

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
GREAT PLAINS REGION
DAKOTAS AREA OFFICE

Northwest Area Water Supply
Project Draft Environmental
Impact Statement on Water
Treatment

TRANSCRIPT OF
PUBLIC HEARING

Taken At
Sleep Inn, Inn & Suites
2400 Tenth Street S.W.
Minot, North Dakota
February 5, 2008

BEFORE MR. MARK ANDERSON
-- HEARING OFFICER --

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1 (The proceedings herein were had and made
2 of record, commencing at 7:05 p.m., Tuesday,
3 February 5, 2008, as follows:)

4 (Presentation given by Alicia Waters.)

5 MR. ANDERSON: Thank you, Alicia. Good
6 evening, ladies and gentlemen. We will now start
7 the formal hearing.

8 This hearing is being held under the
9 auspices of the National Environmental Policy Act
10 which Alicia explained to you. As you see, a court
11 reporter is here and will be recording the formal
12 comments that are made. As she indicated -- as
13 Alicia indicated, we will accept verbal comments or
14 also written comments. As you came in, I'm sure
15 you saw on the table a comment sheet. If you'd
16 like to make a comment and leave it here this
17 evening, you can or, of course, you can send in
18 comments. If you're going to be speaking from
19 written comments and would like to leave them with
20 us, you may also do that. It would be helpful if
21 you do that, if you fill out one of these sheets
22 and we can attach them. So you may make comments
23 here and you may submit written comments tonight or
24 you may submit or send in written comments at your
25 convenience prior to the close of the comment

1 period.

2 The hearing will proceed as follows: I
3 will call speakers in order. First, local and
4 state and any federal officials. I don't believe
5 we have any federal officials. As I call your
6 name, if you would come forward and state your name
7 for the record and your affiliation, if any, and we
8 will listen to your statement. If any of you
9 happen to not feel comfortable speaking in front of
10 a group and would like to make an oral statement,
11 you may do so with the court reporter after the
12 meeting privately, if you so choose.

13 So with that, I think we're ready to begin
14 with the formal statements. First will be Minot
15 Mayor Curt Zimbelman.

16 MR. ZIMBELMAN: Thank you, Mark. I'm Curt
17 Zimbelman, mayor of the City of Minot. I have a
18 prepared statement.

19 For more than two decades the City of
20 Minot has been working with the Bureau of
21 Reclamation and the North Dakota State Water
22 Commission on the Northwest Area Water Supply
23 Project which was authorized by the Garrison
24 Diversion Reformulation Act of 1986. Our need for
25 a clean, dependable and abundant water supply has

1 been clearly established. After years of planning
2 and engineering, the project was finally started in
3 April of 2002. Significant progress has been made
4 on the project in the intervening years, and we are
5 now far enough along in construction to begin to
6 truly see the water at the end of the tunnel.

7 However, our progress has been slowed by the legal
8 action taken by the Canadian Province of Manitoba.

9 As a result of the legal action, the
10 United States District Court ruled in February of
11 2005 that the Bureau of Reclamation revisit the
12 finding of no significant impact upon completion of
13 further environmental analysis. And in March of
14 2006, the Bureau of Reclamation determined that the
15 most appropriate way to proceed was to prepare an
16 environmental impact statement to evaluate the
17 water treatment alternatives that would further
18 reduce the risk of transferring invasive species
19 from the Missouri River drainage to the Hudson Bay
20 drainage through the construction and operation of
21 the project.

22 Based on review of the four biota water
23 treatment alternatives evaluated in the EIS, I wish
24 to state emphatically that the City of Minot favors
25 the No Action Alternative. This alternative is

1 estimated to cost \$8.1 million with an annual OM&R
2 cost of \$232,000. All of the other alternatives
3 are at least eight times the cost of the No Action
4 Alternative and do not provide a significant
5 increase in reduction of biota transfer which will
6 occur in the No Action Alternative. In fact, the
7 EIS states that "The risk of transferring invasive
8 species through the construction and operation of
9 any of the proposed alternatives is very low
10 compared to other existing and competing pathways."

11 As a result, we strongly urge the Bureau
12 of Reclamation to identify the No Action
13 Alternative as the preferred alternative in the
14 final EIS. Additionally, it is our concern that
15 the EIS be finished and a record of decision be
16 issued in as timely a fashion as possible.

17 Completion of the EIS process will allow
18 us to complete this much needed water supply for
19 the City of Minot and all of northwest and north
20 central North Dakota. The City of Minot and all of
21 the communities and rural water systems who are
22 part of the NAWS Advisory Committee will attest to
23 the urgent need for completion of this much needed
24 project.

25 The citizens of Minot have demonstrated

1 their support for this project by overwhelmingly
2 voting to tax themselves with a one-cent sales tax
3 which has been in place since early this decade.
4 The City of Minot has agreed to use the sales tax
5 to pay for its 35 percent share of the total cost
6 of the project. Please believe me when I tell you
7 that there has been no wavering in support for this
8 project from our community or from the region.

9 In conclusion, we recommend that the No
10 Action Alternative be identified as the federal
11 preferred alternative to the final NAWS EIS, that
12 the work on the EIS be completed as quickly as
13 possible, and that we be given the opportunity to
14 complete this clean, dependable and abundant water
15 supply for the benefit of the people of the City of
16 Minot and the region. Thank you.

17 MR. ANDERSON: Thank you. The next
18 speaker will be Lance Gaebe, representing Governor
19 Hoeven.

20 MR. GAEBE: Thank you, Mark. My name is
21 Lance Gaebe. I will be presenting the testimony of
22 North Dakota Governor John Hoeven on this draft EIS
23 for NAWS. The Governor's comments largely reflect
24 those of Mayor Zimbelman's, so I'm glad we're in
25 agreement.

1 Good evening and thank you for the
2 opportunity to present Governor Hoeven's testimony
3 on this environmental impact statement.

4 There are three main points that the
5 Governor asked me to identify and convey in his
6 testimony. One is to emphasize -- reemphasize the
7 importance of the NAWS project for northwest North
8 Dakota and the City of Minot and the Minot Air
9 Force Base, to highlight the environmental
10 soundness of this project and the various
11 protections that are already in place and planned
12 for it, and to express the State's concern that the
13 Bureau of Reclamation must be prepared to
14 immediately fund the preferred alternative
15 selected.

16 As is well-documented in the environmental
17 assessment, this is an important project for Minot
18 and the Minot Air Force Base, as well as all of the
19 rural communities and rural areas. It will enable
20 them to sustain and maintain economic growth and
21 will also provide a dependable quality drinking
22 water supply for their citizens.

23 This project, which has been planned since
24 the mid-1980s, has already been viewed and reviewed
25 for its merits and environmental integrity. In

1 2001, the environmental assessment analysis was
2 conducted by the Bureau and resulted in a finding
3 of no significant impact. That statement, signed
4 by then Secretary of the Interior Gale Norton,
5 authorized the construction of the project, which
6 allowed us to commence construction and move
7 forward.

8 The project has already been found to be
9 in compliance with the Boundary Waters Treaty Act
10 of 1909 and was approved by EPA. Nevertheless, a
11 Federal Court determination has required an
12 additional review through this environmental impact
13 statement analysis of additional treatment options
14 for the water.

15 The EIS, as presented for discussion this
16 evening, highlights a very important fact:
17 Treatment options that were already contemplated in
18 the earlier environmental assessment provide
19 adequate safeguards for avoiding and minimizing any
20 potential impacts of the project, as designed and
21 as now partially completed.

22 The Bureau has chosen to consider biota
23 treatment goals when evaluating the efficacy of the
24 treatment process. The levels of treatment
25 prescribed in this EIS actually exceed what is

1 required to protect human health under the United
2 States Safe Drinking Water Act.

3 The science for this project as approved
4 in the EA and in the finding of no significant
5 impact is sound, and remains sound. Therefore, the
6 State of North Dakota respectfully and strongly
7 urge the Bureau of Reclamation to select the
8 so-called No Action Alternative, the treatment plan
9 included in the original EA approved by the Bureau
10 and the EPA. The No Action Alternative is really a
11 misnomer, because in reality this baseline option
12 represents several enhancements that are already
13 included in the project as approved by the
14 Department of Interior in 2001. These enhancements
15 are meant to mitigate the risk of transferring
16 biota or any aquatic nuisance species across the
17 watershed.

18 This alternative provides for redundant
19 disinfection and prevention of water losses as the
20 water is pumped to the Minot treatment plant, which
21 itself will provide filtration and ultraviolet
22 treatment of the water. In addition, before the
23 water leaves the Missouri River basin, it will be
24 pretreated with chemical disinfection, including
25 chlorination and chloramination.

1 In support of the efforts to minimize the
2 potential water escaping on the Hudson basin side
3 of the divide, this misnamed No Action Alternative
4 incorporates the inclusion of a pressure-reducing
5 station and three isolation vaults. These vaults
6 are placed prior to the three coulees that lead to
7 the Mouse River. The station and the three vaults
8 will have valves that will automatically close and
9 contain water in the pipe if there's a loss of
10 telemetry, pressure loss or flow reversal or if
11 there's a break in the pipeline. Additionally, the
12 design incorporates strengthened joint pipe encased
13 in concrete through all coulee crossings.

14 With any of the treatment options
15 described in the EIS, there is a very low and, for
16 all practical purposes, a nonexistent risk of
17 transferring any species of plant, fish, or
18 microbial matter to the Hudson Bay watershed
19 through the NAWS project. In fact, the EIS
20 explains that non-project pathways of natural
21 movements by wildlife and even accidental
22 introduction by sportsmen pose a higher risk of
23 biological transfer than any of the existing
24 proposed interbasin transfer options, yet the cost
25 of the alternatives presented in the EIS range from

1 8 million for the No Action Alternative to 90
2 million for the microfiltration.

3 While we understand that the costs of any
4 extraneous treatment options chosen will be the
5 responsibility of the federal government, the
6 inconsistent financial support that NAWS has
7 experienced could result in delaying the project
8 indefinitely. If the Bureau of Reclamation in the
9 end chooses a treatment option beyond that which is
10 already designed and planned, then the Bureau must
11 immediately seek to obtain the funding necessary to
12 complete this project.

13 The NAWS project is vitally important to
14 the State of North Dakota. If redundant and
15 superfluous treatment is required, meaning a full
16 treatment plant at the Sakakawea intake, as well as
17 full treatment in Minot, then we need the federal
18 commitment to fund the additional cost now so no
19 further delay in this water delivery project can
20 occur.

21 For more than 20 years the State has
22 worked on this project along with the City of
23 Minot. Following the Department of Interior's
24 approval seven years ago construction finally
25 commenced. However, the absence of funding for

1 redundant treatment as described in the EIS
2 diminishes the prospect for getting it completed in
3 a responsible and timely manner.

4 The State of North Dakota is committed to
5 continuing with NAWS as an environmentally sound
6 project that will bring high-quality water to the
7 people of northwest North Dakota and urge the
8 Bureau of Reclamation to move expeditiously in that
9 same goal.

10 MR. ANDERSON: Thank you. The next
11 speaker will be Michelle Klose, representing the
12 North Dakota State Water Commission.

13 MS. KLOSE: Good evening. I am Michelle
14 Klose, the NAWS project manager for the State Water
15 Commission. I'm representing the State Water
16 Commission and the office of the State Engineer.

17 The Northwest Area Water Supply Project is
18 an extremely important water supply project for the
19 communities in the northwest area of North Dakota.
20 The project will carry Missouri River water 45
21 miles through a closed pipeline to the Minot water
22 treatment plant. The last 21 miles of pipeline
23 crosses the Hudson Bay drainage basin. The draft
24 NAWS EIS, in part, examines the level of treatment
25 prior to crossing into the Hudson basin.

1 The original environmental assessment was
2 challenged in Federal Court by the Province of
3 Manitoba. The Court determined there needed to be
4 additional analysis on potential impacts of the EA
5 preferred alternative, which is the No Action
6 Alternative in the EIS. The State Water Commission
7 believes the environmental impact statement
8 provides the public with extensive information on
9 the issues of invasive species, interbasin
10 transfers, primary pathways for invasive species,
11 and risks associated with various levels of
12 treatment for biota. The draft EIS concludes the
13 risk of transferring invasive species through the
14 NAWS project, even with the lowest level of
15 treatment, is lower than the risk of invasive
16 species moving through other pathways. With the
17 multiple barriers in each of the four alternatives
18 evaluated, the additional risk of invasive species
19 posed by the NAWS project is negligible.

20 The State Water Commission has never
21 downplayed the effects of invasive species.
22 However, the State Water Commission is very
23 concerned how the low risk of transferring invasive
24 species has played out to delay an important water
25 supply project for the communities of Minot,

1 Berthold, Kenmare, Bottineau, Mohall, Westhope,
2 Sherwood, Souris, Columbus, Noonan, Bowbells, and
3 rural water systems of North Prairie Rural Water
4 District, All Seasons Rural Water District, and
5 Upper Souris Rural Water District.

6 With all of the treatment alternatives
7 examined in the draft EIS, the risk of transferring
8 any fish, plant, or organism that is visible to the
9 naked eye is virtually zero. Therefore, the EIS
10 focused on 12 algae, microorganisms, and disease
11 agents that could potentially be invasive or
12 represent unknown potentially invasive species. It
13 appears that only one of these invasive species is
14 currently in the Missouri drainage basin and not in
15 the Hudson Bay drainage basin. The others that
16 were in the Missouri basin had already found their
17 way to the Hudson Bay drainage basin through other
18 pathways. The species not yet found in the Hudson
19 Bay Drainage is Whirling disease. Whirling disease
20 has not been identified in North Dakota. There is
21 a lack of the secondary host in the Souris River
22 for the disease to complete its life cycle. The
23 EIS states that it is highly unlikely that the
24 protozoa causing Whirling disease could complete
25 its life cycle and cause significant impact through

1 the project.

2 International shipping is noted in the EIS
3 as a pathway through which some of the most
4 damaging invasive species have become established
5 in North America. The EIS describes the current
6 Coast Guard regulations, the United Nations
7 International Maritime Organization's unratified
8 treaty, and the proposed U.S. legislation to
9 address this pathway. International shipping is a
10 significant pathway between continents that will
11 continue to pose a higher risk for biological
12 invasions than the existing or proposed water
13 transfers. The No Action Alternative in the NAWS
14 EIS has a significantly higher level of treatment
15 and protection from invasive species than any
16 proposed treatment for the shipping pathway.

17 The discussion on the No Action
18 Alternative in the EIS should include discussion on
19 the pipeline safeguards. The Missouri River water
20 would travel from the disinfection biota treatment
21 plant another 30 miles through a closed pipeline to
22 the Minot water treatment plant. The last 21 miles
23 of the trip would cross the Hudson Bay drainage
24 basin. The pipeline is buried seven and a half
25 feet below the ground surface, and includes

1 restrained joint pipe below the three coulees it
2 crosses between the divide and the Minot treatment
3 plant. The coulees only have intermittent stream
4 flows and are dry most of the year. The pipeline
5 will have telemetry and automatic controls, valves
6 and isolation vaults to shut down the system and
7 contain water prior to the coulees if there are any
8 problems or loss of pressure in the pipeline.

9 Another question often asked about NAWS is
10 the potential effect on the lake level when moving
11 40 cubic feet per second from Lake Sakakawea. The
12 original environmental assessment found the
13 additional withdrawal from NAWS would not be
14 measurable at or below Lake Sakakawea.

15 Thank you for this opportunity to provide
16 comments on the draft NAWS environmental impact
17 statement.

18 MR. ANDERSON: Thank you. The next
19 speaker is Bob Schempp, representing the NAWS
20 Advisory Committee.

21 MR. SCHEMP: Good evening. I'm Bob
22 Schempp. I'm appearing on behalf of the NAWS
23 Advisory Committee and myself. I have been
24 chairman of the Advisory Committee since its
25 inception about 20 years ago, and I was an employee

1 of the City of Minot during most of Minot's 40-year
2 water history with the Bureau of Reclamation.

3 When we came to Minot in 1958, the city
4 council was considering construction of a
5 multimillion-dollar pipeline to the Garrison
6 Reservoir. But rather than build the 45 miles of
7 what was then thought to be very expensive pipe,
8 the city council accepted a consultant's
9 recommendation to develop wellsites upstream in the
10 Souris River Valley. Needless to say, that
11 recommendation didn't work and the city council
12 continued to mine and overdevelop the Minot
13 aquifer.

14 In the late '60s, the Sindre Aquifer was
15 discovered, and in 1972 the city contracted with
16 the Bureau for an interim transmission line from
17 the Sindre as a part of the original Garrison
18 Diversion project. That system was designed to
19 connect to an irrigation canal and a manmade lake
20 that would provide water to Minot. It's been a
21 long interval.

22 In 1986 our water supply direction was
23 again changed by adoption of the Garrison
24 Reformulation Act. So in 1987, we again began
25 looking south for our ultimate water supply

1 solution. Now 50 years after we first considered
2 the abundant water supply south of Minot, pipe is
3 in the ground ready to deliver water to north
4 central North Dakota. The only question of proper
5 treatment remains.

6 I'd like to compliment the Bureau for
7 their work on the draft EIS. It's a comprehensive,
8 well-written document that is both detailed and
9 understandable to a layman. The draft EIS fairly
10 presents alternatives for treatment and comparisons
11 of biota transfer pathways that aptly describe and
12 clarify the relative risk of biota transfer to
13 Canadian waters.

14 According to the draft EIS, numerous
15 significant design features and operational
16 measures are included which collectively provide a
17 very low risk of biota transfer, and the draft EIS
18 goes on to say outside pathways will continue to
19 pose a higher risk of biological invasion than
20 existing or proposed interbasin water transfers.
21 The report concludes that past experience shows
22 that biological -- my eyes are getting bad --
23 biological invasion of the Hudson Bay Basin through
24 non-project pathways from the Missouri River Basin
25 or from any other adjoining basin are almost

1 certain to occur. So the risk is low for transfer
2 of biota from NAWS, and the risk is high for
3 transfer of biota from outside pathways.

4 The draft EIS lists four alternatives,
5 including the No Action Alternative. The executive
6 summary states that the No Action Alternative would
7 include chemical disinfection of raw Missouri River
8 water prior to crossing the Hudson Bay Basin to
9 reduce the risk of transferring invasive species.
10 Additional safeguards included in the construction
11 of the buried pipeline also reduces the risk of
12 transfer even further.

13 In my opinion, based upon effectiveness,
14 the relative risk to the environment and cost, the
15 No Action Alternative could have been called the
16 logical alternative. According to the requirements
17 of the Boundary Waters Treaty, construction and
18 operation of any water treatment that takes place
19 in the Missouri River Basin is the sole
20 responsibility of the United States. Due to the
21 relative risk of project versus outside pathway
22 transfer of biota, it would seem to be and it is
23 logical for the United States to construct the No
24 Action Alternative, and the NAWS Advisory Committee
25 strongly urges that that alternative be selected.

1 The delivery of municipal water supplies
2 through a NAWS connection to the Garrison project
3 will be a historical event which has been waited
4 for and supported by the Bureau, the State of North
5 Dakota and water users in this area for a half
6 century. It is time.

7 Again, thank you for a job well done on
8 the draft EIS, and thank you for the opportunity to
9 testify on behalf of the Northwest Area Water
10 Supply Project.

11 MR. ANDERSON: Thank you. The next
12 speaker will be L. John MacMartin, Minot Area
13 Chamber of Commerce.

14 MR. MacMARTIN: Good evening. Thank you
15 for the opportunity to be here. My name is John
16 MacMartin. I'm the president of the Minot Area
17 Chamber of Commerce.

18 The NAWS project is a project that the
19 Chamber has followed for many, many years. The
20 previous speakers have very eloquently reviewed the
21 history and the scope of the project and so I'm not
22 going to go down that path.

23 The Chamber of Commerce is supported by
24 over 700 members who voluntarily belong to the
25 Chamber with memberships reaching from Kenmare to

1 Westhope to Velva and Burlington. The Chamber
2 supports the No Action Alternative for a variety of
3 reasons. Perhaps the most compelling was the quote
4 from the draft EIS that said the risk of
5 transferring invasive species through the
6 construction and operation of any of the proposed
7 alternatives is very low compared to the existing
8 and competing pathways. The EIS goes on to suggest
9 that those competing pathways are animal transport,
10 wind dispersal, major floods, storms, human
11 activities, which they list as boats, but the one
12 that I like to talk about is, I know that the fish
13 hatchery uses chlorinated water to transport all of
14 those fish to Lake Darling. And I'm being
15 sarcastic when I say that. For years and years and
16 years the Garrison Hatchery has transported fish
17 all over North Dakota, including the Hudson Bay
18 Drainage, and it was transported with Garrison
19 water. Any biota transfer that was going to occur
20 has already occurred through federal action.

21 So the Chamber, again representing its 700
22 members, strongly urges the Bureau to support the
23 No Action Alternative. Thank you.

24 MR. ANDERSON: Thank you. I have one more
25 speaker card. If any of you have decided during

1 the hearing that you would like to make a
2 statement, if you would step back and get a card
3 and fill it out so we have a record. The next
4 speaker will be Mr. Jack Burke.

5 MR. BURKE: My name is actually John
6 Burke, Minot, and I'd just like to say, Alicia, you
7 did a real good job. Now I can understand what was
8 going on.

9 I understand that this No Action
10 Alternative is the best way to go for the City of
11 Minot and the costs for the people of the United
12 States and North Dakota. The reason is money isn't
13 available for anybody right now because we got
14 wars, we got this, we got that. What I would like
15 to say, that I agree this No Action Alternative for
16 putting that treatment plant at Max would be one
17 best way to go. Also, that if something did
18 happen, it's not going to hurt anybody. That's
19 just what I want to say. Thank you.

20 MR. ANDERSON: Thank you. Patience, do
21 you have any more cards? Is there anyone else who
22 wishes to make a statement? Would you fill out a
23 card and come up to the microphone, please? State
24 your name first.

25 MR. EKBLAD: You heard all the good

1 reasons why we should develop the NAWS project,
2 fill the pipes with water. I watched the Garrison
3 Dam -- I was born out here at Ryder and I watched
4 the Garrison Dam be built and closed. I watched
5 the McClusky Canal developed and all the promises
6 that the federal government gave to the State of
7 North Dakota for Garrison Diversion. I was at the
8 Jamestown hearing when Garrison Diversion was
9 discussed and we filled that auditorium down there
10 with people from North Dakota advocating Garrison
11 Diversion.

12 I testified at the meeting when the
13 congressmen came out here to Minot in 1988 and
14 killed Garrison Diversion and offered to us the
15 right to have municipal water in this area and the
16 rest -- in the northwest and the rest of the State
17 of North Dakota. That was the buyoff the
18 government gave us for killing Garrison Diversion.

19 Now, we've given up land, we've given up
20 money, we spent a lot of time trying to get water
21 up in the northwest and to provide water for the
22 State of North Dakota. Folks, I think it's time
23 that we fill the pipes with water. Thank you.

24 MR. ANDERSON: Step forward and please
25 state your name.

1 MR. LARSON: My name is Al Larson. I'm
2 just simply a concerned citizen and looking at what
3 you got.

4 This last summer I happened to be up at
5 Brandon, Manitoba, for a car event and I noticed on
6 the newspaper that come from Winnipeg, and on there
7 it said, Manitoba's dirty secret. It said that in
8 part of '06 and '07 they had trouble with their
9 sewage treatment in a number of Manitoba cities and
10 along the Assiniboine and also on the Red River and
11 they dumped something like 38 Olympic-sized
12 swimming pools full of raw sewage into Lake
13 Winnipeg. And it looks to me like a province that
14 did that poor a job, I cannot possibly concede why
15 they're worried so much about getting some clean
16 water. To me it looks totally hypocritical and it
17 has to be more of a political agenda than an actual
18 problem in my thought. That's all I have.

19 MR. ANDERSON: Thank you. Is there anyone
20 else who wishes to make a statement? Seeing none,
21 I will formally close the hearing and express
22 appreciation for all of you taking the time to come
23 out this evening. Thank you.

24 (Concluded at 8:02 p.m., the same day.)

25

1 CERTIFICATE OF COURT REPORTER

2
3 I, Denise M. Andahl, a Registered
4 Professional Reporter,

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

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

13 Bismarck, North Dakota, this 12th day of
14 February, 2008.

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16 -----
17 Denise M. Andahl
18 Registered Professional Reporter
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