - 9:19, 20:6, 53:1, 53:21, 62:9, 88:17, 93:12, 207:15, 233:3, 245:5, 270:21</p> <p>several-ton [1] - 270:21</p> <p>sewage [2] - 111:12</p> <p>sewer [2] - 279:19, 279:21</p> <p>shall [2] - 63:3, 129:17</p> <p>share [2] - 175:19, 195:12</p> <p>shared [5] - 171:19, 199:1, 207:5, 207:6, 207:22</p> <p>shed [1] - 153:24</p> <p>sheet [2] - 5:4, 5:7</p> <p>sheets [2] - 4:25, 56:13</p> <p>shelter [1] - 153:2</p> <p>shelter-in-place [1] - 153:2</p> <p>Sheri [2] - 135:1, 135:15</p> <p>Sheridan [1] - 232:4</p> <p>sheriff [4] - 62:4, 158:19, 171:17, 202:22</p> <p>sheriff's [4] - 155:20, 157:3, 157:4, 160:20</p> <p>sheriffs [1] - 128:24</p> <p>shifting [1] - 82:11</p> <p>shocking [1] - 175:6</p> <p>shoddily [1] - 198:22</p> <p>shoes [2] - 112:5, 112:7</p> <p>shook [1] - 173:18</p> <p>short [7] - 93:15, 130:23, 141:3, 157:13, 214:20, 283:3, 283:4</p> <p>shorter [1] - 288:20</p> <p>shortly [3] - 122:25, 171:5, 202:18</p> <p>show [11] - 37:25, 38:3, 53:5, 138:13, 154:15, 192:4, 216:18, 227:14, 255:4, 260:1, 269:11</p> <p>showed [2] - 66:12, 75:20</p> <p>showing [3] - 78:13, 242:14, 242:19</p> <p>shown [3] - 39:15, 207:24, 215:8</p> <p>shows [6] - 74:25, 87:1, 101:8, 105:13, 227:19, 253:22</p> <p>sic [1] - 226:12</p>	<p>side [15] - 40:16, 76:5, 86:23, 105:11, 114:3, 212:1, 213:11, 213:12, 213:14, 214:8, 215:13, 219:1, 269:15, 271:14</p> <p>sided [2] - 31:23, 139:16</p> <p>Sierra [1] - 109:8</p> <p>sign [10] - 5:3, 27:4, 44:1, 45:5, 56:13, 63:1, 64:3, 68:25, 169:16, 183:24</p> <p>sign-in [1] - 56:13</p> <p>sign-up [1] - 68:25</p> <p>signed [12] - 69:16, 133:21, 137:10, 138:8, 170:6, 179:18, 179:20, 183:16, 199:22, 210:5, 226:13, 254:19</p> <p>significant [4] - 101:16, 116:23, 148:10, 205:5</p> <p>signify [1] - 286:16</p> <p>signs [2] - 8:15, 163:4</p> <p>signups [1] - 69:13</p> <p>silenced [1] - 4:13</p> <p>similar [7] - 26:12, 55:22, 127:11, 203:9, 274:5, 277:5, 288:4</p> <p>Simon [1] - 190:5</p> <p>simple [2] - 66:3, 215:7</p> <p>simpler [1] - 9:5</p> <p>simplified [1] - 12:24</p> <p>simply [9] - 20:15, 37:21, 108:15, 139:20, 178:20, 191:3, 265:18, 266:6, 271:15</p> <p>Simultaneous [1] - 244:5</p> <p>simultaneous [3] - 288:9, 288:10, 288:19</p> <p>sincerely [1] - 71:15</p> <p>Singer [2] - 100:4, 103:19</p> <p>Singer's [1] - 101:1</p> <p>single [5] - 63:8, 64:23, 67:15, 84:20, 271:23</p> <p>sinks [1] - 53:19</p> <p>sit [3] - 236:17, 256:1, 266:4</p> <p>site [5] - 26:15, 94:8, 173:16, 198:5, 226:16</p> <p>sited [1] - 40:7</p>	<p>sites [1] - 82:13</p> <p>siting [2] - 9:1, 255:25</p> <p>Siting [1] - 291:3</p> <p>sitting [6] - 7:7, 66:13, 98:12, 175:7, 255:9, 256:12</p> <p>situation [9] - 139:25, 140:6, 150:2, 162:20, 163:24, 164:12, 169:16, 230:4, 274:5</p> <p>situations [3] - 55:22, 163:13, 164:15</p> <p>six [22] - 44:11, 60:22, 67:14, 121:12, 133:18, 137:20, 213:9, 253:20, 253:21, 267:11, 271:6, 271:8, 272:3, 272:5, 278:21, 279:8, 279:20, 279:22, 279:23, 279:25, 280:3</p> <p>six-acre [1] - 121:12</p> <p>six-foot [1] - 279:8</p> <p>sixth [1] - 270:9</p> <p>size [4] - 64:16, 146:15, 270:13, 270:23</p> <p>SK [1] - 246:23</p> <p>skews [1] - 101:6</p> <p>skip [3] - 261:19, 266:18, 268:17</p> <p>skipped [1] - 216:5</p> <p>slander [2] - 241:17, 242:10</p> <p>sleeping [1] - 110:21</p> <p>sleepless [1] - 138:17</p> <p>sleepy [1] - 100:7</p> <p>slide [1] - 213:21</p> <p>slight [2] - 64:18, 102:6</p> <p>slightly [4] - 153:13, 154:4, 177:3, 178:21</p> <p>slip [3] - 190:18, 226:17, 231:22</p> <p>slough [3] - 152:2, 218:22, 270:16</p> <p>slow [1] - 184:10</p> <p>slowly [1] - 163:3</p> <p>slurry [1] - 17:23</p> <p>small [7] - 62:19, 79:5, 106:1, 170:25, 192:21, 214:10, 219:3</p> <p>smart [1] - 235:19</p> <p>smell [2] - 105:23, 147:14</p> <p>SMITH [24] - 145:13, 145:17, 145:20, 145:24, 146:1, 146:3, 150:19, 150:21, 150:24,</p>
---	--	--	---	---

<p>151:1, 151:4, 151:8, 151:11, 151:21, 152:13, 152:16, 152:20, 152:25, 153:5, 153:15, 153:18, 153:23, 154:1, 154:7</p> <p>Smith [4] - 145:13, 145:14, 152:11, 154:14</p> <p>snapped [1] - 136:5</p> <p>sniper [1] - 116:10</p> <p>so-called [2] - 103:9, 103:14</p> <p>so.. [9] - 12:4, 21:13, 30:1, 74:11, 123:20, 144:20, 152:6, 192:8, 238:25</p> <p>social [1] - 170:18</p> <p>society [1] - 249:16</p> <p>soil [13] - 115:9, 115:10, 197:10, 213:6, 213:17, 213:19, 213:20, 213:21, 235:1, 267:7, 272:1</p> <p>soils [3] - 213:22, 214:1, 267:20</p> <p>sold [5] - 63:21, 91:6, 91:9, 91:10, 93:9</p> <p>solid [1] - 103:25</p> <p>solidifying [1] - 204:10</p> <p>Solutions [25] - 63:10, 69:3, 81:12, 89:1, 104:5, 104:7, 168:3, 168:9, 168:12, 169:21, 175:4, 175:8, 175:23, 181:10, 181:19, 182:5, 182:20, 183:13, 202:8, 204:13, 205:2, 249:13, 259:5, 259:14, 268:5</p> <p>solutions [2] - 170:6, 252:14</p> <p>Solutions' [1] - 184:24</p> <p>someone [15] - 101:10, 112:15, 142:23, 143:2, 153:15, 157:3, 200:7, 220:12, 225:19, 226:5, 240:4, 240:15, 265:6, 270:8, 271:10</p> <p>something's [1] - 260:19</p> <p>sometime [2] - 30:9, 158:17</p> <p>sometimes [7] - 8:23, 8:24, 31:23, 62:1, 89:9, 193:19, 271:13</p>	<p>somewhat [6] - 9:7, 19:9, 101:6, 106:23, 288:20, 290:5</p> <p>somewhere [3] - 146:6, 266:24, 289:10</p> <p>son [7] - 115:22, 162:11, 162:14, 190:7, 195:24, 247:17</p> <p>son's [1] - 119:1</p> <p>sons [1] - 116:13</p> <p>soon [1] - 246:7</p> <p>sorry [14] - 9:25, 23:23, 35:14, 42:16, 45:13, 49:22, 120:7, 151:1, 178:3, 195:10, 200:18, 206:21, 216:5, 230:24</p> <p>sort [4] - 35:8, 43:23, 121:15, 218:22</p> <p>sought [1] - 283:22</p> <p>soul [1] - 249:4</p> <p>sounds [2] - 11:21, 156:15</p> <p>source [3] - 36:18, 166:3, 166:4</p> <p>sources [1] - 23:9</p> <p>south [8] - 80:17, 85:14, 90:6, 118:3, 215:11, 221:23, 265:4, 265:19</p> <p>South [14] - 36:13, 36:14, 117:22, 117:25, 118:6, 118:12, 119:19, 191:2, 217:25, 245:24, 246:23, 256:22, 259:1, 272:24</p> <p>southeast [8] - 125:21, 125:22, 125:23, 126:4, 150:18, 186:5, 186:9, 232:17</p> <p>southern [2] - 78:17, 265:17</p> <p>southwest [12] - 80:18, 85:15, 124:12, 125:15, 125:24, 150:17, 181:6, 185:12, 185:16, 186:9, 232:10</p> <p>space [7] - 214:21, 218:16, 219:8, 224:20, 228:6, 257:7</p> <p>spaces [1] - 245:21</p> <p>spared [1] - 174:17</p> <p>speaker [1] - 68:15</p> <p>speaking [6] - 21:1, 104:20, 200:5,</p>	<p>244:5, 248:15, 278:9</p> <p>special [2] - 7:12, 18:16</p> <p>specialist [1] - 178:10</p> <p>specific [16] - 18:14, 18:17, 30:15, 30:22, 30:23, 41:13, 54:3, 54:13, 96:17, 105:1, 139:10, 189:4, 189:12, 210:1, 273:11, 284:23</p> <p>specifically [19] - 19:6, 19:18, 19:23, 20:5, 30:19, 30:20, 32:4, 33:5, 35:5, 47:25, 49:1, 55:17, 56:3, 81:3, 138:11, 168:2, 209:24, 277:3, 281:11</p> <p>specifics [1] - 157:24</p> <p>specified [1] - 5:24</p> <p>speculation [1] - 35:9</p> <p>speed [1] - 269:9</p> <p>spell [10] - 58:17, 120:8, 127:22, 132:4, 154:19, 161:17, 188:4, 211:3, 228:4, 239:2</p> <p>spelled [1] - 88:2</p> <p>spelling [13] - 12:7, 79:18, 87:24, 92:9, 97:12, 109:5, 113:10, 145:12, 167:5, 180:13, 201:12, 211:1, 261:22</p> <p>spend [3] - 95:22, 139:24, 170:17</p> <p>spending [3] - 96:6, 184:10, 190:9</p> <p>spent [6] - 122:16, 122:17, 139:14, 170:23, 192:21, 253:16</p> <p>spill [1] - 226:3</p> <p>spoken [2] - 133:7, 210:8</p> <p>spokesperson [1] - 169:18</p> <p>sponge [1] - 234:7</p> <p>spot [2] - 126:11, 270:16</p> <p>spread [1] - 156:1</p> <p>spring [5] - 121:11, 121:21, 173:1, 176:18</p> <p>Squad [2] - 110:8, 110:10</p> <p>squad [1] - 156:4</p> <p>St [2] - 89:15, 231:25</p> <p>staff [6] - 65:9, 144:6, 163:24, 189:21, 202:23, 222:20</p>	<p>staging [1] - 139:7</p> <p>stakeholders [2] - 202:20, 204:5</p> <p>stand [12] - 15:25, 22:12, 24:22, 97:9, 116:10, 143:8, 170:12, 183:24, 210:23, 249:23, 256:1, 283:1</p> <p>standards [5] - 198:12, 198:21, 205:6, 229:22, 284:23</p> <p>standing [6] - 42:20, 62:5, 135:23, 143:11, 173:21, 177:25</p> <p>start [24] - 10:20, 12:6, 14:8, 18:4, 52:10, 56:19, 56:25, 79:17, 87:23, 92:8, 97:11, 109:4, 113:9, 145:11, 167:4, 180:12, 201:11, 210:25, 227:20, 261:21, 262:22, 264:5, 287:23, 288:15</p> <p>started [17] - 4:1, 11:4, 39:14, 45:12, 47:20, 72:7, 95:22, 110:19, 135:15, 142:13, 143:12, 196:1, 198:6, 202:18, 227:21, 266:20, 283:9</p> <p>starting [2] - 198:10, 200:1</p> <p>starvation [3] - 100:21, 100:23, 107:1</p> <p>starved [1] - 102:16</p> <p>state [48] - 9:6, 9:19, 12:16, 40:8, 61:24, 64:13, 65:3, 66:4, 69:22, 117:10, 129:17, 132:3, 133:8, 134:6, 134:10, 145:11, 148:21, 149:7, 149:23, 154:19, 161:16, 168:4, 169:18, 175:5, 175:21, 181:21, 182:25, 183:9, 184:17, 188:3, 190:25, 195:12, 196:3, 228:3, 236:16, 236:18, 239:1, 247:14, 248:19, 252:21, 253:13, 253:14, 254:8, 254:17,</p>	<p>255:4, 272:23, 276:20, 285:20</p> <p>State [3] - 69:10, 189:23, 254:9</p> <p>State's [1] - 234:6</p> <p>state's [5] - 31:1, 49:19, 191:4, 191:21</p> <p>statement [9] - 102:18, 136:16, 168:18, 173:8, 173:20, 174:3, 182:22, 226:13, 226:14</p> <p>statements [3] - 72:18, 72:19, 205:24</p> <p>states [14] - 18:12, 62:17, 62:19, 63:3, 64:9, 65:16, 67:3, 67:6, 67:8, 69:2, 100:8, 234:15, 245:20, 251:1</p> <p>States [5] - 95:8, 106:8, 114:18, 116:24, 191:9</p> <p>stating [14] - 12:6, 67:23, 79:17, 87:23, 92:8, 97:11, 109:4, 113:9, 167:4, 174:9, 180:12, 201:11, 210:25, 261:21</p> <p>station [4] - 25:21, 26:4, 26:8, 46:4</p> <p>stations [1] - 230:19</p> <p>Statistical [1] - 192:16</p> <p>status [2] - 16:14, 136:3</p> <p>statutory [1] - 107:12</p> <p>stay [8] - 15:6, 15:14, 40:9, 156:20, 223:21, 226:12, 226:18, 231:6</p> <p>staying [1] - 98:13</p> <p>steel [3] - 267:16, 267:21, 270:22</p> <p>step [2] - 169:3, 224:17</p> <p>STEPHANIE [18] - 167:6, 167:11, 167:14, 167:18, 167:20, 167:22, 176:14, 176:17, 176:20, 176:25, 177:5, 177:14, 178:3, 178:18, 178:22, 179:9, 179:19, 179:24</p> <p>Stephanie [1] - 167:6</p> <p>stepped [5] - 135:21, 141:4, 143:13, 143:14, 216:11</p> <p>steps [3] - 62:7, 70:25, 224:1</p> <p>stick [1] - 9:15</p>
--	--	--	---	--

<p>still [30] - 24:19, 27:6, 30:9, 32:25, 43:22, 57:21, 64:4, 69:24, 77:20, 78:8, 116:8, 119:25, 124:1, 124:15, 178:23, 178:25, 179:2, 179:18, 181:14, 207:10, 222:3, 227:15, 227:24, 250:2, 261:12, 265:3, 265:6, 276:12</p> <p>stipulate [2] - 15:14, 271:8</p> <p>stipulated [1] - 15:6</p> <p>stipulation [1] - 272:5</p> <p>stock [3] - 81:19, 121:12</p> <p>stop [6] - 53:20, 122:25, 244:9, 260:1, 272:8</p> <p>stopped [1] - 236:1</p> <p>stopping [1] - 254:23</p> <p>storage [2] - 233:9, 245:19</p> <p>Storage [1] - 250:17</p> <p>stored [1] - 64:10</p> <p>stories [1] - 89:17</p> <p>storm [1] - 279:21</p> <p>story [1] - 138:14</p> <p>straight [5] - 78:24, 78:25, 111:13, 212:3, 223:22</p> <p>STRAMER [52] - 58:14, 58:16, 58:18, 58:22, 58:25, 59:4, 59:8, 59:14, 59:17, 59:20, 59:22, 59:24, 60:2, 60:5, 70:14, 70:17, 72:11, 72:17, 72:24, 73:1, 73:3, 73:5, 73:10, 73:13, 73:15, 74:8, 74:22, 74:25, 75:3, 75:6, 75:10, 75:13, 75:17, 75:22, 76:8, 76:10, 76:14, 76:16, 76:19, 77:7, 77:11, 77:14, 77:18, 77:25, 78:4, 78:12, 78:21, 78:24, 79:2, 79:5, 79:11, 79:13</p> <p>Stramer [5] - 58:16, 58:19, 70:13, 72:9, 79:14</p> <p>strapped [1] - 254:20</p> <p>strategic [1] - 209:21</p> <p>strategy [1] - 169:13</p> <p>straw [1] - 114:15</p> <p>streamed [1] - 52:22</p> <p>stressful [2] - 137:18</p> <p>strike [1] - 23:11</p> <p>strip [3] - 138:11,</p>	<p>139:2, 219:3</p> <p>strong [6] - 4:17, 112:8, 169:20, 249:18, 251:6</p> <p>strong-arm [1] - 169:20</p> <p>stronger [2] - 249:9</p> <p>strongly [1] - 247:10</p> <p>structures [1] - 129:12</p> <p>struggles [1] - 89:9</p> <p>student [1] - 21:12</p> <p>students [1] - 65:9</p> <p>studies [3] - 206:17, 248:12, 274:11</p> <p>study [3] - 182:13, 279:12, 279:13</p> <p>studying [1] - 131:15</p> <p>stuff [5] - 114:12, 133:7, 135:6, 137:22, 275:14</p> <p>Stutsman [2] - 193:3, 193:5</p> <p>style [1] - 108:8</p> <p>SuAnn [1] - 39:14</p> <p>subdivision [1] - 35:24</p> <p>subject [5] - 4:17, 56:22, 206:25, 281:19, 286:3</p> <p>submission [1] - 291:23</p> <p>submit [4] - 188:19, 189:9, 288:1, 290:7</p> <p>submitted [12] - 21:6, 25:12, 27:9, 67:2, 72:15, 77:5, 77:16, 83:22, 87:13, 260:19, 282:12, 290:16</p> <p>submitting [1] - 25:15</p> <p>subsection [5] - 17:16, 17:21, 17:24, 32:5</p> <p>Subsection [1] - 41:10</p> <p>subsidies [2] - 95:21, 96:19</p> <p>subsidize [1] - 117:3</p> <p>substance [3] - 20:1, 20:13, 31:9</p> <p>substances [3] - 21:22, 22:24, 23:1</p> <p>substantial [1] - 252:1</p> <p>substitute [1] - 287:8</p> <p>Substitute [1] - 189:20</p> <p>subsurface [2] - 17:8, 18:8</p> <p>succeeding [1] - 193:2</p> <p>sudden [2] - 162:9, 231:22</p> <p>sue [1] - 169:3</p>	<p>sued [3] - 37:22, 123:8, 270:4</p> <p>suffering [1] - 170:20</p> <p>sufficient [1] - 289:6</p> <p>suggest [1] - 77:10</p> <p>suggested [1] - 215:19</p> <p>suggestion [4] - 218:23, 281:4, 288:11, 288:21</p> <p>suggestions [2] - 84:5, 288:12</p> <p>suit [1] - 90:2</p> <p>Sulphur [1] - 108:6</p> <p>sum [1] - 178:13</p> <p>summary [3] - 206:23, 207:8, 207:25</p> <p>summer [1] - 44:15</p> <p>Summit [163] - 19:1, 23:5, 23:10, 23:15, 26:19, 26:24, 27:9, 31:23, 34:12, 37:21, 37:23, 37:25, 38:9, 38:21, 39:3, 39:7, 49:8, 61:9, 62:17, 63:10, 63:21, 64:3, 64:8, 66:13, 66:17, 66:19, 67:3, 67:16, 67:24, 68:25, 69:3, 69:13, 69:21, 69:25, 70:4, 70:25, 71:11, 71:16, 77:4, 77:9, 78:2, 78:5, 80:22, 80:25, 81:11, 81:19, 104:4, 104:7, 123:3, 123:8, 133:8, 134:17, 137:17, 139:3, 140:2, 142:13, 151:18, 152:11, 152:17, 153:1, 156:4, 156:11, 156:23, 159:17, 160:14, 165:12, 166:6, 168:3, 168:8, 168:12, 168:20, 168:22, 169:8, 169:11, 169:17, 169:21, 170:5, 171:3, 171:6, 171:25, 172:4, 172:14, 173:17, 174:7, 174:12, 175:4, 175:8, 175:22, 176:12, 177:24, 178:15, 178:20, 179:4, 179:6, 181:9, 181:18, 182:5, 182:20, 183:12, 184:24, 192:14, 195:21, 196:10, 199:1, 202:8, 202:9,</p>	<p>202:12, 202:16, 202:20, 203:14, 203:19, 204:1, 204:13, 205:2, 205:18, 205:23, 206:8, 206:15, 207:6, 207:22, 208:23, 209:19, 211:19, 212:13, 214:2, 214:12, 215:5, 215:18, 219:6, 220:2, 220:12, 220:24, 221:3, 221:5, 223:6, 223:12, 224:5, 230:5, 233:21, 247:3, 249:13, 259:5, 259:13, 260:25, 263:5, 264:4, 264:8, 264:9, 264:11, 265:2, 265:17, 265:25, 266:5, 268:5, 268:9, 271:3, 271:18, 272:8, 273:9, 280:21, 287:17, 291:13, 291:15</p> <p>Summit's [25] - 28:14, 60:24, 60:25, 61:10, 61:15, 61:22, 67:23, 68:1, 69:13, 77:15, 152:21, 190:13, 191:3, 191:20, 202:25, 203:11, 204:17, 211:24, 219:23, 220:6, 224:14, 256:21, 276:23, 291:22, 292:4</p> <p>sun [3] - 102:25, 103:2, 103:18</p> <p>Sunday [1] - 265:2</p> <p>sunshine [1] - 99:21</p> <p>sunspots [3] - 102:23, 102:24</p> <p>super [1] - 59:14</p> <p>supersede [1] - 23:5</p> <p>supersedes [1] - 226:21</p> <p>supervisor [1] - 83:24</p> <p>supplemental [1] - 6:1</p> <p>supplemented [1] - 291:16</p> <p>supply [1] - 212:24</p> <p>support [5] - 45:24, 198:25, 255:4, 258:6, 290:22</p> <p>supporters [1] - 157:7</p> <p>supporting [1] - 175:8</p> <p>Supporting [1] - 250:17</p> <p>supportive [2] - 200:21, 200:22</p>	<p>supports [2] - 251:17, 253:4</p> <p>suppose [4] - 38:8, 54:14, 247:5, 262:1</p> <p>supposed [6] - 110:11, 133:11, 135:17, 148:19, 148:22, 183:9</p> <p>supposedly [1] - 156:5</p> <p>surface [5] - 17:8, 18:9, 32:10, 82:14, 198:10</p> <p>surmise [1] - 69:5</p> <p>surrounds [1] - 149:9</p> <p>survey [5] - 68:9, 68:12, 134:10, 137:21, 169:4</p> <p>Survey [1] - 231:19</p> <p>surveyed [1] - 133:12</p> <p>surveying [5] - 133:2, 133:4, 134:11, 134:23, 138:8</p> <p>surveyor [5] - 132:22, 133:10, 133:13, 133:20, 134:3</p> <p>surveyors [6] - 133:7, 133:14, 134:3, 134:12, 138:9, 139:11</p> <p>surveys [1] - 68:11</p> <p>survive [3] - 192:5, 196:15, 271:1</p> <p>survived [1] - 93:19</p> <p>sustain [2] - 196:20, 243:10</p> <p>sustainable [3] - 191:7, 191:10, 195:18</p> <p>sustained [3] - 34:7, 200:13, 207:3</p> <p>swamped [1] - 90:8</p> <p>swear [4] - 109:10, 120:5, 239:24, 243:5</p> <p>sweet [1] - 93:15</p> <p>swore [1] - 242:24</p> <p>sworn [27] - 12:23, 13:16, 56:22, 59:23, 80:15, 88:16, 93:2, 98:5, 110:2, 114:2, 120:22, 128:12, 132:20, 146:2, 155:11, 162:7, 167:21, 181:5, 189:17, 202:3, 211:18, 229:5, 242:25, 243:2, 244:20, 245:12, 262:15</p> <p>system [2] - 6:14, 203:7</p> <p>systems [1] - 101:2</p>
---	--	--	---	--

T				
<p>table [4] - 5:2, 56:21, 135:14, 284:13</p> <p>tables [1] - 142:9</p> <p>tactics [1] - 169:20</p> <p>talks [4] - 63:9, 102:11, 108:8, 275:18</p> <p>tall [1] - 106:3</p> <p>taller [1] - 108:16</p> <p>tank [3] - 105:11, 108:1, 148:23</p> <p>tanks [1] - 163:15</p> <p>target [1] - 247:14</p> <p>targeting [1] - 20:5</p> <p>taste [1] - 105:23</p> <p>taught [1] - 115:11</p> <p>tax [7] - 95:9, 123:3, 182:1, 183:14, 184:12, 269:5, 273:4</p> <p>taxes [6] - 183:12, 183:13, 183:14, 183:17, 269:24, 270:1</p> <p>taxpayer [1] - 123:2</p> <p>taxpayers [2] - 37:22, 104:2</p> <p>taxpayers' [1] - 231:3</p> <p>technically [2] - 52:23, 52:25</p> <p>technology [8] - 146:24, 146:25, 203:8, 204:16, 231:2, 231:4, 246:5, 252:5</p> <p>teeny [2] - 65:13, 114:20</p> <p>teeny-weeny [1] - 65:13</p> <p>TEEX [1] - 210:10</p> <p>television [1] - 115:1</p> <p>temperature [3] - 93:19, 101:5, 101:9</p> <p>ten [10] - 58:3, 58:4, 58:8, 59:16, 67:13, 137:23, 164:17, 183:15, 233:23, 235:11</p> <p>tend [1] - 20:19</p> <p>tepee [2] - 82:12, 121:18</p> <p>term [3] - 249:11, 252:4, 286:6</p> <p>terms [6] - 15:17, 21:22, 22:25, 33:21, 100:22, 222:15</p> <p>terrain [4] - 82:5, 83:17, 215:12, 224:24</p> <p>terrible [2] - 103:11, 103:22</p>	<p>terrorist [1] - 116:21</p> <p>Terry [3] - 9:22, 188:5, 189:22</p> <p>TERRY [29] - 187:16, 187:21, 187:23, 188:2, 188:5, 188:10, 188:12, 188:16, 189:6, 189:16, 189:18, 195:2, 195:11, 195:22, 196:12, 196:25, 197:19, 198:9, 198:18, 199:4, 199:11, 199:15, 199:18, 199:21, 200:8, 200:10, 200:18, 200:22, 201:4</p> <p>test [1] - 114:23</p> <p>testified [34] - 13:16, 50:12, 53:2, 57:17, 59:23, 66:8, 80:15, 88:16, 93:2, 98:5, 110:2, 114:2, 120:22, 128:12, 132:20, 146:2, 152:21, 155:11, 162:7, 167:21, 167:22, 181:5, 189:17, 202:3, 206:7, 211:18, 219:17, 229:5, 245:5, 245:12, 258:23, 262:15, 276:17, 290:23</p> <p>testify [22] - 5:8, 8:17, 10:2, 12:14, 56:20, 72:10, 94:24, 102:1, 119:17, 122:2, 165:16, 165:18, 174:5, 187:20, 187:22, 188:25, 201:10, 205:15, 208:18, 208:23, 227:15, 243:5</p> <p>testifying [7] - 10:3, 67:19, 117:25, 155:12, 155:14, 188:21, 205:18</p> <p>testimony [119] - 4:24, 5:6, 6:20, 10:21, 10:22, 11:2, 13:9, 13:12, 13:14, 13:24, 14:9, 14:15, 21:9, 24:7, 25:1, 25:7, 26:3, 27:15, 27:18, 27:22, 34:12, 47:20, 52:14, 56:14, 56:17, 56:19, 57:7, 57:11, 57:15, 57:19, 57:20, 57:21, 57:23, 57:24, 58:2, 58:3, 58:5, 58:8, 59:9, 73:23,</p>	<p>76:18, 84:6, 96:11, 96:25, 108:22, 113:2, 118:15, 118:19, 121:8, 124:21, 124:25, 126:21, 127:6, 127:9, 127:10, 127:14, 130:4, 131:3, 131:7, 144:24, 154:10, 154:16, 160:24, 165:21, 168:17, 172:25, 173:7, 174:21, 175:19, 177:20, 178:14, 179:11, 180:7, 182:9, 187:9, 187:16, 187:24, 189:5, 189:6, 189:7, 189:8, 193:25, 194:13, 195:3, 196:2, 200:6, 200:21, 201:3, 206:12, 214:24, 219:25, 227:23, 233:13, 237:9, 237:13, 238:16, 238:22, 243:16, 244:19, 244:20, 245:6, 245:8, 248:20, 248:22, 258:17, 258:22, 258:25, 261:9, 274:12, 274:18, 275:22, 276:21, 280:23, 287:17, 287:20, 290:16, 290:20, 291:8</p> <p>testing [1] - 98:20</p> <p>Texas [4] - 123:10, 133:21, 210:5, 210:10</p> <p>text [2] - 133:22, 276:2</p> <p>texture [1] - 213:24</p> <p>thankful [2] - 229:9, 229:10</p> <p>Tharaldson [2] - 195:1, 257:16</p> <p>themselves [1] - 197:2</p> <p>themselves [5] - 49:8, 89:23, 153:3, 178:16, 184:15</p> <p>theoretically [1] - 280:1</p> <p>thereabouts [1] - 146:7</p> <p>therefore [1] - 252:6</p> <p>they've [15] - 115:19, 128:14, 170:19, 178:15, 178:16, 187:22, 198:6, 199:2, 206:17, 207:7, 210:4,</p>	<p>242:20, 247:2, 249:23, 254:25</p> <p>thick [1] - 89:18</p> <p>Thiel [1] - 215:9</p> <p>Thiel's [1] - 221:10</p> <p>thinking [4] - 9:4, 44:22, 98:12, 288:8</p> <p>third [6] - 23:14, 77:2, 188:20, 246:25, 248:20, 276:4</p> <p>thorough [1] - 180:7</p> <p>thoroughly [1] - 242:6</p> <p>thoughts [1] - 281:6</p> <p>thousand [1] - 114:13</p> <p>threat [4] - 60:23, 68:5, 139:23, 183:24</p> <p>threatened [1] - 169:22</p> <p>threatening [3] - 67:1, 81:18, 169:10</p> <p>threats [2] - 69:5, 169:9</p> <p>three [38] - 6:11, 33:12, 34:2, 43:19, 67:13, 68:5, 68:20, 71:11, 73:3, 73:4, 73:12, 73:17, 73:18, 74:2, 76:7, 76:12, 98:23, 99:3, 116:6, 116:13, 117:3, 121:1, 122:11, 122:17, 147:25, 149:4, 164:2, 180:1, 212:23, 212:25, 226:21, 231:19, 232:19, 250:1, 250:4, 250:5, 256:19, 268:18</p> <p>three-way [1] - 122:11</p> <p>throughout [4] - 53:14, 202:17, 212:16, 265:24</p> <p>throw [1] - 275:19</p> <p>throwing [1] - 258:16</p> <p>thrown [1] - 112:8</p> <p>tidbit [1] - 101:13</p> <p>tiered [1] - 111:6</p> <p>Tiger [1] - 246:25</p> <p>tilling [2] - 197:8, 197:9</p> <p>timely [1] - 6:16</p> <p>tiny [1] - 65:13</p> <p>tirade [1] - 273:8</p> <p>Titanic [1] - 182:8</p> <p>today [86] - 4:6, 4:15, 4:16, 4:21, 5:6, 5:8, 7:20, 8:20, 10:3, 10:17, 10:23, 11:1, 12:2, 13:1, 14:22, 24:15, 47:13, 48:9, 56:19, 56:21, 56:24, 57:15, 58:2, 58:5, 59:3, 60:10, 72:10,</p>	<p>80:6, 84:11, 88:12, 88:19, 92:22, 94:23, 97:25, 100:25, 103:21, 107:7, 107:8, 109:21, 110:7, 111:7, 112:22, 113:21, 116:12, 117:6, 120:18, 128:8, 132:16, 145:23, 155:7, 162:3, 167:17, 168:1, 174:4, 177:1, 181:1, 187:17, 188:15, 190:8, 192:2, 192:13, 201:24, 205:25, 211:14, 215:18, 229:1, 243:13, 249:22, 258:25, 262:9, 263:10, 266:4, 268:24, 275:11, 281:18, 282:19, 283:11, 284:7, 287:21, 288:7, 288:14, 288:23, 290:15, 290:20, 293:16</p> <p>today's [3] - 4:11, 5:5, 283:25</p> <p>Todd [1] - 143:13</p> <p>together [13] - 32:18, 51:3, 106:22, 128:20, 128:25, 129:1, 170:25, 212:10, 258:2, 262:24, 267:2, 267:7</p> <p>ton [1] - 270:21</p> <p>tone [1] - 202:15</p> <p>took [19] - 51:1, 70:7, 94:23, 119:5, 129:25, 133:16, 133:18, 137:20, 137:22, 140:13, 174:6, 189:7, 192:3, 204:8, 208:3, 212:21, 215:14, 253:16, 254:19</p> <p>tools [2] - 37:17, 203:23</p> <p>top [9] - 21:3, 169:17, 185:19, 209:24, 217:22, 217:23, 226:2, 270:18, 280:1</p> <p>topic [1] - 39:7</p> <p>topics [1] - 127:11</p> <p>topology [1] - 269:10</p> <p>tornado [1] - 64:18</p> <p>total [3] - 8:19, 90:12, 190:19</p> <p>totally [2] - 91:10, 254:22</p> <p>tour [1] - 119:8</p>

<p>tourism ^[1] - 70:12</p> <p>tourist ^[1] - 17:17</p> <p>towards ^[1] - 61:5</p> <p>town ^[4] - 45:1, 101:6, 106:2, 260:9</p> <p>towns ^[2] - 8:21, 9:6</p> <p>Township ^[2] - 80:20, 216:23</p> <p>township ^[9] - 46:4, 46:5, 57:1, 60:5, 80:18, 80:20, 83:23, 85:21, 146:9</p> <p>townships ^[4] - 45:11, 45:13, 45:15, 45:25</p> <p>toxic ^[9] - 65:19, 105:5, 105:10, 105:15, 108:11, 148:21, 150:5</p> <p>toxicology ^[1] - 280:22</p> <p>trace ^[1] - 123:16</p> <p>track ^[1] - 231:4</p> <p>tractor ^[1] - 82:6</p> <p>trademarked ^[1] - 107:2</p> <p>tragedy ^[2] - 147:22, 147:23</p> <p>Trail ^[1] - 257:11</p> <p>trailer ^[1] - 17:18</p> <p>train ^[2] - 164:10, 164:18</p> <p>trained ^[6] - 163:6, 163:7, 163:9, 163:10, 198:20</p> <p>training ^[14] - 155:23, 163:25, 164:2, 164:24, 203:20, 204:20, 209:23, 210:5, 210:14, 272:10, 272:12, 272:14, 273:5, 276:1</p> <p>trans ^[1] - 199:21</p> <p>transmission ^[9] - 14:3, 16:23, 17:7, 17:22, 17:23, 18:5, 19:3, 20:16, 199:22</p> <p>transmitting ^[1] - 19:7</p> <p>transparency ^[5] - 203:18, 204:7, 206:8, 248:1, 251:11</p> <p>transparent ^[1] - 204:1</p> <p>transplants ^[2] - 235:6, 235:7</p> <p>transport ^[4] - 19:21, 103:24, 230:21, 230:22</p> <p>Transport ^[2] - 5:11, 7:7</p> <p>transportation ^[1] - 229:24</p> <p>transported ^[2] - 146:14, 150:5</p>	<p>transporting ^[2] - 20:17, 22:25</p> <p>trap ^[1] - 115:10</p> <p>travel ^[5] - 82:3, 89:5, 148:10, 212:20, 213:7</p> <p>travels ^[1] - 293:8</p> <p>traverse ^[1] - 139:4</p> <p>traversed ^[1] - 82:5</p> <p>traversing ^[1] - 175:21</p> <p>treat ^[2] - 67:21, 197:9</p> <p>treated ^[4] - 89:25, 178:15, 242:14, 242:19</p> <p>tree ^[1] - 226:15</p> <p>trees ^[9] - 41:24, 44:14, 114:10, 114:12, 217:10, 218:22, 221:12, 221:16</p> <p>tremendous ^[1] - 107:18</p> <p>trenches ^[1] - 115:25</p> <p>triad ^[1] - 246:15</p> <p>triage ^[1] - 163:10</p> <p>trial ^[1] - 284:18</p> <p>tribunals ^[1] - 284:3</p> <p>trickles ^[1] - 163:3</p> <p>tricks ^[1] - 285:20</p> <p>tried ^[5] - 67:24, 115:5, 264:5, 271:10, 274:7</p> <p>tries ^[1] - 80:25</p> <p>trip ^[1] - 110:4</p> <p>triple ^[3] - 100:13, 100:15, 107:1</p> <p>troops ^[1] - 115:23</p> <p>trouble ^[2] - 163:21, 189:8</p> <p>truck ^[2] - 159:6, 267:2</p> <p>true ^[7] - 32:1, 54:18, 133:14, 173:8, 175:11, 181:13, 197:15</p> <p>truly ^[4] - 69:14, 164:5, 184:1, 184:17</p> <p>Trump ^[1] - 112:10</p> <p>Trump's ^[3] - 112:4, 112:5, 112:7</p> <p>trump's ^[1] - 112:5</p> <p>trust ^[5] - 49:8, 66:23, 174:24, 236:20</p> <p>Trust ^[3] - 60:7, 60:8, 265:9</p> <p>truth ^[27] - 13:1, 59:2, 80:5, 88:11, 92:21, 97:24, 109:20, 113:20, 120:17, 128:7, 132:15, 145:22, 155:6, 162:2, 167:16, 175:19, 180:25,</p>	<p>181:16, 181:21, 186:16, 188:14, 201:23, 211:13, 228:25, 242:13, 245:1, 262:8</p> <p>truthful ^[1] - 63:9</p> <p>try ^[14] - 13:12, 20:11, 32:2, 32:18, 53:5, 54:6, 54:23, 55:3, 254:10, 262:20, 267:11, 273:1</p> <p>trying ^[26] - 15:25, 30:15, 32:25, 39:18, 72:8, 78:14, 84:25, 107:10, 115:6, 147:1, 193:15, 194:4, 207:21, 215:19, 221:21, 229:8, 234:21, 236:20, 241:6, 247:13, 247:25, 260:6, 265:22, 265:23, 267:23</p> <p>tsunami ^[1] - 105:22</p> <p>Tuesday ^[1] - 291:7</p> <p>turmoil ^[1] - 170:8</p> <p>turn ^[4] - 11:13, 11:18, 135:13, 228:14</p> <p>turned ^[6] - 4:14, 100:5, 132:22, 136:4, 214:9, 226:20</p> <p>turns ^[1] - 192:21</p> <p>TV ^[1] - 101:14</p> <p>twice ^[1] - 226:21</p> <p>twisted ^[1] - 89:25</p> <p>two ^[45] - 6:8, 32:7, 43:19, 52:25, 53:9, 61:9, 61:14, 68:5, 72:14, 72:23, 74:21, 74:22, 75:2, 75:3, 81:13, 89:8, 111:6, 121:11, 122:11, 133:13, 136:20, 138:17, 140:5, 157:12, 164:16, 164:22, 168:21, 170:23, 185:10, 196:25, 199:21, 199:22, 210:9, 211:20, 221:2, 223:23, 226:24, 247:2, 257:14, 257:22, 258:2, 265:22, 268:17, 269:14, 288:8</p> <p>two-tiered ^[1] - 111:6</p> <p>two-way ^[1] - 122:11</p> <p>Tyler ^[1] - 7:5</p> <p>type ^[11] - 26:23, 27:10, 29:9, 30:9, 65:23, 148:7, 149:5, 155:23, 213:24, 215:5, 273:10</p>	<p>types ^[5] - 18:3, 25:18, 33:21, 88:22, 213:19</p> <p>typical ^[2] - 42:1, 267:1</p> <p>typically ^[3] - 42:15, 47:13, 289:18</p> <p style="text-align: center;">U</p> <p>U.S ^[3] - 130:1, 190:6, 251:24</p> <p>ultimate ^[1] - 90:21</p> <p>ultimately ^[4] - 14:18, 196:12, 285:7, 285:9</p> <p>UN ^[1] - 100:17</p> <p>unable ^[1] - 229:16</p> <p>unanimously ^[1] - 51:4</p> <p>unanswered ^[1] - 252:2</p> <p>unaware ^[1] - 172:3</p> <p>unbearable ^[1] - 224:24</p> <p>unchanged ^[1] - 265:8</p> <p>Uncle ^[1] - 119:7</p> <p>unconscionable ^[1] - 90:1</p> <p>under ^[30] - 18:20, 29:1, 36:7, 52:17, 53:23, 67:19, 69:16, 96:6, 106:3, 107:8, 108:13, 130:2, 152:4, 163:8, 173:4, 182:21, 197:23, 199:20, 227:9, 240:21, 240:24, 253:1, 255:21, 255:22, 271:7, 271:8, 272:2, 272:6, 282:20, 282:21</p> <p>underground ^[1] - 64:10</p> <p>underneath ^[3] - 37:17, 214:12, 219:7</p> <p>undernourished ^[1] - 100:19</p> <p>understood ^[10] - 30:10, 30:18, 31:8, 31:17, 42:23, 74:3, 159:9, 160:24, 161:5, 186:20</p> <p>Understood ^[1] - 51:5</p> <p>unethical ^[1] - 169:9</p> <p>unfair ^[1] - 52:8</p> <p>unfortunate ^[1] - 170:16</p> <p>UNIDENTIFIED ^[4] - 75:5, 84:12, 84:25, 85:7</p> <p>Uniform ^[1] - 109:8</p> <p>uninformed ^[1] - 70:3</p> <p>unintended ^[1] - 179:6</p>	<p>Union ^[2] - 219:19, 219:20</p> <p>unique ^[1] - 204:25</p> <p>unit ^[2] - 119:11, 159:7</p> <p>United ^[5] - 95:7, 106:8, 114:18, 116:24, 191:9</p> <p>university ^[1] - 115:12</p> <p>unjustly ^[1] - 251:8</p> <p>unknowingly ^[1] - 220:25</p> <p>unknown ^[1] - 284:5</p> <p>unless ^[5] - 95:17, 225:13, 226:13, 235:14, 285:6</p> <p>unnecessary ^[3] - 22:6, 95:20, 194:5</p> <p>unorganized ^[1] - 71:11</p> <p>unprofessional ^[1] - 69:21</p> <p>unquote ^[1] - 68:20</p> <p>unsinkable ^[1] - 182:9</p> <p>up ^[135] - 5:2, 10:8, 15:11, 20:7, 20:8, 29:15, 37:25, 38:3, 39:15, 43:21, 45:10, 51:7, 52:16, 53:5, 53:6, 54:22, 56:21, 58:4, 61:13, 63:9, 63:23, 65:12, 66:10, 66:15, 68:25, 70:15, 70:17, 72:13, 79:15, 81:6, 82:2, 84:22, 86:3, 86:10, 89:8, 91:3, 93:3, 93:18, 93:20, 95:14, 96:18, 97:10, 100:23, 102:5, 103:12, 104:10, 104:18, 105:3, 106:24, 116:6, 130:10, 133:1, 135:5, 136:11, 138:5, 139:17, 140:21, 142:9, 142:12, 143:14, 143:17, 144:3, 148:6, 151:6, 154:18, 155:15, 170:3, 170:12, 172:23, 173:10, 179:8, 186:7, 186:16, 189:10, 195:5, 204:9, 207:22, 210:6, 210:23, 210:24, 213:24, 215:11, 215:25, 217:1, 222:6, 222:25, 223:6, 223:11, 224:1, 224:3, 229:12, 229:13,</p>
---	---	---	---	--

<p>230:20, 231:7, 231:12, 232:2, 233:4, 233:6, 233:18, 233:19, 236:11, 240:20, 241:9, 242:10, 245:14, 246:3, 246:13, 246:14, 247:17, 247:18, 247:22, 249:23, 254:4, 254:19, 255:10, 256:17, 258:4, 258:9, 260:20, 267:4, 267:5, 270:10, 270:18, 271:9, 275:22, 279:9, 290:15</p> <p>update [1] - 167:23 updated [3] - 20:19, 21:22, 177:1 updates [1] - 20:22 updating [2] - 20:21, 290:25 upfront [3] - 68:17, 139:20, 220:22 upgrade [1] - 42:13 upgraded [2] - 41:20, 215:23 uphold [1] - 129:25 uploaded [3] - 73:18, 85:2, 263:13 upper [2] - 69:6, 231:22 upset [2] - 40:11, 89:24 upstairs [1] - 136:9 upwind [1] - 269:15 urge [1] - 271:7 urges [1] - 252:12 USA [1] - 234:14 USDA [3] - 192:15, 193:10, 222:13 uses [14] - 17:5, 17:6, 18:4, 18:7, 18:9, 18:12, 18:13, 18:15, 18:23, 31:16, 37:10, 69:22, 166:9, 166:12 usual [1] - 183:3 Utilities [1] - 7:14 utilities [3] - 267:11, 279:19, 279:20 utility [5] - 89:1, 199:23, 230:2, 230:6, 273:3 utmost [1] - 181:25</p>	<p>valuable [1] - 210:16 value [9] - 70:24, 104:22, 192:19, 193:6, 195:14, 209:11, 213:21, 251:22, 269:24 values [3] - 37:7, 65:17, 205:3 valves [1] - 203:8 variables [1] - 101:4 variance [11] - 22:1, 22:3, 32:20, 35:2, 35:6, 36:7, 36:11, 38:15, 38:16, 38:19, 129:18 variances [1] - 35:7 variety [1] - 34:16 various [4] - 53:14, 91:4, 251:1, 267:20 vary [1] - 103:2 vehicle [4] - 148:19, 236:1, 272:21, 283:22 vehicles [3] - 148:18, 272:23, 283:17 venue [1] - 14:22 verbal [2] - 4:19, 226:14 verification [1] - 154:6 verify [1] - 260:10 versus [5] - 36:18, 42:1, 139:2, 193:11, 231:14 veteran [2] - 249:4, 268:2 veterinarian [4] - 98:7, 115:10, 122:14, 193:17 VI [3] - 17:4, 17:11, 18:11 via [1] - 103:24 viability [1] - 252:4 viable [1] - 272:14 vice [3] - 69:7, 112:4, 112:11 Victor [1] - 7:14 video [3] - 115:5, 246:7, 246:8 Vietnam [1] - 116:10 view [1] - 99:24 villain [3] - 91:7, 93:4, 93:24 violation [1] - 281:1 visit [1] - 82:3 visited [1] - 26:15 visiting [1] - 155:21 visually [1] - 173:16 vital [2] - 105:1, 272:15 voice [2] - 12:1, 94:21 voices [1] - 175:13 volume [4] - 105:14,</p>	<p>146:21, 269:10, 289:7 voluntary [2] - 134:2, 140:2 volunteer [8] - 58:10, 65:5, 69:18, 163:14, 164:13, 172:18, 203:4, 209:3 volunteers [1] - 164:11 vote [9] - 114:4, 114:5, 136:15, 220:11, 249:6, 250:12, 253:17, 286:24, 287:3 voted [1] - 51:3 vulnerable [1] - 54:1</p>	<p>224:19, 224:22, 225:24, 227:2, 227:4 Wall [1] - 211:2 wall [8] - 211:6, 214:25, 215:4, 216:9, 217:21, 224:16, 225:9, 227:12 walls [2] - 105:11, 231:6 Wanda [1] - 60:8 wants [13] - 45:2, 79:16, 81:12, 87:21, 115:4, 162:22, 189:4, 201:10, 227:15, 249:20, 259:19, 261:8, 282:14 Wanzek [8] - 9:22, 39:16, 188:5, 188:7, 189:15, 189:22, 190:5, 201:2 WANZEK [29] - 187:16, 187:21, 187:23, 188:2, 188:5, 188:10, 188:12, 188:16, 189:6, 189:16, 189:18, 195:2, 195:11, 195:22, 196:12, 196:25, 197:19, 198:9, 198:18, 199:4, 199:11, 199:15, 199:18, 199:21, 200:8, 200:10, 200:18, 200:22, 201:4 war [1] - 246:18 War [1] - 249:4 warm [1] - 102:13 warmer [2] - 102:13, 103:2 warming [5] - 100:25, 101:12, 101:16, 193:16, 248:10 Warming [1] - 102:12 warned [1] - 249:16 warning [3] - 98:17, 246:17, 247:9 Washburn [2] - 213:8, 213:10 Washington [4] - 111:3, 111:11, 111:13, 117:5 watch [7] - 52:22, 62:1, 114:25, 115:5, 246:6, 247:10 watchers [1] - 163:14 water [35] - 17:23, 22:24, 32:10, 36:10, 36:13, 36:14, 36:16, 36:18, 43:4, 43:5,</p>	<p>43:8, 53:23, 62:12, 99:21, 105:11, 121:13, 121:21, 152:3, 162:20, 162:21, 162:25, 163:3, 165:11, 165:13, 165:24, 166:1, 166:2, 166:6, 166:7, 166:12, 184:3, 212:23, 279:19 Water [2] - 36:14, 218:1 waterers [2] - 212:23, 214:16 wave [1] - 8:15 ways [8] - 41:18, 124:18, 135:10, 135:22, 186:7, 197:17, 211:20, 214:6 weapon [2] - 116:3, 122:23 weapons [1] - 122:22 weather [3] - 63:17, 101:2, 163:14 weather-related [1] - 63:17 website [2] - 229:19, 229:21 week [6] - 133:22, 137:22, 246:4, 274:5, 276:13, 277:4 weekend [1] - 253:16 weeks [2] - 137:23, 179:25 weeny [1] - 65:13 weight [3] - 25:4, 270:14, 277:7 welcome [2] - 9:25, 96:11 welded [3] - 267:2, 267:17, 271:1 welds [1] - 267:7 welfare [15] - 6:7, 81:4, 96:3, 104:8, 104:16, 104:20, 105:17, 105:19, 107:17, 107:19, 125:3, 129:9, 175:17, 181:21, 273:15 well.. [1] - 144:14 wellbeing [1] - 204:22 wells [2] - 234:6, 247:13 west [17] - 60:6, 76:5, 76:9, 86:22, 120:25, 141:12, 185:9, 212:1, 212:17, 213:11, 213:14, 215:9, 215:13, 216:15, 234:10,</p>	
V		W			
<p>vague [3] - 19:9, 31:23, 63:8 Valera [2] - 83:9, 86:2</p>		<p>W-A-L-L [2] - 211:2, 211:5 W-A-N-Z-E-K [1] - 188:6 W2E2 [2] - 60:6, 278:11 Wade [5] - 61:10, 67:6, 220:21, 220:22, 221:9 Wahpeton [5] - 8:9, 85:5, 85:14, 119:18, 165:15 wait [1] - 242:2 waited [1] - 62:2 waiting [2] - 66:5, 184:6 waiver [5] - 40:9, 44:1, 45:5, 225:13, 284:19 walk [2] - 37:24, 121:17 walked [1] - 61:13 walking [2] - 61:14, 135:7 WALL [43] - 211:2, 211:5, 211:8, 211:11, 211:15, 211:17, 211:19, 214:24, 215:7, 215:20, 216:13, 216:17, 216:22, 217:5, 217:8, 217:10, 218:2, 218:5, 218:7, 218:11, 218:14, 218:16, 218:25, 219:6, 219:12, 219:15, 220:21, 221:5, 222:1, 222:8, 222:11, 222:13, 222:23, 223:2, 223:5, 223:14, 223:19, 224:2,</p>	<p>W-A-L-L [2] - 211:2, 211:5 W-A-N-Z-E-K [1] - 188:6 W2E2 [2] - 60:6, 278:11 Wade [5] - 61:10, 67:6, 220:21, 220:22, 221:9 Wahpeton [5] - 8:9, 85:5, 85:14, 119:18, 165:15 wait [1] - 242:2 waited [1] - 62:2 waiting [2] - 66:5, 184:6 waiver [5] - 40:9, 44:1, 45:5, 225:13, 284:19 walk [2] - 37:24, 121:17 walked [1] - 61:13 walking [2] - 61:14, 135:7 WALL [43] - 211:2, 211:5, 211:8, 211:11, 211:15, 211:17, 211:19, 214:24, 215:7, 215:20, 216:13, 216:17, 216:22, 217:5, 217:8, 217:10, 218:2, 218:5, 218:7, 218:11, 218:14, 218:16, 218:25, 219:6, 219:12, 219:15, 220:21, 221:5, 222:1, 222:8, 222:11, 222:13, 222:23, 223:2, 223:5, 223:14, 223:19, 224:2,</p>	<p>224:19, 224:22, 225:24, 227:2, 227:4 Wall [1] - 211:2 wall [8] - 211:6, 214:25, 215:4, 216:9, 217:21, 224:16, 225:9, 227:12 walls [2] - 105:11, 231:6 Wanda [1] - 60:8 wants [13] - 45:2, 79:16, 81:12, 87:21, 115:4, 162:22, 189:4, 201:10, 227:15, 249:20, 259:19, 261:8, 282:14 Wanzek [8] - 9:22, 39:16, 188:5, 188:7, 189:15, 189:22, 190:5, 201:2 WANZEK [29] - 187:16, 187:21, 187:23, 188:2, 188:5, 188:10, 188:12, 188:16, 189:6, 189:16, 189:18, 195:2, 195:11, 195:22, 196:12, 196:25, 197:19, 198:9, 198:18, 199:4, 199:11, 199:15, 199:18, 199:21, 200:8, 200:10, 200:18, 200:22, 201:4 war [1] - 246:18 War [1] - 249:4 warm [1] - 102:13 warmer [2] - 102:13, 103:2 warming [5] - 100:25, 101:12, 101:16, 193:16, 248:10 Warming [1] - 102:12 warned [1] - 249:16 warning [3] - 98:17, 246:17, 247:9 Washburn [2] - 213:8, 213:10 Washington [4] - 111:3, 111:11, 111:13, 117:5 watch [7] - 52:22, 62:1, 114:25, 115:5, 246:6, 247:10 watchers [1] - 163:14 water [35] - 17:23, 22:24, 32:10, 36:10, 36:13, 36:14, 36:16, 36:18, 43:4, 43:5,</p>	<p>43:8, 53:23, 62:12, 99:21, 105:11, 121:13, 121:21, 152:3, 162:20, 162:21, 162:25, 163:3, 165:11, 165:13, 165:24, 166:1, 166:2, 166:6, 166:7, 166:12, 184:3, 212:23, 279:19 Water [2] - 36:14, 218:1 waterers [2] - 212:23, 214:16 wave [1] - 8:15 ways [8] - 41:18, 124:18, 135:10, 135:22, 186:7, 197:17, 211:20, 214:6 weapon [2] - 116:3, 122:23 weapons [1] - 122:22 weather [3] - 63:17, 101:2, 163:14 weather-related [1] - 63:17 website [2] - 229:19, 229:21 week [6] - 133:22, 137:22, 246:4, 274:5, 276:13, 277:4 weekend [1] - 253:16 weeks [2] - 137:23, 179:25 weeny [1] - 65:13 weight [3] - 25:4, 270:14, 277:7 welcome [2] - 9:25, 96:11 welded [3] - 267:2, 267:17, 271:1 welds [1] - 267:7 welfare [15] - 6:7, 81:4, 96:3, 104:8, 104:16, 104:20, 105:17, 105:19, 107:17, 107:19, 125:3, 129:9, 175:17, 181:21, 273:15 well.. [1] - 144:14 wellbeing [1] - 204:22 wells [2] - 234:6, 247:13 west [17] - 60:6, 76:5, 76:9, 86:22, 120:25, 141:12, 185:9, 212:1, 212:17, 213:11, 213:14, 215:9, 215:13, 216:15, 234:10,</p>

<p>278:6, 278:12 western [1] - 231:21 wet [2] - 270:18, 270:19 wetland [2] - 254:7, 254:10 wetlands [3] - 214:11, 219:4, 222:11 whatsoever [1] - 66:16 wheat [1] - 193:12 whereas [5] - 250:21, 251:5, 251:16, 251:23, 252:1 whittling [1] - 254:25 whole [20] - 23:7, 55:19, 59:10, 65:2, 66:19, 68:11, 75:2, 75:25, 76:3, 98:16, 100:2, 114:4, 134:6, 138:14, 147:9, 148:12, 212:3, 212:16 wholesale [1] - 41:7 wide [1] - 138:14 widowed [1] - 81:4 wife [5] - 170:24, 211:22, 215:16, 219:15, 220:1 wife's [1] - 213:1 wildlife [2] - 222:15, 269:8 willing [1] - 72:23 Williston [2] - 183:2, 232:17 willy [1] - 89:25 willy-nilly [1] - 89:25 Wilmes [1] - 213:22 Wilton [1] - 256:16 wind [14] - 96:19, 147:7, 147:10, 148:10, 148:11, 149:18, 149:19, 149:20, 212:15, 212:16, 226:3, 269:9, 270:18 windmills [1] - 247:12 window [2] - 82:17, 86:5 winds [1] - 149:24 Wing [1] - 119:11 winter [3] - 44:13, 149:24, 267:14 wish [2] - 182:19, 266:6 wishing [1] - 293:7 WITNESS [26] - 39:24, 40:3, 40:13, 40:15, 40:25, 41:11, 41:21, 42:7, 42:10, 42:15, 43:1, 43:6, 43:9, 43:15, 44:3, 45:8, 45:16, 45:18, 45:23,</p>	<p>46:2, 46:8, 55:17, 264:22, 274:22, 279:15, 279:19 witness [18] - 5:2, 11:14, 24:10, 24:22, 50:12, 56:21, 94:15, 189:4, 217:1, 239:10, 248:23, 261:11, 274:20, 276:17, 276:19, 277:11, 277:16, 278:4 witnessed [1] - 71:12 witnesses [9] - 9:13, 10:20, 10:23, 14:7, 56:9, 57:9, 72:2, 282:1, 283:24 wonder [4] - 108:10, 174:14, 175:12, 235:5 wonderful [2] - 8:11, 249:22 wondering [6] - 30:5, 33:4, 77:5, 137:15, 157:23, 215:4 word [1] - 22:9 worded [1] - 52:1 wording [1] - 63:2 words [4] - 66:20, 72:20, 158:11, 170:1 workers [1] - 128:23 works [4] - 45:1, 168:14, 203:7, 258:1 World [1] - 249:4 world [8] - 100:12, 100:18, 100:20, 100:23, 106:9, 114:9, 151:24, 182:25 worried [4] - 81:13, 173:6, 179:2, 179:3 worry [4] - 35:21, 156:9, 172:24, 179:5 worst [4] - 146:17, 149:22, 263:23, 266:17 worst-case [2] - 149:22, 266:17 worth [4] - 82:20, 183:19, 265:10, 271:4 worthless [1] - 66:1 wrap [5] - 58:4, 70:15, 70:17, 104:18, 236:11 write [1] - 189:8 writing [7] - 62:19, 65:13, 139:12, 281:5, 282:12, 284:10, 284:11 written [25] - 8:24, 8:25, 13:9, 13:23, 21:8, 25:7, 26:2,</p>	<p>27:15, 27:17, 53:14, 59:9, 60:2, 68:8, 74:7, 74:9, 100:4, 108:8, 129:19, 187:24, 189:5, 189:7, 276:25, 277:1, 290:16, 291:8 wrote [1] - 275:15</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>Yankee [1] - 109:8 Yankee-Oscar-Uniform-Mike-Alpha-November-Sierra [1] - 109:8 yard [7] - 60:15, 75:10, 75:14, 75:17, 75:18, 142:3, 150:1 yards [1] - 226:24 year [26] - 44:12, 61:4, 66:8, 67:3, 71:5, 74:16, 82:6, 90:9, 95:15, 101:22, 114:7, 129:23, 132:22, 134:25, 135:2, 165:13, 174:6, 183:19, 192:18, 193:5, 212:16, 245:5, 245:14, 246:12, 270:17 years [1] - 259:11 years [57] - 14:4, 32:17, 61:4, 61:6, 61:7, 61:10, 63:20, 64:6, 64:24, 68:5, 71:12, 81:13, 89:9, 89:18, 89:23, 93:20, 93:21, 95:21, 98:19, 100:12, 102:14, 117:3, 117:6, 122:16, 122:17, 138:18, 140:5, 157:13, 163:6, 163:14, 168:21, 170:19, 170:23, 174:17, 183:15, 183:18, 190:2, 195:23, 195:25, 203:4, 209:1, 209:2, 209:22, 233:23, 235:11, 249:4, 249:8, 249:19, 250:1, 253:20, 268:20, 268:21, 268:22, 272:14, 285:18 years' [4] - 12:18, 239:19, 265:10, 265:12 yell [2] - 12:1, 12:3</p>	<p>Yellowstone [1] - 232:13 yesterday [7] - 47:15, 84:21, 85:4, 85:6, 290:15, 290:16, 290:23 yields [1] - 213:25 York [1] - 111:10 YOUMANS [13] - 109:6, 109:9, 109:12, 109:15, 109:18, 109:22, 110:1, 110:3, 112:2, 112:17, 112:20, 112:23, 113:3 Youmans [1] - 109:6 yourself [1] - 51:23 YouTube [2] - 52:19, 247:20</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>Zachary [1] - 7:11 Zaste [1] - 7:19 zero [3] - 64:23, 66:15, 69:20 zones [1] - 102:8 zoning [18] - 13:21, 13:25, 19:6, 21:5, 24:8, 27:10, 30:5, 30:25, 35:4, 35:7, 35:21, 37:3, 37:16, 53:24, 53:25, 54:9, 129:16, 129:18 zooms [1] - 276:2</p>
--	--	--	--