

DEIS MEETING - 14-916 15-137

FOND DU LAC - JUNE 27, 2017

MINNESOTA DEPARTMENT OF COMMERCE

In the Matter of the Application of Enbridge Energy,
Limited Partnership for a Certificate of Need for the
Line 3 Pipeline Replacement Project in Minnesota from the
North Dakota Border to the Wisconsin Border.

PUC DOCKET NO: CN-14-916

OAH DOCKET NO: 65-2500-32764

In the Matter of the Application of Enbridge Energy,
Limited Partnership for a Route Permit for the Line 3
Pipeline Replacement Project in Minnesota from the North
Dakota Border to the Wisconsin Border

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Fond du Lac Band of Lake Superior Chippewa
Community Center
1720 Big Lake Road
Cloquet, Minnesota

I N D E X

	SPEAKER	PAGE
1		
2		
3	Jamie Macalister	4
4	Debra Topping	5
5	Danielle Oxendine Molliver	6
6	Jamie Macalister	7
7	Sheila Lamb	8
8	Buster Killfirst	12
9	Scott Kretz	14
10	Jeff Savage	15
11	Lyz Jaakola	18
12	Sheila Lamb	19
13	Korey Northrup	22
14	Sheila Lamb	30
15	Joyce Laporte	30
16	Karen Durfee	31
17	Korey Northrup	32
18	Russ Northrup	33
19	Scott Kretz	36
20	Unidentified	38
21	Lisa Lawrence Northrup	40
22	Jim Northrup, III	43
23	Hunter Jaakola	47
24	Lyz Jaakola	48
25	Joyce Laporte	54

1	Debra Topping	54
2	Joyce Laporte	57
3	Debra Topping	58
4	Joyce Laporte	58
5	Jim Northrup	59
6	Danielle Oxendine Molliver	59
7	Jim Northrup	60
8	Jamie Macalister	64
9	Danielle Oxendine Molliver	65
10	Jamie Macalister	67

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1 MS. JAMIE MACALISTER: Okay. Well,
2 first of all, thank you for inviting us here, having
3 a meal with us.

4 I'm Jamie MacAlister with the
5 Minnesota Department of Commerce and I am one of the
6 project managers for this project. And with me is
7 Danielle Oxendine Molliver, our tribal liaison for
8 the Department of Commerce.

9 And we also have Janet here, the court
10 reporter. She will be here to take down your
11 comments and record this meeting for us.

12 We're here in part because we were
13 invited here and to help facilitate comments that
14 you may have on the draft EIS. So what we have
15 brought with us tonight, we have some hard copies of
16 the draft EIS, we have some comment forms which you
17 can fill out and leave with us tonight, if you like,
18 or you can send them in at your leisure.

19 There is also a little handout that we
20 brought with. And what's in the handout, the
21 meeting guide, it contains the executive summary for
22 the draft EIS. So that is -- its primary utility
23 here with us this evening is to provide the
24 executive summary, it might help you think about
25 some of your comments. And if you're not going to

1 have time to read all those thousands of pages, it's
2 a nice little snapshot of what's in the DEIS.

3 So, with that, obviously, this is very
4 informal. We are here to have a conversation, take
5 your comments. And I'll leave it at that.

6 MS. DEBRA TOPPING: What is that over
7 there, did you say?

8 MS. JAMIE MACALISTER: The draft
9 environmental impact statement.

10 MS. DEBRA TOPPING: How many pages is
11 it?

12 MS. JAMIE MACALISTER: Thousands.
13 Thousands of pages.

14 MS. DEBRA TOPPING: Thousands of
15 pages.

16 MS. JAMIE MACALISTER: Thousands of
17 pages, when you include the appendices, the maps.
18 It's a large document.

19 You may have also noticed when you
20 came in that we do have a map that shows some of the
21 significant cultural resources and the treaty lands,
22 in addition to the reservation boundaries. And we
23 have been working with all of the tribes to develop
24 this map. So if there are other things that you
25 would like to see on that map or that you think that

1 we have missed -- we received a few comments on the
2 map already, some things that we need to correct --
3 we are happy to take those comments as well. We
4 want that map to reflect the issues and concerns
5 that you have.

6 MS. DANIELLE OXENDINE MOLLIVER: So,
7 again, I'm Danielle Oxendine Molliver, I'm the
8 tribal liaison with Commerce.

9 And the only thing I was going to add
10 is just to reiterate that the meeting, or the -- I
11 should say not the meeting, per se, we're here to be
12 together and hear your comments. But it is being
13 recorded so that it can go into the record. And the
14 idea is that the comments are, you know, focused on
15 the draft environmental impact statement. 'Cause we
16 have done a great amount of consultation with all of
17 the Minnesota tribes and sent as well an invitation
18 to Wisconsin. We will also have all of your
19 comments to end the process.

20 But as you know, your story, as far as
21 your traditional knowledge, your lands, your
22 resources, your ecological knowledge, that really
23 isn't something that third parties can look up or
24 necessarily gather. So the idea is that we really
25 have this document, we're really here to take

1 comments so that we can make this the best draft
2 that it is. So that it does cover all of those
3 things that you feel that people need to know
4 better.

5 So as much as we can, also, just in
6 the process, there will be other opportunities on
7 record to advocate. So when the public hearings
8 come, that's the time when we really hear testimony
9 about, you know, the general pipeline and those
10 types of things.

11 Obviously your comments are welcome on
12 anything, but the most helpful would definitely be
13 how we can make this impact statement a better
14 document and more reflective of your rights and your
15 needs.

16 MS. JAMIE MACALISTER: If you would
17 like to speak, ask questions, raise your hand, let
18 us know.

19 I'm sorry, I'm being remiss here. For
20 Janet's purposes, we will ask you to state and spell
21 your name so that she gets it correct in the record.
22 These will be posted, this transcript will be posted
23 online. So your comments, you can see your
24 comments, other people can see your comments. You
25 can also see the comments that anyone else made

1 during the previous meetings that we've attended.

2 MS. SHEILA LAMB: Sheila, S-H-E-I-L-A,
3 Lamb, L-A-M-B. I'm going to check my notes here for
4 a few things.

5 The first item on the list is, to the
6 best of my knowledge, there's nothing written into
7 the DEIS in regards to damage done to our
8 infrastructure, our roadways, from the trucks and
9 equipment. That means our taxpayers have to foot
10 the bill for it.

11 Trucks have been running up 210 hot
12 and heavy at a high rate of speed, definitely going
13 over the speed limit, those types of things. When
14 they're on two-lane roads they're going to do more
15 damage. If they're on 35, they're on roads that are
16 recently paved. So that's something that is
17 neglected in the DEIS. Enbridge needs to foot the
18 bill for that one. That is item number one.

19 Number two, the DEIS is set for
20 November. In Carlton County there are hundreds of
21 pipes, hundreds on any given day that you can see.
22 I've got about 500 pictures and I've been asked to
23 go public with this.

24 There are staging areas already. The
25 newest one is between Kettle River and Rice. It is

1 a huge fenced area with barbed wire on top, the
2 whole nine yards, where they're taking the pipes to.
3 We're talking trucks running every 10 to 15 minutes
4 carrying in pipes. As of yesterday there were 35
5 carloads of pipes just that we could count sitting
6 right in Carlton.

7 Who's paying for the police? Both the
8 state police and Carlton County Sheriff's Department
9 are doing traffic control. Why is there no mention
10 of things like that either in the DEIS and why
11 should that be on the taxpayers' backs? It's also
12 creating road hazards because, again, they're not
13 obeying the speed limits, they're flying with these
14 heavy loads down rural roads. So that impact needs
15 to be taken into account as well.

16 Fond du Lac Reservation in Cloquet are
17 all on well water. So these pipelines going through
18 anything that is affecting our watershed directly
19 affects our well water. With Enbridge's history of
20 leaks, well over 800 in, I believe it's the last
21 eight years, something to that effect, they can sit
22 in and use their rhetoric that it's two to three
23 little spills per year. Well, even a cup full is
24 too much, in my opinion. But that is not their
25 record. And that's just reported spills, that's not

1 those that they don't have to report. One of the
2 worst spills of all times was right here in
3 Minnesota.

4 There is another component that we
5 know that the bonds do not fully cover. Their
6 cleanup costs. There needs to be a protection put
7 in there because they are going to leak. They're
8 going to leak. Whether it's the old Line 3 or the
9 new, they're both going to have a problem. And are
10 the reservations going to have to clean it up?
11 Because the old Line 3 goes through most of them.
12 Are we going to have to clean it up? Where does
13 that come from? That needs to be spelled out very,
14 very clearly in the DEIS.

15 And when you look at overall economic
16 impact, the cost of cleanup and road wear and tear
17 along pretty much states they should be null and
18 void. It does not quantify this supposed jobs,
19 especially when we're seeing them directly come in
20 from Texas and Oklahoma.

21 Our union workers can gain \$1.20
22 billion, roughly, to take Line 3 out and clean it
23 up. You want to make jobs for Minnesota? There's
24 where we do it, while cleaning our environment up.
25 And then going to renewable energy. Be in the

1 forefront like Minnesota and the Duluth region
2 usually are.

3 They've admitted themselves, including
4 Enbridge, that fossil fuel is on its way out. So
5 instead of milking it all, instead of putting our
6 waterways, especially Lake Superior in danger, we
7 need to stop this and we need to stop it now.
8 What's best for Minnesota is not to put our
9 environment, our watershed, our beautiful, pristine
10 areas in danger on any level.

11 We already have the highest cancer
12 rates of any people on our reservations here.
13 Introducing more carcinogens, allowing the old
14 Line 3 to stay in place releasing toxins and so
15 forth is a detriment to our health but, more
16 importantly, to the future generations' health as
17 well.

18 So, you know, we need to see a lot
19 more in there regarding the health impact on those
20 that would be in or around any of these pipelines.
21 The old and the new.

22 Also, the next generation is in effect
23 and exists here in Minnesota. And that law requires
24 that we continue to reduce our emissions for future
25 generations. Putting this pipeline in and leaving

1 that old one in there to disintegrate is not going
2 to help us to meet that next generation law.

3 MS. JAMIE MACALISTER: Thank you,
4 Sheila.

5 Is there anyone else?

6 MR. BUSTER KILLSFIRST: Buster
7 Killsfirst.

8 And I just want to know how much money
9 will be going, potentially, or actually towards the
10 type of mercenaries that we seen over in Standing
11 Rock? And where exactly do you intend to bring law
12 enforcement officers to protect the pipeline for a
13 corporation against the American people?

14 MS. JAMIE MACALISTER: All right.
15 Well, first, let's make a clarification. Our job
16 here is to evaluate the environmental impacts of
17 Enbridge's projects. We are not here on behalf of
18 Enbridge. We don't work for Enbridge. We're here
19 on behalf of the State of Minnesota and our job is
20 to evaluate the impacts of the project that Enbridge
21 has proposed, as well as to evaluate the impacts of
22 any of the other alternatives that have been
23 proposed throughout this project.

24 So that means that roughly a year ago
25 there were several scoping meetings and there were a

1 number of alternatives that were proposed. Those
2 can be seen on the map that we brought here. You
3 can also see them fairly clearly in the map books
4 that go with the draft EIS.

5 So that's our role. Our role is to
6 evaluate the impacts. We don't do anything else
7 beyond that.

8 MR. BUSTER KILLSFIRST: That would
9 have an impact on the community.

10 MS. JAMIE MACALISTER: Which?

11 MR. BUSTER KILLSFIRST: Just bringing
12 the pipeline in and dealing with all the
13 consequences and not just eliminating some of the
14 consequences because you don't want to think about
15 them.

16 MS. JAMIE MACALISTER: Well, if your
17 suggestion is that that is something that's missing
18 in the draft EIS, then that would be good for you to
19 make a comment directed more towards the EIS.

20 MR. BUSTER KILLSFIRST: I'd like to
21 see that in the EIS.

22 MS. JAMIE MACALISTER: Restate that
23 and say clearly what you think the DEIS is lacking.

24 MR. BUSTER KILLSFIRST: I'd like to
25 see in the DEIS figures on potential and actual

1 impacts. And to law enforcement and corporate
2 mercenaries on the community financially and
3 otherwise.

4 Thank you.

5 MR. SCOTT KRETZ: My name is Scott
6 Kretz, K-R-E-T-Z, a landowner here.

7 And I've been working with this for
8 awhile. And what appears to me is a perfect
9 opportunity to find out what the exact environmental
10 impact is by removing the old Line 3. Then you
11 could test the soil, you could sample it and get an
12 actual report instead of a study. Which is wishful
13 thinking a lot of times. But that way, as we vacate
14 it, you find out what you have to do. And with the
15 new line coming in, you could also maybe even
16 preempt some of the things.

17 Since Paul Stamens is a
18 microbiologist, I believe is what he is, he grows
19 mushrooms and everything else. And he's one of the
20 ones who have to take care of the spilled oil. So,
21 I mean, you could preemptively put that in the new
22 line corridor so when the new leaks come out of the
23 new one, that you're already mediating the problem.
24 But we need a report on what the actual impact has
25 been on the Line 3. That's the only way you'd know.

1 So, for on the record, I propose that we get a
2 report instead of a study.

3 MS. JAMIE MACALISTER: Anyone else?

4 MR. JEFF SAVAGE: My name is Jeff
5 Savage. I'm a Fond du Lac Band member.

6 And some of my concerns on this
7 pipeline is, first of all, is if there is even a
8 need for it. On the certificate of need, I feel
9 that this is an unnecessary pipeline. The company,
10 Enbridge, should be looking towards the future and
11 alternative energy sources to be using. So I see no
12 need for the pipeline in the first place.

13 And as a tribal person and on my
14 reservation right now, the Enbridge line literally
15 cuts my reservation in half. It is disrupting to my
16 use of my reservation for cultural uses, religious
17 uses, and for gathering food, et cetera. The
18 pipeline is already here and it's already disrupting
19 my use of my reservation.

20 And the destruction of sacred sites
21 that are here now and also along the present whole
22 line of Enbridge and also along the proposed lines.
23 There are many sacred sites that I still use to this
24 day all along these corridors. And Enbridge and its
25 fossil fuels are disrupting my right to use my

1 religion and to use my resources in a sacred manner.

2 Wild rice. I'll use wild rice. Wild
3 rice is my life. In these waters, they are sacred
4 to me. I can go back orally for eight generations,
5 just my family talking about us harvesting wild rice
6 for those eight generations. Wild rice is a sacred
7 food to me. This is the first food besides mother
8 milk that goes into my babies and my grand babies'
9 mouths. I can take my phone out and show you a
10 video right now of my four-month, six-month grand
11 baby eating her first mouthful of food that isn't
12 mother's milk and it is wild rice. It is a sacred
13 food to us. It is the basis of our migration to
14 this area. And these pipelines disrupt that.

15 The soil, as the fellow was just
16 speaking about, is disturbed and being filled with
17 toxins. The waters, if there's a spill, destroys
18 those sacred foods of ours. 90 percent of our wild
19 rice has already been destroyed due to mining and
20 other fossil fuel and timber and over development.
21 It's getting harder and harder for me to feed my
22 family every year due to these industrial
23 pollutions.

24 This will be my 53rd year in a row of
25 harvesting wild rice. And in them 53 years I have

1 watched our wild rice beds disappear. There's no
2 more wild rice in St. Louis Bay. When I was a young
3 boy it used to be covered in wild rice, now you
4 cannot even find one plant.

5 These pipelines are unnecessary. With
6 the rate of technology going today, oil is obsolete.
7 The price right now is over 50 percent less than it
8 was just several years ago. And any company that's
9 forward thinking would not be thinking in the fossil
10 fuel business, they'd be thinking of alternative
11 energy sources.

12 And, again, my major concern is the
13 disruption of my right to use sacred sites, our
14 sacred foods, and our sacred lands. And they are
15 being defiled and it is unacceptable to me.

16 Thank you.

17 MS. JAMIE MACALISTER: Thank you.

18 MR. JEFF SAVAGE: I tried to get a
19 little more technical for you.

20 MS. JAMIE MACALISTER: Anyone else?
21 Technical, nontechnical? We'll take any.

22 We can take a few minutes, let folks
23 finish eating and come back.

24 MS. DANIELLE OXENDINE MOLLIVER: You
25 mentioned the cards and that equal weight will be

1 given. So whether they talk today or whether they
2 write it. And you have until July 10th and it's the
3 same amount of weight.

4 MS. LYZ JAAKOLA: I have a question.
5 So a number of us have gone to a number of meetings.
6 So how are our statements made? Like every time I
7 attend a meeting and fill something out or speak, is
8 that entered in the same, like, if I do that all 22
9 meetings or whatever, would there be 22 messages
10 from me?

11 MS. JAMIE MACALISTER: Yes, there will
12 be. If your 22 messages all say the same thing,
13 they'll count just one.

14 And partially that is -- it is not
15 uncommon for organizations to send thousands of
16 postcards in. And those postcards all have the same
17 message and those thousand post cards do not carry
18 any more weight than anyone else's comments.

19 So the point being, all comments are
20 treated individually and weighted equally, it's not
21 that we get a thousand postcards from this group and
22 five thousand postcards from this group. But all of
23 your comments that you've provided at any other
24 meeting will be available, they all go into the
25 record, and we will look at each one of them

1 individually.

2 MS. LYZ JAAKOLA: So who decides
3 whether it's the same thing or not?

4 MS. JAMIE MACALISTER: We have a big
5 job of going through all of these comments and
6 responding to the comments and looking for
7 substantive comments that can help us flesh out
8 additional information. Either information that's
9 missing in the draft, additional information, or
10 trying to make things clear. And our goal is to
11 make sure that we are capturing all the missing
12 information between the draft and the final.

13 MS. DANIELLE OXENDINE MOLLIVER: So,
14 Jamie, I think when you're saying it counts, because
15 we also are responding back to the comments that are
16 made and explaining, you know, helping track the
17 changes so that people can see that it is reflected.
18 So when we say count as one, it just means, for
19 example, everyone would be on the record, but we
20 might only address it one time. If that makes
21 sense.

22 MS. SHEILA LAMB: Maybe you two ladies
23 could address what was just talked about. I made
24 the statement, is this for nothing. They're already
25 bringing in the pipes. Is this already a done deal?

1 And I'm hearing others wondering that. So maybe if
2 you could answer that the way you did for me, so
3 that people know that it's not a done deal, that
4 this isn't for nothing.

5 MS. JAMIE MACALISTER: Right. From
6 our perspective, from the state's perspective, it is
7 not a done deal.

8 The Public Utilities Commission is --
9 they've received a copy of the draft, they are
10 reviewing the draft. They are going to have a very
11 difficult decision to make further down the line, in
12 about a year, not quite a year, but sometime in
13 early, mid 2018.

14 I would say that, yes, the perception
15 of having pipes stacked up all across northern
16 Minnesota leads to the perception that a decision
17 has already been made. But the decision has not
18 been made and that is one of the reasons why we have
19 an open and transparent process. We're here to show
20 you how we've addressed this information, dealt with
21 concerns that you have provided to us during scoping
22 and that we will continue to address through the
23 draft.

24 Additionally, we would expect any of
25 you that still have the energy to go to the

1 contested case hearings, to go to the contested case
2 hearings and keep putting your concerns on the
3 record. The Commission needs to know that. The
4 Commission, that's our job and that's what these
5 meetings are for.

6 These meetings are really to help us
7 gather the information so that the decision-makers
8 have the best information available to them. They
9 don't know that there's pipes stacked up out here.
10 In fact, I didn't know there was pipes stacked up
11 out here until I came to this meeting. So that is
12 information that the decision-makers are not aware
13 of.

14 So, yes, I can see how the perception
15 of having all of this pipe stacked up across the
16 northern portion of the state leads one to believe a
17 decision has already been made and Enbridge gets to
18 go through. Enbridge does not have any permits.
19 They're not allowed to do any construction until
20 they receive those permits. It would be a violation
21 for them to start doing any construction without any
22 permits.

23 And, furthermore, anything that
24 Enbridge does prior to receiving any permits, if
25 they do receive permits, is at their own risk. That

1 is not a risk that the state is assuming. If
2 Enbridge does not get the route that they want, if
3 they don't get the permits, whatever comes out of
4 this process, any work that Enbridge has done up
5 until this point is at -- Enbridge is taking that
6 risk.

7 Okay. Oh, my gosh, a firestorm here.
8 Let's start here.

9 MS. KOREY NORTHRUP: Korey Northrup,
10 K-O-R-E-Y, N-O-R-T-H-R-U-P.

11 I'm from Fond du Lac, I'm a
12 Fond du Lac Band member. I'm an actually enrolled
13 Fond du Lac Band member.

14 My first question is what is the
15 punishment for Enbridge if they construct the
16 pipeline without permission? Is it just like a fine
17 or something?

18 MS. JAMIE MACALISTER: I don't know.

19 MS. KOREY NORTHRUP: I mean, like, do
20 we get to talk about what we would want to see if
21 they did that? 'Cause that's, like, something
22 that's super common. Like, I remember they told me
23 the story of how the aerial lift bridge came. And
24 they told me that somebody went in the middle of the
25 night and blew it up, so then it's already blown up,

1 so then there's no decision to be made because it's
2 already gone, the canal is already in there, we
3 don't have a choice. We don't have an environmental
4 impact statement or any comment period for them.

5 So I would like to know what the
6 punishment is if they get caught constructing
7 without a permit. And if it's just a fine, I don't
8 feel like that's enough. So there's that.

9 Let's see. What else do I have on my
10 paper?

11 The other thing I'm concerned about is
12 they talked a lot about abandonment, they talked
13 about pipeline fatigue. And I was kind of, like,
14 walking my dog the other day, 'cause I got this,
15 like, new dog, and I just happened to, like, walk
16 down where these proposed parts are. And it seems
17 like there's quite a bit of pipelines already in the
18 corridors that they want to put this replacement
19 line in. So what is the impacts of that? Like, how
20 many pipelines is pipeline fatigue if that corridor
21 has more pipelines than the one where it exists
22 already? That's my question for that.

23 And then my other one is, in your
24 draft EIS, I haven't had a chance to look at it
25 since I just, like, received your -- whatever you

1 call it, today. But my main concern is, like, other
2 medicines. We talked a lot about wild rice and
3 things like that, and like sugar bush and some of
4 these, like, real common ones. But there are a lot
5 of medicines that are out there that aren't, like,
6 you know, particularly known as medicines, or that
7 we want people to know are.

8 What kinds of things do we have for
9 that? Like, you know, let's say we use trillium for
10 tea, you know, what about that? Like, what is the
11 impact of the trillium and all the tiny little
12 plants and roots and nuts and berries that we use?
13 Because we don't use like a little bit, we use every
14 single thing that's out there. Every piece of leaf,
15 every branch is utilized in what we do to, like, you
16 know, do our Indian stuff, our secret Indian stuff.

17 So I really want to know about that.
18 Like, the damage to the ecosystems and stuff like
19 that. 'Cause we have all kinds of different stuff
20 out there and we want to protect everything equally.

21 So the other thing that I want to know
22 is, you know, when you destroy the ecosystem, that
23 also takes the people with it. Like, a lot of what
24 we believe and know is what we see around us. So
25 when you take those things away from us, like, what

1 about us as people, like, what are we going to do
2 when you, like -- when our plants are extinct, our
3 medicines are extinct and our animals are extinct,
4 and all those things that we rely on in nature to,
5 like, help keep us balanced as humans. You know,
6 that to me, you know, is like a forced extinction of
7 who we are as people. Like, not only just taking
8 our lands, but taking the things around us, and
9 taking away, like, things that can't ever come back.
10 Like, we just can't grow a new Anishinabe people.
11 They don't just come out of the woodwork. That's
12 just what we have.

13 And I'm concerned mostly that if
14 pipelines push their way through, that they will
15 just push us out and then there will be no more of
16 us. And that is, like, my main concern, you know.
17 We are a part of this ecosystem, and for it to be
18 sustainable, our presence here is very important.

19 And I guess that's all I got to say
20 about that. Thanks for listening.

21 MS. DANIELLE OXENDINE MOLLIVER: I
22 think there is someone in the back here that wanted
23 to speak as well.

24 But just to speak to your point,
25 Korey, because I understand that lots of folks

1 haven't had the time to look at it and we are here
2 to talk to it. But just to give a little background
3 on, you know, the consultation, or potentially where
4 you want to focus in the draft if you can't start at
5 5,000 pages. There is a section called Tribal
6 Resources, which in that is both cultural and
7 medicinal. And then there is also a chapter on
8 Environmental Justice. And there is a Tribal
9 appendix, which has, you know, pretty much every
10 Band has passed a resolution that relates to Line 3.
11 You know, MIAC, there's other organizations and
12 other resources that are in the appendix.

13 And we did write those. We are clear
14 and we're going to continue to be clear in the draft
15 that we have consulted. That doesn't mean that we
16 have the consent of the tribes, but through the
17 consultation there was those chapters, the
18 Environmental Justice and Tribal Resources was
19 exchanged with some of the technical staff at DNR
20 and to folks. So, you know, I'm sure there is some
21 information there from the staff that is above and
22 beyond maybe the general knowledge of some of the
23 medicines.

24 But, you know, I would urge you to, if
25 you need to kind of do a quick read, to maybe focus

1 on that and maybe you can see if there's an overlook
2 and put that into a comment.

3 MS. KOREY NORTHRUP: All right.

4 MS. JAMIE MACALISTER: Let me try and
5 unpack a couple of your questions there. The first
6 being about a fine. I don't -- I will have no
7 satisfactory answer for you on a couple of these
8 things.

9 I don't know how the fines or what the
10 ramifications are, actually, for Enbridge, if they
11 start constructing without permits. I don't know
12 what that is. To my knowledge, they haven't started
13 construction. If they have started construction
14 someplace, that is definitely something that we
15 would want to know about and that is something that
16 the Public Utilities Commission would want to know
17 about.

18 So that is the first one. Remind me
19 of your second.

20 MS. KOREY NORTHRUP: I think --

21 MS. JAMIE MACALISTER: Oh, the
22 corridor fatigue. And, again, the concept of
23 corridor fatigue is subjective, to some extent.
24 What constitutes corridor fatigue? I don't know.
25 It's a term that is used in a number of different

1 ways. Is five pipelines too many? Is seven
2 pipelines too many? I personally cannot say that
3 constitutes corridor fatigue.

4 But some of the things that would be
5 looked at, at least that we're looking at in the
6 draft EIS is looking at what's going on in the
7 mainline corridor. Because we obviously know that
8 there are a number of pipelines in the mainline
9 corridor. There's looking at, you know, what does
10 it mean if you put the pipeline in a new corridor
11 and what does that look like, what are those
12 impacts, and how do you look at those impacts
13 compared to the impacts that are already in the
14 existing mainline corridor.

15 So I think those are good questions
16 and, again, I don't have a satisfactory answer for
17 you because there is no real definition of what
18 corridor fatigue is.

19 MS. KOREY NORTHRUP: Can we have a
20 clear definition of what that is so that we can all
21 be on the same page of what that means? Because if
22 it's used as an excuse for a replacement and they
23 try to put it in a place that has more pipelines,
24 that doesn't sound like it makes sense to me. So I
25 don't know if you need to call them up or whatever,

1 but I feel like we all need to have a clear
2 definition of what corridor fatigue means and what
3 it entails and what it's about.

4 MS. JAMIE MACALISTER: Okay. In terms
5 of corridor fatigue, corridor fatigue has been used
6 by several different parties. You know, one way the
7 corridor fatigue is looked at is can any areas
8 sustain, if you will, a certain number of pipelines.
9 As it relates to the mainline corridor, Enbridge is
10 arguing that there is not room in some places within
11 the existing mainline corridor to put an additional
12 pipeline in. That's their preference, that's why
13 they're saying they can't do it, saying there's not
14 room in the existing mainline corridor to squeeze
15 another pipe in there. The other option that's
16 being looked at is the removal of old Line 3 and
17 replacement in the same trench. So those are the
18 two things that are being evaluated.

19 I think the comments on what -- how do
20 you define corridor fatigue is a fair comment to put
21 in, as you have. I can't -- I don't have a
22 definition for what corridor fatigue is.

23 MS. KOREY NORTHRUP: So we'll get
24 right on it?

25 MS. JAMIE MACALISTER: I'll see what I

1 can do.

2 COURT REPORTER: I can't hear you.

3 MS. KOREY NORTHRUP: She was saying
4 she wants it in five-year-old English. Because a
5 lot of us are bilingual, you know, when they use
6 like really big, fancy words in the English words, a
7 lot of us can't follow along because we're
8 bilingual.

9 MS. SHEILA LAMB: It's the PR
10 language, instead of language to the average person,
11 it's PR. We don't want a commercial, we want it
12 clear and understand it.

13 MS. JAMIE MACALISTER: I hear what
14 you're saying. If I think about what corridor
15 fatigue means, I get your point, yes.

16 There was someone in the back.

17 MS. DEBRA TOPPING: Joyce?

18 MS. JOYCE LAPORTE: Well, my concern
19 is to get just a printout of Chapter 9, if I could?
20 If there's some way that I can give you my email and
21 you can email it to me? I just want Chapter 9.

22 UNIDENTIFIED: We can't hear you.

23 MS. JOYCE LAPORTE: Yeah. Joyce
24 LaPorte. J-O-Y-C-E, LaPorte. So I need a copy of
25 just Chapter 9. And I'm sure some of the rest of us

1 sitting here also would like that.

2 MS. KOREY NORTHRUP: What's the topic
3 of Chapter 9?

4 MS. DANIELLE OXENDINE MOLLIVER:
5 Tribal Resources. So she's asking for a copy of
6 just the Tribal Resources section, like a paper
7 copy.

8 MS. JOYCE LAPORTE: Or send it to my
9 email.

10 MS. JAMIE MACALISTER: I can give you
11 an electronic copy right now.

12 MS. JOYCE LAPORTE: Oh, okay.

13 MS. DANIELLE OXENDINE MOLLIVER:
14 Actually, there's electronic copies on a DVD or that
15 little flash drive.

16 MS. JOYCE LAPORTE: I got it.

17 MS. DANIELLE OXENDINE MOLLIVER: But
18 if you need it in --

19 (All talking at once.)

20 MS. KAREN DURFEE: My name is Karen
21 Durfee. K-A-R-E-N, D-U-R-F-E-E.

22 I only have one question. And I was
23 just wondering, if they do happen to put that
24 pipeline in, do they plan on, like, fining, some of
25 the counties? Yeah, the taxations and the fining,

1 that it's going to cost some of the people millions?

2 MS. JAMIE MACALISTER: I can tell you
3 what I know about that, which is not a whole lot.
4 But that is that Enbridge does pay counties --
5 sorry, pays taxes to the counties where the pipeline
6 goes through. I don't know how those taxes are set.
7 Some of it is based on what the assessment of the
8 asset is and what goes through the pipe. And so
9 that's details and not something that I deal with.

10 However, Enbridge has filed to have
11 repayment of those taxes that they have paid. They
12 have filed to have those taxes returned because they
13 feel like they are paying too high of a tax rate.
14 So some of those counties are being asked to return
15 fairly large sums of money.

16 MS. KOREY NORTHRUP: What does fairly
17 large mean?

18 MS. JAMIE MACALISTER: Well, more
19 money than they bring in in taxes. So some of those
20 counties got more money from Enbridge than they do
21 from their tax base. They are now being asked to
22 repay more money than they bring in and return that
23 money to Enbridge.

24 MS. KOREY NORTHRUP: What happens if
25 they can't pay them?

1 MS. JAMIE MACALISTER: If they can't
2 repay them?

3 MS. KOREY NORTHRUP: Yeah. What if
4 they don't repay them? Do they dissolve the county,
5 take all the county land, like --

6 MS. JAMIE MACALISTER: I don't know
7 how that works. To my knowledge, I don't know if --
8 my understanding is that Enbridge, this is the first
9 time they have asked that of the counties. So
10 essentially what they're arguing is, I pay taxes on
11 my house, my house has been overassessed and I
12 should be paying lower taxes. It's something
13 similar to that. We don't -- our office does not
14 deal with that. The Public Utilities Commission
15 does not deal with that issue. That issue, if I am
16 not mistaken, has gone to court.

17 MS. KOREY NORTHRUP: Like a real,
18 legitimate court?

19 MS. JAMIE MACALISTER: Oh, yeah.
20 Um-hum.

21 MR. RUSS NORTHRUP: My name is Russ
22 Northrup, Fond du Lac Band member.

23 My question is, say they abandon
24 Line 3, that reverts back to the landowner, the
25 previous landowners, the reservation? So say we

1 want to do some farming in that area, who's
2 responsible for taking that pipe out of the ground?
3 Who is responsible for disposing of that property?
4 And getting that groundwater and getting that ground
5 tested to see if it's feasible to work as a
6 farmland?

7 MS. JAMIE MACALISTER: Again, I'm not
8 going to have a great answer for that, other than to
9 say that we know that abandonment is a significant
10 concern not just here but all across the route. And
11 for the reasons that you've mentioned, you know.
12 The state has not had to wrestle with this issue
13 previously. Or at least not in the fashion that it
14 has come up now.

15 Many of these lines are old, they were
16 permitted a long time ago, and the state just has
17 not -- this is really the first time that a company
18 has come in and said, well, here's our plan, we want
19 to build this new line and we want to leave this
20 other one. We want to clean that out and just leave
21 it in place. So that is one of the issues.

22 We don't know. We don't have --
23 according to federal rules, Enbridge can do that.
24 They are allowed to leave that pipe -- well, that is
25 the issue. In this case, what Enbridge has said is

1 they will continue to monitor and take care of the
2 abandoned line and they will do that in part because
3 it sits in the middle of a large corridor that they
4 will continue to be monitoring and maintaining.

5 MR. RUSS NORTHRUP: No, say the
6 landowners, taking out one section, I ain't talking
7 about the whole section --

8 MS. JAMIE MACALISTER: I understand.

9 MR. RUSS NORTHRUP: -- that Joe wants
10 to farm.

11 MS. JAMIE MACALISTER: Right now there
12 is no provision, there is no state law that says
13 Enbridge or any pipeline company here has
14 responsibilities.

15 MR. RUSS NORTHRUP: So I would be
16 responsible for the disposal of that pipe?

17 MS. JAMIE MACALISTER: We don't know.
18 And part of the reason why we do not know is that in
19 the federal regulations this concept of
20 abandoning -- if you abandon your right-of-way,
21 there's some different connotations there. In this
22 case, it's not clear -- the right-of-way is not
23 technically being abandoned because they have all
24 these other pipelines in the mainline corridor. So
25 that is one of the confusing elements that we are

1 dealing with. And I think this question that is
2 coming up is something that the Public Utilities
3 Commission has not had to wrestle with previously.

4 And I believe that this will be a very
5 large discussion not just now, but going into the
6 hearings. Because if a permit is issued, there will
7 be permit conditions that get put in place with that
8 permit. And what happens with the abandoned pipe I
9 suspect will become one of those things to be
10 addressed if a permit is issued. Right now there is
11 nothing that says, Enbridge, you have to go work
12 with this landowner and figure something out about
13 what to do with that line.

14 MR. SCOTT KRETZ: My name is Scott
15 Kretz, K-R-E-T-Z.

16 Going to the point of where the
17 landholder, or the one that granted the easement to
18 Enbridge to run this through, this is no longer
19 functioning, according to the original context. So
20 whether or not Enbridge cleans it up, the property
21 owner should have the ability to go in and do it at
22 their own expense and remove and assess and return
23 the property back to the state that they'd like.
24 And that's what I hope to see come up in discussion
25 here, too. Is where all the tribal areas, the tribe

1 can get together and say we want to see this clean,
2 and put the crews together and go out and do it.
3 And forget about what the costs are, you know, we
4 can bill Enbridge later. And they may or may not
5 pay or they might extort the money out of those
6 counties where they paid too much money and then
7 want it back.

8 So, I mean, I feel bad for those
9 homeowners out there that now pay taxes in that area
10 and it goes straight to Enbridge, right. That would
11 be terrible. But those legal issues should be
12 something that should be addressed here.

13 On the abandonment issue, the tribe
14 would probably have the right to go out and return
15 the property to its original state. They should
16 have the ability.

17 MS. JAMIE MACALISTER: Well, I would
18 like to say something that I forgot to say early on.
19 Which is the EIS itself, it's not the
20 decision-making document. The EIS looks at impacts.
21 And we can raise these sorts of issues in the EIS,
22 but, again, these issues really need to come back
23 into the hearing. In part because the hearing, the
24 contested case hearings are where Enbridge witnesses
25 will be, and other witnesses, and you will have an

1 opportunity to cross-examine and ask questions of
2 those witnesses.

3 So for that reason I strongly
4 encourage you to go to those hearings and make those
5 types of comments and that you'd like that
6 opportunity. Because the EIS is not going to be
7 able to resolve that. The EIS can raise it as an
8 issue that we don't have certain regulations for
9 this, we don't have precedent for this, things of
10 that nature. But the hearing is really where you
11 want to go to advocate and to make these points to
12 the Judge.

13 UNIDENTIFIED: So where and when are
14 these contested case hearings?

15 MS. JAMIE MACALISTER: Currently there
16 is a tentative schedule for the contested case
17 hearings. Those hearings will start roughly the end
18 of September. September 26th. There we go. Jill
19 has a copy of the tentative schedule. That schedule
20 is also available on eDockets. If any of you go to
21 eDockets, the docket numbers for the project, if you
22 go to eDockets, that's the official record for this
23 project.

24 So all of the communications between
25 the Judge and the parties, everything is on

1 eDockets. And the schedule is on eDockets. And the
2 schedule has not been approved yet, but right now
3 the hearings are scheduled to start on September
4 26th. There will be some the end of September, the
5 beginning of October. And then there will be --
6 there will be a week-long series, a week-long
7 meeting in St. Paul where all of the parties
8 cross-examine one another and that will happen in
9 November.

10 So, again, some of these things are
11 very important to get on the record still. I wish I
12 didn't have to stand here and say that there are
13 more meetings for you to attend. And you don't have
14 to go to those meetings necessarily, but you can
15 write your comments and make sure you get those in
16 during the comment period. That's another avenue,
17 if you're having meeting fatigue.

18 MS. DANIELLE OXENDINE MOLLIVER: Just
19 so you know, the Administrative Law Judge, to my
20 understanding, granted the tribes' -- you know,
21 tribal governments, if they would like to request to
22 have one of those hearings, you know, at a tribal
23 location, or close to that. So I know several of
24 them have. Fond du Lac has intervened as a party
25 and I know that they will want to make sure the

1 numbers are participating. And so that is something
2 that you could advocate with your government or
3 follow up on and find out, you know, if that's
4 something of interest or if it's being done.

5 MS. LISA LAWRENCE NORTHRUP: Lisa
6 Lawrence Northrup. L-I-S-A, L-A-W-R-E-N-C-E,
7 Northrup.

8 And I just want to say, we're talking
9 about the line that's being abandoned and that the
10 environmental study, Enbridge says that they're
11 going to monitor. Well, they didn't even know that
12 there was tree roots growing into a pipeline that
13 was -- that's on the rice here. They didn't know
14 how bad that line was being exposed to the elements.

15 So when they say they're going to
16 monitor, I don't believe that. So for me to live
17 here on this land where the pipeline is going
18 through, what I want to see is I want to see that
19 pipeline out. Whatever they got to do, however much
20 it's going to cost, for them to do that.

21 And I've been at a meeting before
22 where they said the stability, or it'll be
23 compromised with other pipelines. But there's a
24 way, if they can get a way to get the pipelines in
25 there and be stable and monitor them, they can take

1 that out. 'Cause I want to see -- oh, they say
2 they're gong to monitor this, you know, do a better
3 job than what you're doing right now. Those
4 pipelines shouldn't even be in the ground, is what
5 I'm saying.

6 There is ways that -- they hauled oil
7 for many years on train tracks, and then they say,
8 oh, no, we can't do that because it's a public --
9 it'll hurt the environment. Well, putting a
10 pipeline in disturbs the environment even more. And
11 if something happens, it's going to destroy the area
12 around it even more because of billions of gallons
13 of oil are going to go through before they find that
14 leak. I'm saying they shouldn't even be putting
15 that in.

16 And this is not my reservation, but
17 growing up here, or being here and having my kids
18 grow up here, this affects their lifestyle. They
19 rice. They use these waterways too. And, you know,
20 I'm from Standing Rock. So I know what the impact
21 is of having a pipeline come through and for it to
22 have residents say that they don't want it here, but
23 they want it over there? I'm done. I'm done with
24 these pipelines. And something else needs to be
25 thought of, something else needs to be done.

1 This is what's going to wreck the
2 land. People are not understanding. The people
3 that aren't coming to these meetings, they're not
4 understanding how this is going to affect them.
5 It's going to affect them for many generations after
6 this. And we need to figure out a different way.
7 These pipelines are not the future.

8 And yet they want to put these
9 pipelines in and then say, oh, we're going to
10 monitor them. No, like I said, I don't believe
11 that. And, also, I remember when I was in second
12 grade, I had a really good teacher. And she had
13 talked about, when it comes down to, you know, when
14 the oil is starting to run out, and we talked about
15 greenhouse stuff and everything. When she talked
16 about when the oil is going to start running out,
17 they're going to use this shale area and it's up in
18 the Canada area, it's a big area. So I remember,
19 when they started talking about this, this big area,
20 my teacher, my second grade teacher, many years ago,
21 that was like in the '70s, for her to have that, to
22 be able to tell us second graders that, you know,
23 when they start using that oil, it's going to be the
24 last of the oil. It's going to be really hard to
25 get out, it will be the most expensive oil, so

1 they'll save that for the last. You know, when it
2 comes down to when there's going to be no oil hardly
3 left, they're going to be using that. That's what's
4 going on now.

5 They need to start doing something
6 different. They need to start figuring out
7 different ways to have energy. You know, use the
8 sun, use the wind, use geothermal, use the
9 waterways. Use ocean currents. It's just crazy
10 that they keep doing this. And I just want to say
11 that, about that much, that they need to do
12 something different. I don't want to see these
13 pipelines anymore.

14 Miigwech.

15 MR. JIM NORTHRUP, III: Boozhoo.
16 (Ojibwe). Jim Northrup, III.

17 I was thinking about that, 'cause
18 already Enbridge has already gotten in the way just
19 this spring. I wanted to go tap trees in the woods
20 and youth was there and they put concrete barriers
21 in the way right on the corridor. And they made it
22 almost like they were trying to make it so that we
23 can't do the cultural things.

24 These things, our reservation is a
25 little bit different. All the reservations are a

1 little bit different because of the way we talk and
2 visit is different than everybody else. Our values
3 are different. We take pride in trying to fix
4 things, make things nice. And we use this nature.
5 This nature is alive and it's something that that's
6 where we get our food.

7 And then by Enbridge doing that to me,
8 that really, really upsets me. And there, I can see
9 that you don't have my best interest. This way of
10 life, the seasons, that's what it is, it's a way of
11 life and we live it to see all these plants. And it
12 starts in the spring, that's the first one. Then
13 that was upsetting to a lot of our youth. And a lot
14 of people count on me to do those things, people
15 that bring their children out there and do this.

16 So I'm thinking that you're talking
17 about abandoning these lines, like abandoning a car.
18 That means you can still use that car. So are they
19 just going to sell it, sell it to another place?
20 That's my question.

21 And then at the same time, why is it
22 that they're not helping the communities when
23 they're coming through? Sounds like they're hurting
24 other communities, too, the county people, the
25 taxpayers, they're trying to lower their tax so that

1 they can get that money back. I don't know what's
2 going on, but it sounds like they're hurting other
3 people, not only Ojibwe people.

4 And I just think that there's a way.
5 If you want native people to come over here, you're
6 going to have to talk to them real kind, real nice.
7 Not just to go stand in the office and throw a flier
8 up and those kind of things, but to really talk to
9 somebody and visit them, talk to them and be kind to
10 them. And come in here and say, well, basically,
11 technically speaking, so therefore, well, that's
12 good enough, let's go. That's what it seems like to
13 me.

14 When you're asking questions, when
15 they're asking you questions, the good one is like
16 your fall back. It looks like your fall back, oh, I
17 don't know, I don't know, I don't know. But I seen
18 you way back when you came here before. And you
19 didn't even learn nothing from then till now.

20 I think that, you know, being that you
21 have a real nice office, office job, probably make a
22 real lot of money and all that, I don't know. But
23 I'm just saying that I think you would have studied
24 this or looked at some of the stuff, you know, that
25 you're going to be talking about easy questions.

1 All these questions are real easy.

2 So I'm just thinking this looks like a
3 game to me, you know, just come through, everybody.
4 They're already getting the pipes lined up, ready to
5 go, just jump through the hoops, let's go, let's go,
6 let's go. I don't know, but that's just the way I
7 feel because they're already stopping me from
8 working with our children here and I don't know why.
9 I just think that it looks like Enbridge doesn't
10 even care about hurting people in the communities.
11 That's just the way I feel.

12 I'm just worried about that if they're
13 going to leave that line, I know we don't want it
14 here on the reservation, I'm sure they're going to
15 probably -- our leaders are going to make them take
16 it out. I'm worried about the other communities,
17 the other leaders, are they going to flash some
18 money and leave it there? At the same time, those
19 people need to hunt, those people need to fish.

20 Then I look at the whole route,
21 wherever it goes, it looks like there was an old
22 route, and then it looks like they're almost trying
23 to, like, Enbridge is just trying to hit the rest of
24 the rice lakes. It looks like they're going, all
25 right, let's get another one going. That's what it

1 looks like.

2 So abandon, if you abandon the one and
3 get this other one going, then it's like an
4 abandoning party, just start it back up again, you
5 know. But those are things that I'm thinking, you
6 know, I'm just sitting here watching, listening.

7 This real calm kind of person, I like
8 to be in the woods with others, with their children,
9 with the families. That's what I like. And I just
10 see it looks like somebody is going to hurt my
11 people, you know. And I love them, you know, I take
12 care of them, do what I can do. I don't even have a
13 job. That's what my mother and my father, they told
14 me, they said just help our people. And I have a
15 wife and I have children, I have grandchildren. And
16 that's what I'm worried about. I'm worried about
17 all of people.

18 They come in from somewhere else,
19 here, there, laughing, having a good time. It's not
20 that way, you know, it looks like, you know,
21 somebody is trying to pull the wool over somebody's
22 eyes or something here.

23 I'll give you your mic back.

24 MR. HUNTER JAAKOLA: Hunter Jaakola,
25 H-U-N-T-E-R, J-A-A-K-O-L-A.

1 So she was talking earlier about the
2 pipelines that are being brought up and just kind of
3 lined up there. And she talked about how the road,
4 or the impact of the road and the places along the
5 route that they take, how they would be impacted.
6 But to maybe put more thought into that, kind of in
7 the strategy that they're using, where bringing that
8 up and putting them there, like, I guess, like a
9 child, where they're placing themselves in a
10 position to be ready for it to happen regardless.

11 But to put more thought into that, is
12 what other impacts would that create of their
13 readiness and their -- their just condescending
14 values they are showing by bringing the pipes
15 through. They're not putting them in place, of
16 course, because that's against the law, but they're
17 on edge, they're waiting. And what impacts are they
18 creating along the way? The roads and the nature
19 along the way. You never thought of that in the
20 DEIS.

21 MS. LYZ JAAKOLA: Lyz Jaakola.

22 So listening to everybody talk, I've
23 been trying to gather my thoughts. So I'm just
24 going to read them and then hand them to you.

25 The Tribal perspective has not been

1 adequately represented in the draft EIS. All and
2 each tribe in Minnesota has sovereign rights to say
3 what happens in ceded territories. The proposed
4 routes are through multiple treaty territories. So
5 where in this DEIS do we see acknowledgment of
6 tribal treaty rights? There's a lot of statements
7 from tribes in there and a lot of consultation, but
8 not consent.

9 So given the state's negligence in
10 regard to the MnDOT catastrophe at Highway 23, it
11 stands to reason that there would be heightened
12 attention to tribal perspective. And a few pages of
13 the 5,000-page document is not enough to fully
14 address the concerns of the sovereign nations.

15 It's not just rhetoric nor nostalgic
16 prose, but Indigenous sovereign rights and life ways
17 that predate the state of Minnesota. We have
18 non-negotiable rights, inherent rights, human
19 rights. And so until the tribal rights are the
20 starting point of an environmental impact statement,
21 it's going to be flawed, because we're the keepers
22 of the land. And the maps and the resources, that I
23 had a chance to look at some of them, they neglect
24 to show where tribal cultural resources or sites are
25 located. None of that is documented on any of those

1 maps. How can the PUC see that if it's not
2 presented to them?

3 There are written statements, you
4 know, from each of the tribes, but those, the
5 content gathered from those meetings, I don't see
6 represented visually. I don't see them having equal
7 weight as the other hundreds of pages that are given
8 to other entities. So this type of a study and the
9 information, that cultural resource information is
10 held in tribal communities. Just like other people
11 have stated, that there is a way to get that
12 information to the PUC and that the way that it has
13 thus far happened is not satisfactory and it takes a
14 different approach. So the DEIS needs to reflect
15 that knowledge and it doesn't.

16 And those cultural resources, if this
17 is the game we're playing, need to be quantified in
18 order to balance out that value. And I guarantee
19 when that study is done, it will show that it is an
20 immense value that cannot be outdone by any
21 corporate value on a pipeline or oil. How do you
22 value life? There's no way to really do that.

23 The current DEIS does not offer or
24 support the do-not-build option. That should be the
25 first choice offered and supported.

1 And I guess last, my thought last is
2 where is the tribal input and participation on the
3 Public Utilities Commission? Why is there not a
4 tribal seat on the PUC? That baffles me. When we
5 are -- we have a relationship with the federal
6 government, so the state, all of those state boards
7 should have a tribal voice. It should be a given.

8 MS. JAMIE MACALISTER: Anyone else?

9 Well, I'm not stumped, I think those
10 are great questions. And some of those issues, when
11 I say that I don't have an answer to them, I don't
12 have an answer to them. I, you know, I don't truly
13 have an answer to many of the questions that you
14 have raised. And it's not because I'm hiding
15 something, it's not because I'm secretly backing
16 Enbridge, it's because I really don't know the
17 answer to the question.

18 I will make one comment on the maps.
19 And it is sensitive and, you know, we have had many
20 discussions with tribal resource staffs and THPOs,
21 and what information do you want to see displayed on
22 a map 'cause there's a lot of information that you
23 probably don't want to have displayed on a map. And
24 we are certainly open and have made this offer
25 repeatedly, we will work with the Bands to represent

1 any information that they would like us to
2 represent, recognizing that much of it is sensitive
3 and you may not want to have it represented. How we
4 do that, I don't know what the best way to do that
5 is. But we are certainly willing to figure out a
6 solution to that.

7 The map that you see here is an
8 attempt to at least illustrate the vast number of
9 resources just at a high level look. If you look at
10 that map you can see that there's a lot going on and
11 that is at least the first attempt at trying to let
12 the Public Utilities Commission know that, yes, how
13 we typically depict information on those maps does
14 not look like that.

15 So while I would not necessarily
16 disagree that there isn't more mapping that we could
17 do, the question is how do you think that mapping is
18 best done and how do we do it in a way that's
19 sensitive to everyone and protects your resources as
20 well. That was first on our mind. It's not an
21 issue of not being able to show it, sure, we could
22 do that, the issue is what do you want to see there
23 and how can we do that.

24 MS. DANIELLE OXENDINE MOLLIVER: Just
25 to piggyback on that, Jamie, and also because

1 unfortunately most folks haven't been part of or
2 seen the whole evolution of the process. But with
3 the maps, like Jamie said, the most helpful thing
4 would be where to go next. Because through
5 consultation, when we really started looking at the
6 maps, you know, it was the reservation boundaries
7 and treaty areas. You know, but then through
8 consultation we were told that -- for example, Sandy
9 Lake. Sandy Lake was a community and a place on the
10 map. Unfortunately, historically for a long time
11 it's been left out, but which has now been
12 incorporated, you know.

13 And there was consultation with MIAC,
14 which is the Minnesota Indian Affairs Council, and
15 they went through for us county by county, route by
16 route, identifying in as general a way as they could
17 to identify it, but yet not divulge anything the
18 tribes wouldn't want us to know. And so that
19 information was correlated and put together to show
20 the cultural resources map.

21 Your Band also encouraged us and we
22 did expand the map to include the Wisconsin Bands as
23 well.

24 So there has been some layering, but
25 as Jamie said, I think the best way would be, you

1 know, what's missing that can actually be visually
2 represented.

3 MS. JOYCE LAPORTE: So that's what's
4 missing from the DEIS exactly. There are a number
5 of things missing. So if you need to assess the
6 DEIS, there's a lot more that needs to be reflected.
7 Which could take years. So then let it take years
8 and get the pipes off of our property, off of our
9 ceded territories.

10 MS. DEBRA TOPPING: Boozhoo. My name
11 is Debra Topping, Fond du Lac enrolled Band member.
12 I make it sound so boring. All right. No, really.

13 So thinking back on this, when we're
14 going when we first started just these hearings, I
15 ran up to Cass Lake, and I talked about this before,
16 about the blueberries. Everybody knows where that
17 bog is where all the blueberries are, right. And so
18 my husband got me these blueberry plants and because
19 now I know when they're flowering and what they look
20 like. So when we were going up to Cass Lake, I saw
21 nothing for miles and miles and miles of those
22 blueberry flowers. Oh, my God. I should be taking
23 pictures so I remember where all these blueberries
24 are going to be.

25 Anyways, so we live by the season,

1 right. And as people have alluded to or witnessed
2 or whatever. So blueberries is just the beginning
3 of the spring, you know. Then I had one elder say,
4 you know, let's learn how to go get manoomin. Well,
5 wait a minute. What part of that do you want to
6 learn? Because it's not just go out there and get
7 it. You know, do you want to learn how to gather
8 the birch bark and to be able to make a basket and
9 whatnot.

10 And so when you're talking about this
11 environmental impact statement study on Anishinabe,
12 it's just so much more than that. Right now we're
13 out gathering birch bark. My husband said he put
14 his knife in there and it just popped, it's ready to
15 gather, you know. And so how we know these things
16 is because of what we've been told for generations.
17 Is that when the horse flies start to bite, you
18 know, is when it is. And so the horse flies is the
19 smallest part next to the bees and the mosquitos
20 and, you know, the things that rely on all of that.

21 So it's just one big circle here.
22 Anywhere there's birch bark is my land, regardless
23 if there's a line there that says it is or not.
24 Right? That goes with the wild rice. Wherever
25 there is wild rice to be gathered, whether the state

1 says I can or cannot, the creator says I can and
2 cannot. So if you can supersede that, you know, by
3 all means.

4 But that's my right as an Indigenous
5 person. And that's everybody's right just as
6 people, to be able to have clean air, clean water.
7 And to have our wild rice the way it is right now.
8 In seven generations, how will it be different? How
9 will it genetically be different? And that's not --
10 that right there, even asking that question, is
11 genocide. And it's just that simple, plain and
12 simple.

13 We want maps. I want maps that show
14 which way the water flows. I want maps that show
15 the elevation of the land, the depth of the water.
16 Because what grows in that water at certain
17 different depths, right, we know that wild rice only
18 grows at this depth. We know that must live at this
19 depth. We know turtles live at this depth. So
20 that's what I want to know, so when we do have that
21 draft environmental impact statement, I want to know
22 what the impact is on all of that. On my birch bark
23 trees. On the horse flies. I would like plant
24 identification for all of this, not only for the
25 proposed, but for the current.

1 As everybody may or may not know, we
2 do have our -- there is the wild parsnips, that is
3 on the pipeline right now, and we have paperwork
4 that shows that documentation and whatnot. And how
5 dangerous that is. You know, it's coming into the
6 communities now, into the neighborhoods where babies
7 are running out into the woods and they can get
8 second degree burns. And these last forever, you
9 know, and these are bad burns. So, you know, people
10 need to know on our reservation, on the pipeline
11 route that this has been an issue.

12 I also want to know that if there
13 should be an oil -- what is it, oil weepage, is that
14 what they're calling it now, I want to know which
15 way it will flow, the oil will flow if something
16 should happen.

17 So that's all I have to say for now.
18 Miigwech.

19 MS. JAMIE MACALISTER: Anyone else?

20 MS. JOYCE LAPORTE: Yeah. So it isn't
21 just plants, it's the turtle eggs. I mean, you
22 know, we know enough to just take like ten of them
23 and leave the rest so they can go and get into the
24 water and do what they do and live on. But, I mean,
25 we as people gather those eggs and we eat them. You

1 know, we gather every plant that's out there. We
2 gather.

3 So I don't -- I don't see, without
4 somebody there to constantly be a representative to
5 the people, every step, every shovel that they dig
6 into the ground is disturbing my place that I live
7 and gather.

8 MS. DEBRA TOPPING: With the recent
9 upheaval of the burial grounds on 23, that has been
10 on everybody's minds and so who, if anybody, native
11 person would be on hand when and if they just are
12 digging? On hand, not just available.

13 MS. JOYCE LAPORTE: Every step of the
14 way.

15 MS. DEBRA TOPPING: Yeah. I think
16 that, absolutely. Hopefully it won't get that far,
17 but that's what I'm saying.

18 MS. JOYCE LAPORTE: Can't the
19 Minnesota Indian Affairs Commission designate a
20 person to do that like they do now but only when
21 something happens?

22 MS. JAMIE MACALISTER: If Enbridge
23 were to receive a permit, that would be something
24 that definitely belongs in the permit condition,
25 that they have to have someone on hand. For

1 precisely those reasons.

2 MR. JIM NORTHRUP: Criteria for
3 getting a job, you know, they should have some
4 empathy or something at the end. You know, a guy
5 that drinks and he's not going to really care, like
6 already I saw, they ended up picking up people down
7 here 'cause they are there again. They just don't
8 care. They're just trying to get through there, but
9 there are people that seen all that. Hopefully they
10 can get a person on site, maybe, and somebody with
11 background.

12 MS. DANIELLE OXENDINE MOLLIVER: And
13 so, you know, Jim Jones, who is a member of Leech
14 Lake and is also on -- my actual specialty is
15 cultural and historic places. So both as a member
16 and then wrote a letter and it's incorporated into
17 the draft. This is pretty much what you just said.
18 Which is that the third-party, whether it be the
19 state, whether it be Enbridge, should compile a
20 team. It needs to have not only native, but it
21 would be Ojibwe who understands just, for example,
22 the woodlands, which is different from prairie,
23 which is quite different from the south. So that
24 has been contemplated.

25 Maybe, as Jamie said, maybe not

1 necessarily over highlighted as something for a
2 condition, but has been in there. Perhaps, you
3 know, after you people look at it and say it's not
4 strong enough language or hidden in the wrong place,
5 that would be rearranged, but it has been
6 recommended.

7 MR. JIM NORTHRUP: My name is Jim
8 Northrup continuing on.

9 I'd even volunteer my wife to help
10 here, highly educated. But then if you maybe have
11 somebody that's going all the way along, don't have
12 people that have an investment, and knows the
13 people, some of these families have been here for
14 generations, my family, before the Caucasian people
15 were here. I don't know what to call you guys -- I
16 don't want to offend you or anything, I don't want
17 to call you white people, you know, I don't know
18 what to say. I'm sorry.

19 So that's what I'm thinking. That,
20 you know, somebody that's just like local, that goes
21 right on through this area or something like that.
22 That is not just picked out of anywhere. Maybe the
23 community could come with them and go with them and
24 open the door. It's not like they send a guy
25 through, oh, that's good. Let's go kind of like

1 taking it and making it a good thing.

2 Imagine, for all these years all these
3 people have been living here. And everything moved,
4 changes throughout time. It's like over there,
5 Standing Rock, where my wife is from, she lives --
6 her mom just lives 30, 40 miles away from where they
7 just put DAPL, just put their line under the water.
8 Then it's an area where it's real special, because
9 all them great rivers came together, that's why they
10 call that one area Cannonball, they rolled the big
11 giant boulders perfectly round, big as this table,
12 all the way round. So there's all these things, all
13 these people.

14 And we told them about where the
15 burial sites were and they still came right through
16 it. I was there. I was there at my wife's homeland
17 there. I wanted to be there and I went through it
18 all. I stood there and all the mace, tear gas, all
19 the things that they did. They shot my friends,
20 they hit children, they done all those things. And
21 all we were doing was praying. We were praying.
22 And they brought in all kinds of military, National
23 Guard, all these things. And, you know, I seen what
24 they did. Enbridge was in on that too.

25 So there again, here they are hurting

1 people again, you know, that's the way I look at it.
2 And this happens. This place where they went
3 through, that's a very sacred place for Lakota
4 people.

5 And even the day of the dog attacks,
6 the time that they bulldozed those -- bulldozed
7 those burial sites up there, and that was the same
8 day that I seen one of the elders down there and she
9 was crying and I says what's the matter? What's the
10 matter, are you okay? She says right now, right now
11 it's time. Every person from Cannonball you see
12 here, they tried to exterminate all of us.
13 Everybody you see here, all of you see here,
14 Cannonball, what the government tried to do. And
15 then they all come to do that on those graves. My
16 grandma was leaning right in this area somewhere in
17 here. So I felt bad for her.

18 So I can see if a corporation and all
19 the people within it, they don't have any respect
20 for native people. I don't see it. They're just
21 going to hurry up and get this done. So I just feel
22 real bad for that. I know that they're going to
23 come through here again, the other side of this
24 imaginary line, called the reservation. Then there
25 was no lines, they're just imaginary. Hey, watch

1 out, don't go over that line. But here it is,
2 they're imaginary lines.

3 Our native people, they lived all up
4 and down here. We could have somebody watch out for
5 the burial sites. I think it would be good to have
6 the community, encourage them, feed them, talk with
7 them, visit with them. Be kind. We're like that.
8 Those are our relatives. What if we did that, you
9 know, went to town and did that? We just took care
10 of them, put them somewhere safe. We're going to
11 make a park there. We're not that way, we have
12 respect, the native people.

13 So I just want Enbridge to do the
14 right thing and have respect for our past
15 generations too and have respect for the children,
16 the up and coming.

17 My grandchildren, they're small,
18 they're small, and I don't want all this. It's
19 already, like our elder said a little bit ago, our
20 rice used to be in all these lakes, all these
21 rivers, it's not there anymore. What little bit we
22 have, and here they got to bring this whole pipeline
23 right through the middle of the Ojibwe reservations
24 who have treaty rights and it just goes all through
25 it all. I'm hoping that they have respect.

1 Maybe they could even move it, move
2 all of it. Put it somewhere where they can watch it
3 and take care of it. This is the world's -- ten
4 percent of the world's fresh water is right here.
5 And they are trying to put more and more pipelines
6 through it. It's not right. I think it's not
7 right.

8 So I think Enbridge needs to have some
9 respect. I don't say too much, because certain
10 things are real hard, they touch my heart and bother
11 my people. Thank you.

12 MS. JAMIE MACALISTER: Anyone else?

13 Well, we'll be here for a little bit
14 longer if you want to come and speak with us or come
15 and speak with Janet.

16 I personally appreciate having these
17 meetings because there are issues out here that we
18 know cannot necessarily be resolved by the draft
19 EIS. But that doesn't mean that they don't need to
20 be resolved. I don't know what the best way
21 necessarily is to resolve them. But I am here to
22 say that we have this process and utilize the
23 process.

24 It's very easy to think you've been to
25 a meeting, you've made your comments. And I can

1 simply say that if you can provide written comments,
2 go to more meetings, I strongly encourage you to do
3 that. The process is long. And I know many of you
4 have been to multiple meetings. I know it's
5 difficult. But I would like to say to you to
6 continue to use these meetings, use the
7 opportunities that you have to make the comments and
8 to help the Judge and help the Public Utilities
9 Commission understand these things.

10 MS. DANIELLE OXENDINE MOLLIVER: I
11 spoke earlier with respect to feeling frustrated and
12 like it's a done deal and maybe the state, you know,
13 somehow is pushing it forward. And Jamie addressed
14 some of those concerns, which obviously, you know,
15 aren't the state, you know, it doesn't have those
16 intentions.

17 But I think I mentioned as well that
18 those of you who, you know, there was legislation
19 proposed by a couple of things in energy, but one of
20 the proposals was, by Senator [sic] Garofalo,
21 Garofalo, I don't know how to spell it.

22 So anyway, that proposed legislation
23 in the middle of the night that had support from
24 most county commissioners along the pipeline was
25 basically to allow Enbridge to start and get rid of

1 the process and the permit process. Which is where
2 we're at, we're kind of like the technical staff
3 putting together the environmental impact statement.
4 So, yes, so that was part of the legislation, which
5 would be to remove the permit process and not
6 require that and allow Enbridge to begin its route.

7 And people don't realize that each
8 state has its own way with dealing with these
9 applications, you know. And unfortunately, with
10 DAPL, there was no environmental impact statement.
11 There are states, like some of the Dakotas or Texas
12 where literally applicants can come in, file a
13 permit without this kind of review and just do their
14 thing.

15 So while it's super frustrating,
16 Minnesota is progressive in the sense that we try to
17 have a process. Whether it's as good as it should
18 be or it feels like it's just checks, but there's
19 definitely a checks and balance in there. And both
20 Governor Dayton and several other agencies and
21 Commerce made the public statement about how
22 terrible, you know, such kind of legislation would
23 be and how we need to stay committed to a
24 transparent process.

25 Hopefully, that, you know, I don't

1 know that I'll take away the fear that it's a done
2 deal or might happen, but hopefully that highlights
3 that the state is committed to the process. At
4 least Commerce and the other agencies that are
5 cooperating. And the Governor.

6 MS. JAMIE MACALISTER: We'll be here
7 for a little bit. Come talk to us. Talk to Janet.
8 Write a comment, if you're so inclined. And email
9 the comments, send them in the mail, write them
10 tonight, talk to Janet. We will take your comments
11 however you want to get them to us so long as they
12 are postmarked or time stamped by July 10th.

13 (Comments concluded.)
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22
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24
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	admitted (1) 11:3	14:8	babies (2) 16:8;57:6	behalf (2) 12:17,19
\$	advocate (3) 7:7;38:11;40:2	appendices (1) 5:17	babies' (1) 16:8	belongs (1) 58:24
\$1.20 (1) 10:21	aerial (1) 22:23	appendix (2) 26:9,12	baby (1) 16:11	berries (1) 24:12
[Affairs (2) 53:14;58:19	applicants (1) 66:12	back (17) 16:4;17:23;19:15; 25:9,22;30:16;33:24; 36:23;37:7,22;45:1, 16,16,18;47:4,23; 54:13	besides (1) 16:7
[sic] (1) 65:20	affect (2) 42:4,5	applications (1) 66:9	background (2) 26:2;59:11	best (9) 7:1;8:6;11:8;21:8; 44:9;52:4,18;53:25; 64:20
A	affecting (1) 9:18	appreciate (1) 64:16	backing (1) 51:15	better (3) 7:4,13;41:2
abandon (4) 33:23;35:20;47:2,2	affects (2) 9:19;41:18	approach (1) 50:14	bad (5) 37:8;40:14;57:9; 62:17,22	beyond (2) 13:7;26:22
abandoned (4) 35:2,23;36:8;40:9	again (13) 6:7;9:12;17:12; 27:22;28:16;34:7; 37:22;39:10;47:4; 59:7;61:25;62:1,23	approved (1) 39:2	baflies (1) 51:4	big (7) 19:4;30:6;42:18,19; 55:21;61:10,11
abandoning (4) 35:20;44:17,17; 47:4	against (2) 12:13;48:16	area (13) 9:1;16:14;34:1; 37:9;41:11;42:17,18, 18,19;60:21;61:8,10; 62:16	balance (2) 50:18;66:19	bilingual (2) 30:5,8
abandonment (3) 23:12;34:9;37:13	agencies (2) 66:20;67:4	areas (5) 8:24;11:10;29:7; 36:25;53:7	balanced (1) 25:5	bill (3) 8:10,18;37:4
ability (2) 36:21;37:16	ago (5) 12:24;17:8;34:16; 42:20;63:19	arguing (2) 29:10;33:10	Band (7) 15:5;22:12,13; 26:10;33:22;53:21; 54:11	billion (1) 10:22
able (5) 38:7;42:22;52:21; 55:8;56:6	ain't (1) 35:6	around (4) 11:20;24:24;25:8; 41:12	Bands (2) 51:25;53:22	billions (1) 41:12
above (1) 26:21	air (1) 56:6	assess (2) 36:22;54:5	barbed (1) 9:1	birch (4) 55:8,13,22;56:22
absolutely (1) 58:16	alive (1) 44:5	assessment (1) 32:7	bark (4) 55:8,13,22;56:22	bit (8) 23:17;24:13;43:25; 44:1;63:19,21;64:13; 67:7
according (2) 34:23;36:19	allow (2) 65:25;66:6	asset (1) 32:8	barriers (1) 43:20	bite (1) 55:17
account (1) 9:15	allowed (2) 21:19;34:24	assuming (1) 22:1	base (1) 32:21	blew (1) 22:25
acknowledgment (1) 49:5	allowing (1) 11:13	attacks (1) 62:5	based (1) 32:7	blown (1) 22:25
across (3) 20:15;21:15;34:10	alluded (1) 55:1	attempt (2) 52:8,11	basically (2) 45:10;65:25	blueberries (4) 54:16,17,23;55:2
actual (4) 13:25;14:12,24; 59:14	almost (2) 43:22;46:22	attend (2) 18:7;39:13	basis (1) 16:13	blueberry (2) 54:18,22
actually (5) 12:9;22:12;27:10; 31:14;54:1	along (10) 10:17;15:21,22,24; 30:7;48:4,18,19; 60:11;65:24	attended (1) 8:1	basket (1) 55:8	boards (1) 51:6
add (1) 6:9	alternative (2) 15:11;17:10	attention (1) 49:12	Bay (1) 17:2	bog (1) 54:17
addition (1) 5:22	alternatives (2) 12:22;13:1	available (4) 18:24;21:8;38:20; 58:12	beautiful (1) 11:9	bonds (1) 10:5
additional (3) 19:8,9;29:11	American (1) 12:13	avenue (1) 39:16	become (1) 36:9	books (1) 13:3
Additionally (1) 20:24	amount (2) 6:16;18:3	average (1) 30:10	beds (1) 17:1	Boozhoo (2) 43:15;54:10
address (4) 19:20,23;20:22; 49:14	animals (1) 25:3	aware (1) 21:12	bees (1) 55:19	boring (1) 54:12
addressed (4) 20:20;36:10;37:12; 65:13	Anishinabe (2) 25:10;55:11	away (4) 24:25;25:9;61:6; 67:1	begin (1) 66:6	Both (5) 9:7;10:9;26:6; 59:15;66:19
adequately (1) 49:1	anymore (2) 43:13;63:21	awhile (1) 14:8	beginning (2) 39:5;55:2	bother (1) 64:10
Administrative (1) 39:19	Anyways (1) 54:25			boulders (1) 61:11
	appears (1)	B		boundaries (2)

5:22;53:6 boy (1) 17:3 branch (1) 24:15 bridge (1) 22:23 bring (5) 12:11;32:19,22; 44:15;63:22 bringing (4) 13:11;19:25;48:7, 14 brought (5) 4:15,20;13:2;48:2; 61:22 build (1) 34:19 bulldozed (2) 62:6,6 burial (4) 58:9;61:15;62:7; 63:5 burns (2) 57:8,9 bush (1) 24:3 business (1) 17:10 BUSTER (6) 12:6,6;13:8,11,20, 24	42:18 canal (1) 23:2 cancer (1) 11:11 Cannonball (3) 61:10;62:11,14 capturing (1) 19:11 car (2) 44:17,18 carcinogens (1) 11:13 cards (2) 17:25;18:17 care (8) 14:20;35:1;46:10; 47:12;59:5,8;63:9; 64:3 carloads (1) 9:5 Carlton (3) 8:20;9:6,8 carry (1) 18:17 carrying (1) 9:4 case (7) 21:1,1;34:25;35:22; 37:24;38:14,16 Cass (2) 54:15,20 catastrophe (1) 49:10 Caucasian (1) 60:14 caught (1) 23:6 Cause (8) 6:15;22:21;23:14; 24:19;41:1;43:17; 51:22;59:7 ceded (2) 49:3;54:9 certain (4) 29:8;38:8;56:16; 64:9 certainly (2) 51:24;52:5 certificate (1) 15:8 cetera (1) 15:17 chance (2) 23:24;49:23 changes (2) 19:17;61:4 chapter (5) 26:7;30:19,21,25; 31:3 chapters (1) 26:17 check (1)	8:3 checks (2) 66:18,19 child (1) 48:9 children (6) 44:15;46:8;47:8,15; 61:20;63:15 choice (2) 23:3;50:25 circle (1) 55:21 clarification (1) 12:15 clean (7) 10:10,12,22;34:20; 37:1;56:6,6 cleaning (1) 10:24 cleans (1) 36:20 cleanup (2) 10:6,16 clear (7) 19:10;26:13,14; 28:20;29:1;30:12; 35:22 clearly (3) 10:14;13:3,23 Cloquet (1) 9:16 close (1) 39:23 coming (6) 14:15;36:2;42:3; 44:23;57:5;63:16 comment (8) 4:16;13:19;23:4; 27:2;29:20;39:16; 51:18;67:8 comments (31) 4:11,13,25;5:5;6:1, 3,12,14,19;7:1,11,23, 24,24,25;18:18,19,23; 19:5,6,7,15;29:19; 38:5;39:15;64:25; 65:1,7;67:9,10,13 Commerce (5) 4:5,8;6:8;66:21; 67:4 commercial (1) 30:11 Commission (10) 20:8;21:3,4;27:16; 33:14;36:3;51:3; 52:12;58:19;65:9 commissioners (1) 65:24 committed (2) 66:23;67:3 common (2) 22:22;24:4 communications (1)	38:24 communities (6) 44:22,24;46:10,16; 50:10;57:6 community (5) 13:9;14:2;53:9; 60:23;63:6 company (4) 15:9;17:8;34:17; 35:13 compared (1) 28:13 compile (1) 59:19 component (1) 10:4 compromised (1) 40:23 concept (2) 27:22;35:19 concern (5) 17:12;24:1;25:16; 30:18;34:10 concerned (2) 23:11;25:13 concerns (6) 6:4;15:6;20:21; 21:2;49:14;65:14 concluded (1) 67:13 concrete (1) 43:20 condescending (1) 48:13 condition (2) 58:24;60:2 conditions (1) 36:7 confusing (1) 35:25 connotations (1) 35:21 consent (2) 26:16;49:8 consequences (2) 13:13,14 constantly (1) 58:4 constitutes (2) 27:24;28:3 construct (1) 22:15 constructing (2) 23:6;27:11 construction (4) 21:19,21;27:13,13 consultation (7) 6:16;26:3,17;49:7; 53:5,8,13 consulted (1) 26:15 contains (1) 4:21	contemplated (1) 59:24 content (1) 50:5 contested (5) 21:1,1;37:24;38:14, 16 context (1) 36:19 continue (6) 11:24;20:22;26:14; 35:1,4;65:6 continuing (1) 60:8 control (1) 9:9 conversation (1) 5:4 cooperating (1) 67:5 copies (2) 4:15;31:14 copy (6) 20:9;30:24;31:5,7, 11;38:19 corporate (2) 14:1;50:21 corporation (2) 12:13;62:18 correlated (1) 53:19 corridor (24) 14:22;23:20;27:22, 23,24;28:3,7,9,10,14, 18;29:2,5,5,7,9,11,14, 20,22;30:14;35:3,24; 43:21 corridors (2) 15:24;23:18 cost (3) 10:16;32:1;40:20 costs (2) 10:6;37:3 Council (1) 53:14 count (4) 9:5;18:13;19:18; 44:14 counties (7) 31:25;32:4,5,14,20; 33:9;37:6 counts (1) 19:14 County (8) 8:20;9:8;33:4,5; 44:24;53:15,15;65:24 couple (3) 27:5,7;65:19 course (1) 48:16 court (4) 4:9;30:2;33:16,18 cover (2)
C				
call (5) 24:1;28:25;60:15, 17;61:10 called (2) 26:5;62:24 calling (1) 57:14 calm (1) 47:7 came (6) 5:20;21:11;22:23; 45:18;61:9,15 can (57) 4:17,18;6:13,23; 7:1,5,13,23,24,25; 8:21;9:21;10:21;13:2, 3;16:4,9;17:22;19:7, 17;21:14;27:1;28:19, 20;29:7;30:1,20,21; 31:10;32:2;34:23; 37:1,4,21;38:7;39:14; 40:24,25;44:8,18; 45:1;47:12;50:1; 52:10,23;54:1;56:1,1, 2;57:7,23;59:10; 62:18;64:2,25;65:1; 66:12 Canada (1)				

7:2;10:5 covered (1) 17:3 crazy (1) 43:9 create (1) 48:12 creating (2) 9:12;48:18 creator (1) 56:1 crews (1) 37:2 Criteria (1) 59:2 cross-examine (2) 38:1;39:8 crying (1) 62:9 cultural (9) 5:21;15:16;26:6; 43:23;49:24;50:9,16; 53:20;59:15 cup (1) 9:23 current (2) 50:23;56:25 Currently (1) 38:15 currents (1) 43:9 cuts (1) 15:15	DEBRA (8) 5:6,10,14;30:17; 54:10,11;58:8,15 decides (1) 19:2 decision (5) 20:11,16,17;21:17; 23:1 decision-makers (2) 21:7,12 decision-making (1) 37:20 defiled (1) 17:15 define (1) 29:20 definitely (5) 7:12;8:12;27:14; 58:24;66:19 definition (4) 28:17,20;29:2,22 degree (1) 57:8 DEIS (14) 5:2;8:7,17,19;9:10; 10:14;13:23,25; 48:20;49:5;50:14,23; 54:4,6 Department (3) 4:5,8;9:8 depict (1) 52:13 depth (4) 56:15,18,19,19 depths (1) 56:17 designate (1) 58:19 destroy (2) 24:22;41:11 destroyed (1) 16:19 destroys (1) 16:17 destruction (1) 15:20 details (1) 32:9 detriment (1) 11:15 develop (1) 5:23 development (1) 16:20 different (18) 24:19;27:25;29:6; 35:21;42:6;43:6,7,12, 25:44;1,2,3;50:14; 56:8,9,17;59:22,23 difficult (2) 20:11;65:5 dig (1) 58:5	digging (1) 58:12 directed (1) 13:19 directly (2) 9:18;10:19 disagree (1) 52:16 disappear (1) 17:1 discussion (2) 36:5,24 discussions (1) 51:20 disintegrate (1) 12:1 displayed (2) 51:21,23 disposal (1) 35:16 disposing (1) 34:3 disrupt (1) 16:14 disrupting (3) 15:15,18,25 disruption (1) 17:13 dissolve (1) 33:4 disturbed (1) 16:16 disturbing (1) 58:6 disturbs (1) 41:10 divulge (1) 53:17 DNR (1) 26:19 docket (1) 38:21 document (5) 5:18;6:25;7:14; 37:20;49:13 documentation (1) 57:4 documented (1) 49:25 dog (3) 23:14,15;62:5 done (16) 6:16;8:7;19:25; 20:3,7;22:4;40:4; 41:23,23,25;50:19; 52:18;61:20;62:21; 65:12;67:1 do-not-build (1) 50:24 door (1) 60:24 down (9) 4:10;9:14;20:11;	23:16;42:13;43:2; 59:6;62:8;63:4 draft (21) 4:14,16,22;5:8; 6:15;7:1;13:4,18; 19:9,12;20:9,10,23; 23:24;26:4,14;28:6; 49:1;56:21;59:17; 64:18 drinks (1) 59:5 drive (1) 31:15 du (8) 9:16;15:5;22:11,12, 13;33;22;39:24;54:11 due (2) 16:19,22 Duluth (1) 11:1 DURFEE (2) 31:20,21 D-U-R-F-E-E (1) 31:21 during (3) 8:1;20:21;39:16 DVD (1) 31:14	EIS (16) 4:14,16,22;13:4,18, 19,21;23:24;28:6; 37:19,20,21;38:6,7; 49:1;64:19 either (2) 9:10;19:8 elder (2) 55:3;63:19 elders (1) 62:8 electronic (2) 31:11,14 elements (2) 35:25;40:14 elevation (1) 56:15 eliminating (1) 13:13 else (14) 7:25;12:5;13:6; 14:19;15:3;17:20; 23:9;41:24,25;44:2; 47:18;51:8;57:19; 64:12 else's (1) 18:18 email (4) 30:20,21;31:9;67:8 emissions (1) 11:24 empathy (1) 59:4 Enbridge (45) 8:17;11:4;12:18,18, 20;15:10,14,22,24; 21:17,18,24;22:2,4,5, 15;27:10;29:9;32:4, 10,20,23;33:8;34:23, 25;35:13;36:11,18, 20;37:4,10,24;40:10; 43:18;44:7;46:9,23; 51:16;58:22;59:19; 61:24;63:13;64:8; 65:25;66:6 Enbridge's (2) 9:19;12:17 encourage (3) 38:4;63:6;65:2 encouraged (1) 53:21 end (4) 6:19;38:17;39:4; 59:4 ended (1) 59:6 energy (6) 10:25;15:11;17:11; 20:25;43:7;65:19 enforcement (2) 12:12;14:1 English (2) 30:4,6
D			E	
Dakotas (1) 66:11 damage (3) 8:7,15;24:18 danger (2) 11:6,10 dangerous (1) 57:5 Danielle (13) 4:7;6:6,7;17:24; 19:13;25:21;31:4,13, 17;39:18;52:24; 59:12;65:10 DAPL (2) 61:7;66:10 day (5) 8:21;15:24;23:14; 62:5,8 Dayton (1) 66:20 deal (8) 19:25;20:3,7;32:9; 33:14,15;65:12;67:2 dealing (3) 13:12;36:1;66:8 dealt (1) 20:20			earlier (2) 48:1;65:11 early (2) 20:13;37:18 easement (1) 36:17 easy (3) 45:25;46:1;64:24 eat (1) 57:25 eating (2) 16:11;17:23 ecological (1) 6:22 economic (1) 10:15 ecosystem (2) 24:22;25:17 ecosystems (1) 24:18 edge (1) 48:17 eDockets (5) 38:20,21,22;39:1,1 educated (1) 60:10 effect (2) 9:21;11:22 eggs (2) 57:21,25 eight (3) 9:21;16:4,6	

<p>enough (5) 23:8;45:12;49:13; 57:22;60:4</p> <p>enrolled (2) 22:12;54:11</p> <p>entails (1) 29:3</p> <p>entered (1) 18:8</p> <p>entities (1) 50:8</p> <p>environment (4) 10:24;11:9;41:9,10</p> <p>environmental (13) 5:9;6:15;12:16; 14:9;23:3;26:8,18; 40:10;49:20;55:11; 56:21;66:3,10</p> <p>equal (2) 17:25;50:6</p> <p>equally (2) 18:20;24:20</p> <p>equipment (1) 8:9</p> <p>especially (2) 10:19;11:6</p> <p>essentially (1) 33:10</p> <p>et (1) 15:17</p> <p>evaluate (4) 12:16,20,21;13:6</p> <p>evaluated (1) 29:18</p> <p>even (16) 9:23;14:15;15:7; 17:4;40:11;41:4,10, 12,14;45:19;46:10; 47:12;56:10;60:9; 62:5;64:1</p> <p>evening (1) 4:23</p> <p>everybody (6) 44:2;46:3;48:22; 54:16;57:1;62:13</p> <p>everybody's (2) 56:5;58:10</p> <p>everyone (2) 19:19;52:19</p> <p>evolution (1) 53:2</p> <p>exact (1) 14:9</p> <p>exactly (2) 12:11;54:4</p> <p>example (3) 19:19;53:8;59:21</p> <p>exchanged (1) 26:19</p> <p>excuse (1) 28:22</p> <p>executive (2) 4:21,24</p>	<p>existing (3) 28:14;29:11,14</p> <p>exists (2) 11:23;23:21</p> <p>expand (1) 53:22</p> <p>expect (1) 20:24</p> <p>expense (1) 36:22</p> <p>expensive (1) 42:25</p> <p>explaining (1) 19:16</p> <p>exposed (1) 40:14</p> <p>extent (1) 27:23</p> <p>exterminate (1) 62:12</p> <p>extinct (3) 25:2,3,3</p> <p>extinction (1) 25:6</p> <p>extort (1) 37:5</p> <p>eyes (1) 47:22</p>	<p>fear (1) 67:1</p> <p>feasible (1) 34:5</p> <p>federal (3) 34:23;35:19;51:5</p> <p>feed (2) 16:21;63:6</p> <p>feel (9) 7:3;15:8;23:8;29:1; 32:13;37:8;46:7,11; 62:21</p> <p>feeling (1) 65:11</p> <p>feels (1) 66:18</p> <p>fellow (1) 16:15</p> <p>felt (1) 62:17</p> <p>fenced (1) 9:1</p> <p>few (4) 6:1;8:4;17:22; 49:12</p> <p>figure (3) 36:12;42:6;52:5</p> <p>figures (1) 13:25</p> <p>figuring (1) 43:6</p> <p>file (1) 66:12</p> <p>filed (2) 32:10,12</p> <p>fill (2) 4:17;18:7</p> <p>filled (1) 16:16</p> <p>final (1) 19:12</p> <p>financially (1) 14:2</p> <p>find (5) 14:9,14;17:4;40:3; 41:13</p> <p>fine (3) 22:16;23:7;27:6</p> <p>finer (1) 27:9</p> <p>fining (2) 31:24,25</p> <p>finish (1) 17:23</p> <p>firestorm (1) 22:7</p> <p>first (17) 4:2;8:5;12:15;15:7, 12;16:7,11;22:14; 27:5,18;33:8;34:17; 44:12;50:25;52:11, 20;54:14</p> <p>fish (1)</p>	<p>46:19</p> <p>five (2) 18:22;28:1</p> <p>five-year-old (1) 30:4</p> <p>fix (1) 44:3</p> <p>flash (2) 31:15;46:17</p> <p>flawed (1) 49:21</p> <p>flesh (1) 19:7</p> <p>flier (1) 45:7</p> <p>flies (3) 55:17,18;56:23</p> <p>flow (2) 57:15,15</p> <p>flowering (1) 54:19</p> <p>flowers (1) 54:22</p> <p>flows (1) 56:14</p> <p>flying (1) 9:13</p> <p>focus (2) 26:4,25</p> <p>focused (1) 6:14</p> <p>folks (4) 17:22;25:25;26:20; 53:1</p> <p>follow (2) 30:7;40:3</p> <p>Fond (8) 9:16;15:5;22:11,12, 13;33:22;39:24;54:11</p> <p>food (6) 15:17;16:7,7,11,13; 44:6</p> <p>foods (2) 16:18;17:14</p> <p>foot (2) 8:9,17</p> <p>forced (1) 25:6</p> <p>forefront (1) 11:1</p> <p>forever (1) 57:8</p> <p>forget (1) 37:3</p> <p>forgot (1) 37:18</p> <p>forms (1) 4:16</p> <p>forth (1) 11:15</p> <p>forward (2) 17:9;65:13</p> <p>fossil (4)</p>	<p>11:4;15:25;16:20; 17:9</p> <p>four-month (1) 16:10</p> <p>fresh (1) 64:4</p> <p>friends (1) 61:19</p> <p>frustrated (1) 65:11</p> <p>frustrating (1) 66:15</p> <p>fuel (3) 11:4;16:20;17:10</p> <p>fuels (1) 15:25</p> <p>full (1) 9:23</p> <p>fully (2) 10:5;49:13</p> <p>functioning (1) 36:19</p> <p>further (1) 20:11</p> <p>furthermore (1) 21:23</p> <p>future (4) 11:16,24;15:10; 42:7</p>
	F			G
	<p>facilitate (1) 4:13</p> <p>fact (1) 21:10</p> <p>fair (1) 29:20</p> <p>fairly (3) 13:3;32:15,16</p> <p>fall (2) 45:16,16</p> <p>families (2) 47:9;60:13</p> <p>family (3) 16:5,22;60:14</p> <p>fancy (1) 30:6</p> <p>far (3) 6:20;50:13;58:16</p> <p>farm (1) 35:10</p> <p>farming (1) 34:1</p> <p>farmland (1) 34:6</p> <p>fashion (1) 34:13</p> <p>father (1) 47:13</p> <p>fatigue (15) 23:13,20;27:22,23, 24;28:3,18;29:2,5,5,7, 20,22;30:15;39:17</p>			<p>gain (1) 10:21</p> <p>gallons (1) 41:12</p> <p>game (2) 46:3;50:17</p> <p>Garofalo (2) 65:20,21</p> <p>gas (1) 61:18</p> <p>gather (9) 6:24;21:7;48:23; 55:7,15;57:25;58:1,2, 7</p> <p>gathered (2) 50:5;55:25</p> <p>gathering (2) 15:17;55:13</p> <p>general (3) 7:9;26:22;53:16</p> <p>generation (2) 11:22;12:2</p> <p>generations (8) 11:25;16:4,6;42:5; 55:16;56:8;60:14; 63:15</p> <p>generations' (1) 11:16</p> <p>genetically (1) 56:9</p> <p>genocide (1)</p>

56:11 geothermal (1) 43:8 gets (2) 7:21;21:17 giant (1) 61:11 given (5) 8:21;18:1;49:9; 50:7;51:7 goal (1) 19:10 God (1) 54:22 goes (9) 10:11;16:8;32:6,8; 37:10;46:21;55:24; 60:20;63:24 gong (1) 41:2 good (10) 13:18;28:15;42:12; 45:12;15;47:19; 60:25;61:1;63:5; 66:17 gosh (1) 22:7 government (3) 40:2;51:6;62:14 governments (1) 39:21 Governor (2) 66:20;67:5 grade (2) 42:12,20 graders (1) 42:22 grand (2) 16:8,10 grandchildren (2) 47:15;63:17 grandma (1) 62:16 granted (2) 36:17;39:20 graves (1) 62:15 great (4) 6:16;34:8;51:10; 61:9 greenhouse (1) 42:15 ground (4) 34:2,4;41:4;58:6 grounds (1) 58:9 groundwater (1) 34:4 group (2) 18:21,22 grow (2) 25:10;41:18 growing (2)	40:12;41:17 grows (3) 14:18;56:16,18 guarantee (1) 50:18 Guard (1) 61:23 guess (3) 25:19;48:8;51:1 guide (1) 4:21 guy (2) 59:4;60:24 guys (1) 60:15 H half (1) 15:15 hand (5) 7:17;48:24;58:11, 12,25 handout (2) 4:19,20 happen (5) 31:23;39:8;48:10; 57:16;67:2 happened (2) 23:15;50:13 happens (6) 32:24;36:8;41:11; 49:3;58:21;62:2 happy (1) 6:3 hard (3) 4:15;42:24;64:10 harder (2) 16:21,21 hardly (1) 43:2 harvesting (2) 16:5,25 hailed (1) 41:6 hazards (1) 9:12 health (3) 11:15,16,19 hear (5) 6:12;7:8;30:2,13,22 hearing (4) 20:1;37:23,23; 38:10 hearings (12) 7:7;21:1,2;36:6; 37:24;38:4,14,17,17; 39:3,22;54:14 heart (1) 64:10 heavy (2) 8:12;9:14 heightened (1)	49:11 held (1) 50:10 help (10) 4:13,24;12:2;19:7; 21:6;25:5;47:14;60:9; 65:8,8 helpful (2) 7:12;53:3 helping (2) 19:16;44:22 here's (1) 34:18 Hey (1) 62:25 hidden (1) 60:4 hiding (1) 51:14 high (3) 8:12;32:13;52:9 highest (1) 11:11 highlighted (1) 60:1 highlights (1) 67:2 highly (1) 60:10 Highway (1) 49:10 historic (1) 59:15 historically (1) 53:10 history (1) 9:19 hit (2) 46:23;61:20 homeland (1) 61:16 homeowners (1) 37:9 hoops (1) 46:5 hope (1) 36:24 Hopefully (4) 58:16;59:9;66:25; 67:2 hoping (1) 63:25 horse (3) 55:17,18;56:23 hot (1) 8:11 house (2) 33:11,11 huge (1) 9:1 human (1) 49:18 humans (1)	25:5 hundreds (3) 8:20,21;50:7 hunt (1) 46:19 Hunter (2) 47:24,24 H-U-N-T-E-R (1) 47:25 hurry (1) 62:21 hurt (2) 41:9;47:10 hurting (4) 44:23;45:2;46:10; 61:25 husband (2) 54:18;55:13 I idea (2) 6:14,24 identification (1) 56:24 identify (1) 53:17 identifying (1) 53:16 III (2) 43:15,16 illustrate (1) 52:8 imaginary (3) 62:24,25;63:2 Imagine (1) 61:2 immense (1) 50:20 impact (19) 5:9;6:15;7:13;9:14; 10:16;11:19;13:9; 14:10,24;23:4;24:11; 41:20;48:4;49:20; 55:11;56:21,22;66:3, 10 impacted (1) 48:5 impacts (12) 12:16,20,21;13:6; 14:1;23:19;28:12,12, 13;37:20;48:12,17 important (2) 25:18;39:11 importantly (1) 11:16 inclined (1) 67:8 include (2) 5:17;53:22 including (1) 11:3 incorporated (2)	53:12;59:16 Indian (4) 24:16,16;53:14; 58:19 Indigenous (2) 49:16;56:4 individually (2) 18:20;19:1 industrial (1) 16:22 informal (1) 5:4 information (17) 19:8,8,9,12;20:20; 21:7,8,12;26:21;50:9, 9,12;51:21,22;52:1, 13;53:19 infrastructure (1) 8:8 inherent (1) 49:18 input (1) 51:2 instead (5) 11:5,5;14:12;15:2; 30:10 intend (1) 12:11 intentions (1) 65:16 interest (2) 40:4;44:9 intervened (1) 39:24 into (17) 6:13;8:6;9:15;16:8; 18:24;27:2;36:5; 37:23;40:12;48:6,11; 57:5,6,7,23;58:6; 59:16 Introducing (1) 11:13 investment (1) 60:12 invitation (1) 6:17 invited (1) 4:13 inviting (1) 4:2 issue (9) 33:15,15;34:12,25; 37:13;38:8;52:21,22; 57:11 issued (2) 36:6,10 issues (7) 6:4;34:21;37:11,21, 22;51:10;64:17 item (2) 8:5,18
---	--	--	---	---

	31:21	36:17	legitimate (1)	60:20
J	keep (3) 21:2;25:5;43:10	landowner (3) 14:6;33:24;36:12	33:18	located (1) 49:25
	keepers (1) 49:21	landowners (2) 33:25;35:6	leisure (1) 4:18	location (1) 39:23
JAAKOLA (6) 18:4;19:2;47:24,24; 48:21,21	Kettle (1) 8:25	lands (4) 5:21;6:21;17:14; 25:8	less (1) 17:7	long (4) 34:16;53:10;65:3; 67:11
J-A-A-K-O-L-A (1) 47:25	kids (1) 41:17	language (3) 30:10,10;60:4	letter (1) 59:16	longer (2) 36:18;64:14
JAMIE (46) 4:1,4;5:8,12,16; 7:16;12:3,14;13:10, 16,22;15:3;17:17,20; 18:11;19:4,14;20:5; 22:18;27:4,21;29:4, 25;30:13;31:10;32:2, 18;33:1,6,19;34:7; 35:8,11,17;37:17; 38:15;51:8;52:25; 53:3,25;57:19;58:22; 59:25;64:12;65:13; 67:6	KILLSFIRST (6) 12:6,7;13:8,11,20, 24	LAPORTE (11) 30:18,23,24,24; 31:8,12,16;54:3; 57:20;58:13,18	level (2) 11:10;52:9	look (15) 6:23;10:15;18:25; 23:24;26:1;28:11,12; 46:20;49:23;52:9,9, 14;54:19;60:3;62:1
Janet (4) 4:9;64:15;67:7,10	kind (13) 23:13;26:25;45:6,8, 9;47:7;48:2,6;60:25; 63:7;66:2,13,22	large (5) 5:18;32:15,17;35:3; 36:5	liaison (2) 4:7;6:8	looked (4) 28:5;29:7,16;45:24
Janet's (1) 7:20	kinds (3) 24:8,19;61:22	last (6) 9:20;42:24;43:1; 51:1,1;57:8	life (5) 16:3;44:10,11; 49:16;50:22	looking (6) 15:10;19:6;28:5,6, 9;53:5
JEFF (3) 15:4,4;17:18	knife (1) 55:14	later (1) 37:4	lifestyle (1) 41:18	looks (10) 37:20;45:16;46:2,9, 21,22,24;47:1,10,20
Jill (1) 38:18	knowledge (7) 6:21,22;8:6;26:22; 27:12;33:7;50:15	laughing (1) 47:19	lift (1) 22:23	lot (17) 11:18;14:13;23:12; 24:2,4,23;30:5,7; 32:3;44:13,13;45:22; 49:6,7;51:22;52:10; 54:6
JIM (6) 43:15,16;59:2,13; 60:7,7	known (1) 24:6	law (7) 11:23;12:2,11;14:1; 35:12;39:19;48:16	limits (1) 9:13	lots (1) 25:25
job (8) 12:15,19;19:5;21:4; 41:3;45:21;47:13; 59:3	knows (2) 54:16;60:12	LAWRENCE (2) 40:5,6	Line (25) 10:8,11,22;11:14; 14:10,15,22,25;15:14, 22;20:11;23:19; 26:10;29:16;33:24; 34:19;35:2;36:13; 40:9,14;46:13;55:23; 61:7;62:24;63:1	Louis (1) 17:2
jobs (2) 10:18,23	KOREY (14) 22:9,9,19;25:25; 27:3,20;28:19;29:23; 30:3;31:2;32:16,24; 33:3,17	L-A-W-R-E-N-C-E (1) 40:6	lined (2) 46:4;48:3	love (1) 47:11
Joe (1) 35:9	K-O-R-E-Y (1) 22:10	layering (1) 53:24	lines (5) 15:22;34:15;44:17; 62:25;63:2	lower (2) 33:12;44:25
Jones (1) 59:13	KRETZ (4) 14:5,6;36:14,15	leaders (2) 46:15,17	LISA (2) 40:5,5	LYZ (4) 18:4;19:2;48:21,21
Joyce (11) 30:17,18,23,23; 31:8,12,16;54:3; 57:20;58:13,18	K-R-E-T-Z (2) 14:6;36:15	leads (2) 20:16;21:16	L-I-S-A (1) 40:6	M
J-O-Y-C-E (1) 30:24	L	leaf (1) 24:14	list (1) 8:5	MACALISTER (40) 4:1,4;5:8,12,16; 7:16;12:3,14;13:10, 16,22;15:3;17:17,20; 18:11;19:4;20:5; 22:18;27:4,21;29:4, 25;30:13;31:10;32:2, 18;33:1,6,19;34:7; 35:8,11,17;37:17; 38:15;51:8;57:19; 58:22;64:12;67:6
Judge (4) 38:12,25;39:19; 65:8	Lac (8) 9:16;15:5;22:11,12, 13;33:22;39:24;54:11	leak (3) 10:7,8;41:14	listening (3) 25:20;47:6;48:22	mace (1) 61:18
July (2) 18:2;67:12	lacking (1) 13:23	leaks (2) 9:20;14:22	literally (2) 15:14;66:12	mail (1) 67:9
jump (1) 46:5	ladies (1) 19:22	leaning (1) 62:16	little (14) 4:19;5:2;9:23; 17:19;24:11,13;26:2; 31:15;43:25;44:1; 63:19,21;64:13;67:7	main (2) 24:1;25:16
Justice (2) 26:8,18	lake (6) 11:6;53:9,9;54:15, 20;59:14	learn (4) 45:19;55:4,6,7	live (7) 40:16;44:11;54:25; 56:18,19;57:24;58:6	mainline (7) 28:7,8,14;29:9,11, 14;35:24
K	lakes (2) 46:24;63:20	least (5) 28:5;34:13;52:8,11; 67:4	lived (1) 63:3	maintaining (1)
KAREN (2) 31:20,20	laked (2) 46:24;63:20	leave (8) 4:17;5:5;34:19,20, 24;46:13,18;57:23	lives (2) 61:5,6	
K-A-R-E-N (1)	Lakota (1) 62:3	leaving (1) 11:25	living (1) 61:3	
	LAMB (4) 8:2,3;19:22;30:9	Leech (1) 59:13	loads (1) 9:14	
	L-A-M-B (1) 8:3	left (2) 43:3;53:11	local (1)	
	land (6) 33:5;40:17;42:2; 49:22;55:22;56:15	legal (1) 37:11		
	landholder (1)	legislation (4) 65:18,22;66:4,22		

<p>35:4 major (1) 17:12 makes (2) 19:20;28:24 making (1) 61:1 managers (1) 4:6 manner (1) 16:1 manoomin (1) 55:4 many (12) 5:10;15:23;23:20; 28:1,2;34:15;41:7; 42:5,20;51:13,19; 65:3 map (14) 5:20,24,25;6:2,4; 13:2,3;51:22,23;52:7, 10:53;10,20,22 mapping (2) 52:16,17 maps (10) 5:17;49:22;50:1; 51:18;52:13;53:3,6; 56:13,13,14 matter (2) 62:9,10 may (7) 4:14;5:19;37:4,4; 52:3;57:1,1 maybe (14) 14:15;19:22;20:1; 26:22,25;27:1;48:6; 59:10,25,25;60:10,22; 64:1;65:12 meal (1) 4:3 mean (9) 14:21;22:19;26:15; 28:10;32:17;37:8; 57:21,24;64:19 means (8) 8:9;12:24;19:18; 28:21;29:2;30:15; 44:18;56:3 mediating (1) 14:23 medicinal (1) 26:7 medicines (5) 24:2,5,6;25:3;26:23 meet (1) 12:2 meeting (11) 4:11,21;6:10,11; 18:7,24;21:11;39:7, 17:40;21;64:25 meetings (14) 8:1;12:25;18:5,9; 21:5,6;39:13,14;42:3;</p>	<p>50:5;64:17;65:2,4,6 member (7) 15:5;22:12,13; 33:22;54:11;59:13,15 mention (1) 9:9 mentioned (3) 17:25;34:11;65:17 mercenaries (2) 12:10;14:2 message (1) 18:17 messages (2) 18:9,12 MIAC (2) 26:11;53:13 mic (1) 47:23 microbiologist (1) 14:18 mid (1) 20:13 middle (4) 22:24;35:3;63:23; 65:23 might (4) 4:24;19:20;37:5; 67:2 migration (1) 16:13 Miigwech (2) 43:14;57:18 miles (4) 54:21,21,21;61:6 military (1) 61:22 milk (2) 16:8,12 milking (1) 11:5 millions (1) 32:1 mind (1) 52:20 minds (1) 58:10 mining (1) 16:19 Minnesota (14) 4:5;6:17;10:3,23; 11:1,8,23;12:19; 20:16;49:2,17;53:14; 58:19;66:16 minute (1) 55:5 minutes (2) 9:3;17:22 missed (1) 6:1 missing (6) 13:17;19:9,11;54:1, 4,5 mistaken (1)</p>	<p>33:16 MnDOT (1) 49:10 Molliver (13) 4:7;6:6,7;17:24; 19:13;25:21;31:4,13, 17;39:18;52:24; 59:12;65:10 mom (1) 61:6 money (11) 12:8;32:15,19,20, 22,23;37:5,6;45:1,22; 46:18 monitor (6) 35:1;40:11,16,25; 41:2;42:10 monitoring (1) 35:4 more (26) 7:14;8:14;11:13,15, 19;13:19;17:2,19; 18:18;23:21;25:15; 28:23;32:18,20,22; 39:13;41:10,12;48:6, 11;52:16;54:6;55:12; 64:5,5;65:2 mosquitos (1) 55:19 most (6) 7:12;10:11;42:25; 53:1,3;65:24 mostly (1) 25:13 mother (2) 16:7;47:13 mother's (1) 16:12 mouthful (1) 16:11 mouths (1) 16:9 move (2) 64:1,1 moved (1) 61:3 much (12) 7:5;9:24;10:17; 12:8;26:9;37:6;40:19; 43:11;52:2;55:12; 59:17;64:9 multiple (2) 49:4;65:4 mushrooms (1) 14:19 must (1) 56:18</p>	<p>54:10;60:7 National (1) 61:22 nations (1) 49:14 native (6) 45:5;58:10;59:20; 62:20;63:3,12 nature (5) 25:4;38:10;44:4,5; 48:18 necessarily (6) 6:24;39:14;52:15; 60:1;64:18,21 need (26) 6:2;7:3;11:7,7,18; 14:24;15:8,8,12; 26:25;28:25;29:1; 30:24;31:18;37:22; 42:6;43:5,6,11;46:19, 19;50:17;54:5;57:10; 64:19;66:23 needs (12) 7:15;8:17;9:14; 10:6,13;21:3;41:24, 25;50:14;54:6;59:20; 64:8 neglect (1) 49:23 neglected (1) 8:17 negligence (1) 49:9 neighborhoods (1) 57:6 new (10) 10:9;11:21;14:15, 21,22,23;23:15; 25:10;28:10;34:19 newest (1) 8:25 next (4) 11:22;12:2;53:4; 55:19 nice (4) 5:2;44:4;45:6,21 night (2) 22:25;65:23 nine (1) 9:2 None (1) 49:25 non-negotiable (1) 49:18 nontechnical (1) 17:21 nor (1) 49:15 northern (2) 20:15;21:16 NORTHROP (26) 22:9,9,19;27:3,20; 28:19;29:23;30:3;</p>	<p>31:2;32:16,24;33:3, 17,21,22;35:5,9,15; 40:5,6,7;43:15,16; 59:2;60:7,8 N-O-R-T-H-R-U-P (1) 22:10 nostalgic (1) 49:15 notes (1) 8:3 noticed (1) 5:19 November (2) 8:20;39:9 null (1) 10:17 number (10) 8:18,19;13:1;18:5, 5;27:25;28:8;29:8; 52:8;54:4 numbers (2) 38:21;40:1 nuts (1) 24:12</p>
O				
<p>obeying (1) 9:13 obsolete (1) 17:6 obviously (4) 5:3;7:11;28:7; 65:14 ocean (1) 43:9 October (1) 39:5 off (2) 54:8,8 offend (1) 60:16 offer (2) 50:23;51:24 offered (1) 50:25 office (4) 33:13;45:7,21,21 officers (1) 12:12 official (1) 38:22 oil (14) 14:20;17:6;41:6,13; 42:14,16,23,24,25; 43:2;50:21;57:13,13, 15 Ojibwe (4) 43:16;45:3;59:21; 63:23 Oklahoma (1) 10:20 old (9)</p>				

10:8,11;11:13,21; 12:1;14:10;29:16; 34:15;46:21 once (1) 31:19 one (39) 4:5;8:18,18,25; 10:1;12:1;14:19,23; 17:4;18:13,25;19:18, 20:20;18;21:16; 23:21,23;27:18;29:6; 31:22;34:20,21;35:6, 25;36:9,17;39:8,22; 44:12;45:15;46:25; 47:2,3;51:18;55:3,21; 61:10;62:8;65:19 ones (2) 14:20;24:4 online (1) 7:23 only (10) 6:9;14:25;19:20; 25:7;31:22;45:3; 56:17,24;58:20;59:20 open (3) 20:19;51:24;60:24 opinion (1) 9:24 opportunities (2) 7:6;65:7 opportunity (3) 14:9;38:1,6 option (2) 29:15;50:24 orally (1) 16:4 order (1) 50:18 organizations (2) 18:15;26:11 original (2) 36:19;37:15 others (2) 20:1;47:8 otherwise (1) 14:3 ours (1) 16:18 out (47) 4:17;10:13,22;11:4; 14:9,14,22;16:9;18:7; 19:7;21:9,11;22:3; 24:5,14,20;25:11,15; 34:2,20;35:6;36:12; 37:2,5,9,14;40:3,19; 41:1;42:6,14,16,25; 43:6;44:15;46:16; 50:18;52:5;53:11; 55:6,13;57:7;58:1; 60:22;63:1,4;64:17 outdone (1) 50:20 over (12)	5:6;8:13;9:20; 12:10;16:20;17:7; 41:23;45:5;47:21; 60:1;61:4;63:1 overall (1) 10:15 overassessed (1) 33:11 overlook (1) 27:1 own (3) 21:25;36:22;66:8 owner (1) 36:21 Oxendine (13) 4:7;6:6,7;17:24; 19:13;25:21;31:4,13, 17;39:18;52:24; 59:12;65:10	8:16 pay (5) 32:4,25;33:10;37:5, 9 paying (3) 9:7;32:13;33:12 pays (1) 32:5 people (49) 7:3,24;11:12;12:13; 19:17;20:3;24:7,23; 25:1,7,10;32:1;42:2, 2;44:14,14,24;45:3,3, 5;46:10,19,19;47:11, 14,17;50:10;55:1; 56:6;57:9,25;58:5; 59:6,9;60:3,12,13,14, 17;61:3,13;62:1,4,19, 20;63:3,12;64:11; 66:7 per (2) 6:11;9:23 percent (3) 16:18;17:7;64:4 perception (3) 20:14,16;21:14 perfect (1) 14:8 perfectly (1) 61:11 Perhaps (1) 60:2 period (2) 23:4;39:16 permission (1) 22:16 permit (10) 23:7;36:6,7,8,10; 58:23,24;66:1,5,13 permits (7) 21:18,20,22,24,25; 22:3;27:11 permitted (1) 34:16 person (8) 15:13;30:10;47:7; 56:5;58:11,20;59:10; 62:11 personally (2) 28:2;64:16 perspective (4) 20:6,6;48:25;49:12 phone (1) 16:9 picked (1) 60:22 picking (1) 59:6 pictures (2) 8:22;54:23 piece (1) 24:14 piggyback (1)	52:25 pipe (7) 21:15;29:15;32:8; 34:2,24;35:16;36:8 pipeline (26) 7:9;11:25;12:12; 13:12;15:7,9,12,18; 22:16;23:13,20; 28:10;29:12;31:24; 32:5;35:13;40:12,17, 19;41:10,21;50:21; 57:3,10;63:22;65:24 pipelines (23) 9:17;11:20;16:14; 17:5;23:17,20,21; 25:14;28:1,2,8,23; 29:8;35:24;40:23,24; 41:4,24;42:7,9;43:13; 48:2;64:5 pipes (11) 8:21;9:2,4,5;19:25; 20:15;21:9,10;46:4; 48:14;54:8 place (12) 11:14;15:12;28:23; 34:21;36:7;44:19; 48:15;53:9;58:6;60:4; 62:2,3 places (3) 29:10;48:4;59:15 placing (1) 48:9 plain (1) 56:11 plan (2) 31:24;34:18 plant (3) 17:4;56:23;58:1 plants (5) 24:12;25:2;44:11; 54:18;57:21 playing (1) 50:17 point (6) 18:19;22:5;25:24; 30:15;36:16;49:20 points (1) 38:11 police (2) 9:7,8 pollutions (1) 16:23 popped (1) 55:14 portion (1) 21:16 position (1) 48:10 post (1) 18:17 postcards (4) 18:16,16,21,22 posted (2)	7:22,22 postmarked (1) 67:12 potential (1) 13:25 potentially (2) 12:9;26:3 PR (2) 30:9,11 prairie (1) 59:22 praying (2) 61:21,21 precedent (1) 38:9 precisely (1) 59:1 predate (1) 49:17 preempt (1) 14:16 preemptively (1) 14:21 preference (1) 29:12 presence (1) 25:18 present (1) 15:21 presented (1) 50:2 pretty (3) 10:17;26:9;59:17 previous (2) 8:1;33:25 previously (2) 34:13;36:3 price (1) 17:7 pride (1) 44:3 primary (1) 4:22 printout (1) 30:19 prior (1) 21:24 pristine (1) 11:9 probably (4) 37:14;45:21;46:15; 51:23 problem (2) 10:9;14:23 process (14) 6:19;7:6;20:19; 22:4;53:2;64:22,23; 65:3;66:1,1,5,17,24; 67:3 progressive (1) 66:16 project (6) 4:6,6;12:20,23;
	P			
	page (1) 28:21 pages (8) 5:1,10,13,15,17; 26:5;49:12;50:7 paid (2) 32:11;37:6 paper (2) 23:10;31:6 paperwork (1) 57:3 park (1) 63:11 parsnips (1) 57:2 part (9) 4:12;25:17;35:2,18; 37:23;53:1;55:5,19; 66:4 partially (1) 18:14 participating (1) 40:1 participation (1) 51:2 particularly (1) 24:6 parties (4) 6:23;29:6;38:25; 39:7 parts (1) 23:16 party (2) 39:24;47:4 passed (1) 26:10 past (1) 63:14 Paul (2) 14:17;39:7 paved (1)			

38:21,23 projects (1) 12:17 property (5) 34:3;36:20,23; 37:15;54:8 proposals (1) 65:20 propose (1) 15:1 proposed (9) 12:21,23;13:1; 15:22;23:16;49:3; 56:25;65:19,22 prose (1) 49:16 protect (2) 12:12;24:20 protection (1) 10:6 protects (1) 52:19 provide (2) 4:23;65:1 provided (2) 18:23;20:21 provision (1) 35:12 public (11) 7:7;8:23;20:8; 27:16;33:14;36:2; 41:8;51:3;52:12;65:8; 66:21 PUC (3) 50:1,12;51:4 pull (1) 47:21 punishment (2) 22:15;23:6 purposes (1) 7:20 push (2) 25:14,15 pushing (1) 65:13 put (23) 10:6;11:8;14:21; 23:18;27:2;28:10,23; 29:11,20;31:23;36:7; 37:2;42:8;43:20;48:6; 11:53;19:55;13:61;7; 7:63;10:64;2,5 putting (8) 11:5,25;21:2;41:9, 14:48;8,15;66:3	26:25 quite (3) 20:12;23:17;59:23 R raise (3) 7:17;37:21;38:7 raised (1) 51:14 ramifications (1) 27:10 ran (1) 54:15 rate (3) 8:12;17:6;32:13 rates (1) 11:12 read (3) 5:1;26:25;48:24 readiness (1) 48:13 ready (3) 46:4;48:10;55:14 real (12) 24:4;28:17;33:17; 45:6,6,21,22;46:1; 47:7;61:8;62:22; 64:10 realize (1) 66:7 really (20) 6:22,24,25;7:8; 21:6;24:17;30:6; 34:17;37:22;38:10; 42:12,24;44:8,8;45:8; 50:22;51:16;53:5; 54:12;59:5 rearranged (1) 60:5 reason (3) 35:18;38:3;49:11 reasons (3) 20:18;34:11;59:1 receive (3) 21:20,25;58:23 received (3) 6:1;20:9;23:25 receiving (1) 21:24 recent (1) 58:8 recently (1) 8:16 recognizing (1) 52:2 recommended (1) 60:6 record (11) 4:11;6:13;7:7,21; 9:25;15:1;18:25; 19:19;21:3;38:22; 39:11	recorded (1) 6:13 reduce (1) 11:24 reflect (2) 6:4;50:14 reflected (2) 19:17;54:6 reflective (1) 7:14 regard (1) 49:10 regarding (1) 11:19 regardless (2) 48:10;55:22 regards (1) 8:7 region (1) 11:1 regulations (2) 35:19;38:8 reiterate (1) 6:10 relates (2) 26:10;29:9 relationship (1) 51:5 relatives (1) 63:8 releasing (1) 11:14 religion (1) 16:1 religious (1) 15:16 rely (2) 25:4;55:20 remember (4) 22:22;42:11,18; 54:23 Remind (1) 27:18 remiss (1) 7:19 removal (1) 29:16 remove (2) 36:22;66:5 removing (1) 14:10 renewable (1) 10:25 repay (3) 32:22;33:2,4 repayment (1) 32:11 repeatedly (1) 51:25 replacement (3) 23:18;28:22;29:17 report (4) 10:1;14:12,24;15:2	reported (1) 9:25 reporter (2) 4:10;30:2 represent (2) 51:25;52:2 representative (1) 58:4 represented (4) 49:1;50:6;52:3; 54:2 request (1) 39:21 require (1) 66:6 requires (1) 11:23 reservation (13) 5:22;9:16;15:14,15, 16,19;33:25;41:16; 43:24;46:14;53:6; 57:10;62:24 reservations (4) 10:10;11:12;43:25; 63:23 residents (1) 41:22 resolution (1) 26:10 resolve (2) 38:7;64:21 resolved (2) 64:18,20 resource (2) 50:9;51:20 resources (14) 5:21;6:22;16:1; 26:6,12,18;31:5,6; 49:22,24;50:16;52:9, 19:53;20 respect (7) 62:19;63:12,14,15, 25;64:9;65:11 responding (2) 19:6,15 responsibilities (1) 35:14 responsible (3) 34:2,3;35:16 rest (3) 30:25;46:23;57:23 Restate (1) 13:22 return (4) 32:14,22;36:22; 37:14 returned (1) 32:12 reverts (1) 33:24 review (1) 66:13 reviewing (1)	20:10 rhetoric (2) 9:22;49:15 Rice (21) 8:25;16:2,2,3,5,6, 12,19,25;17:1,2,3; 24:2;40:13;41:19; 46:24;55:24,25;56:7, 17;63:20 rid (1) 65:25 right (41) 9:6;10:2;12:14; 15:14,25;16:10;17:7, 13;20:5;27:3;29:24; 31:11;35:11;36:10; 37:10,14;39:2;41:3; 43:21;46:25;54:12, 17;55:1,12,24;56:4,5, 7,10,17;57:3;60:21; 61:15;62:10,10,16; 63:14,23;64:4,6,7 right-of-way (2) 35:20,22 rights (9) 7:14;49:2,6,16,18, 18,19,19;63:24 risk (3) 21:25;22:1,6 River (1) 8:25 rivers (2) 61:9;63:21 road (4) 9:12;10:16;48:3,4 roads (4) 8:14,15;9:14;48:18 roadways (1) 8:8 Rock (3) 12:11;41:20;61:5 role (2) 13:5,5 rolled (1) 61:10 room (2) 29:10,14 roots (2) 24:12;40:12 roughly (3) 10:22;12:24;38:17 round (2) 61:11,12 route (9) 22:2;34:10;46:20, 22;48:5;53:15,16; 57:11;66:6 routes (1) 49:4 row (1) 16:24 rules (1) 34:23
Q				
quantified (1) 50:17 quantify (1) 10:18 quick (1)				

<p>run (2) 36:18;42:14</p> <p>running (4) 8:11;9:3;42:16; 57:7</p> <p>rural (1) 9:14</p> <p>RUSS (5) 33:21,21;35:5,9,15</p>	<p>seeing (1) 10:19</p> <p>seems (2) 23:16;45:12</p> <p>sell (2) 44:19,19</p> <p>Senator (1) 65:20</p> <p>send (5) 4:18;18:15;31:8; 60:24;67:9</p> <p>sense (3) 19:21;28:24;66:16</p> <p>sensitive (3) 51:19;52:2,19</p> <p>sent (1) 6:17</p> <p>September (4) 38:18,18;39:3,4</p> <p>series (1) 39:6</p> <p>set (2) 8:19;32:6</p> <p>seven (2) 28:1;56:8</p> <p>several (5) 12:25;17:8;29:6; 39:23;66:20</p> <p>shale (1) 42:17</p> <p>SHEILA (5) 8:2,2;12:4;19:22; 30:9</p> <p>S-H-E-I-L-A (1) 8:2</p> <p>Sheriff's (1) 9:8</p> <p>shot (1) 61:19</p> <p>shovel (1) 58:5</p> <p>show (8) 16:9;20:19;49:24; 50:19;52:21;53:19; 56:13,14</p> <p>showing (1) 48:14</p> <p>shows (2) 5:20;57:4</p> <p>side (1) 62:23</p> <p>significant (2) 5:21;34:9</p> <p>similar (1) 33:13</p> <p>simple (2) 56:11,12</p> <p>simply (1) 65:1</p> <p>single (1) 24:14</p> <p>sit (1) 9:21</p>	<p>site (1) 59:10</p> <p>sites (7) 15:20,23;17:13; 49:24;61:15;62:7; 63:5</p> <p>sits (1) 35:3</p> <p>sitting (3) 9:5;31:1;47:6</p> <p>six-month (1) 16:10</p> <p>small (2) 63:17,18</p> <p>smallest (1) 55:19</p> <p>snapshot (1) 5:2</p> <p>soil (2) 14:11;16:15</p> <p>solution (1) 52:6</p> <p>somebody (9) 22:24;45:9;47:10, 21;58:4;59:10;60:11, 20;63:4</p> <p>somebody's (1) 47:21</p> <p>somehow (1) 65:13</p> <p>someone (3) 25:22;30:16;58:25</p> <p>someplace (1) 27:14</p> <p>sometime (1) 20:12</p> <p>somewhere (4) 47:18;62:16;63:10; 64:2</p> <p>sorry (3) 7:19;32:5;60:18</p> <p>sorts (1) 37:21</p> <p>sound (2) 28:24;54:12</p> <p>Sounds (2) 44:23;45:2</p> <p>sources (2) 15:11;17:11</p> <p>south (1) 59:23</p> <p>sovereign (3) 49:2,14,16</p> <p>speak (6) 7:17;18:7;25:23,24; 64:14,15</p> <p>speaking (2) 16:16;45:11</p> <p>special (1) 61:8</p> <p>specialty (1) 59:14</p> <p>speed (3)</p>	<p>8:12,13;9:13</p> <p>spell (2) 7:20;65:21</p> <p>spelled (1) 10:13</p> <p>spill (1) 16:17</p> <p>spilled (1) 14:20</p> <p>spills (3) 9:23,25;10:2</p> <p>spoke (1) 65:11</p> <p>spring (3) 43:19;44:12;55:3</p> <p>squeeze (1) 29:14</p> <p>St (2) 17:2;39:7</p> <p>stability (1) 40:22</p> <p>stable (1) 40:25</p> <p>stacked (4) 20:15;21:9,10,15</p> <p>staff (3) 26:19,21;66:2</p> <p>staffs (1) 51:20</p> <p>staging (1) 8:24</p> <p>Stamens (1) 14:17</p> <p>stamped (1) 67:12</p> <p>stand (2) 39:12;45:7</p> <p>Standing (3) 12:10;41:20;61:5</p> <p>stands (1) 49:11</p> <p>start (13) 21:21;22:8;26:4; 27:11;38:17;39:3; 42:16,23;43:5,6;47:4; 55:17;65:25</p> <p>started (5) 27:12,13;42:19; 53:5;54:14</p> <p>starting (2) 42:14;49:20</p> <p>starts (1) 44:12</p> <p>state (19) 7:20;9:8;12:19; 21:16;22:1;34:12,16; 35:12;36:23;37:15; 49:17;51:6,6;55:25; 59:19;65:12,15;66:8; 67:3</p> <p>stated (1) 50:11</p> <p>statement (11)</p>	<p>5:9;6:15;7:13; 19:24;23:4;49:20; 55:11;56:21;66:3,10, 21</p> <p>statements (3) 18:6;49:6;50:3</p> <p>states (2) 10:17;66:11</p> <p>state's (2) 20:6;49:9</p> <p>stay (2) 11:14;66:23</p> <p>step (2) 58:5,13</p> <p>still (5) 15:23;20:25;39:11; 44:18;61:15</p> <p>stood (1) 61:18</p> <p>stop (2) 11:7,7</p> <p>stopping (1) 46:7</p> <p>story (2) 6:20;22:23</p> <p>straight (1) 37:10</p> <p>strategy (1) 48:7</p> <p>strong (1) 60:4</p> <p>strongly (2) 38:3;65:2</p> <p>studied (1) 45:23</p> <p>study (6) 14:12;15:2;40:10; 50:8,19;55:11</p> <p>stuff (6) 24:16,16,18,19; 42:15;45:24</p> <p>stumped (1) 51:9</p> <p>subjective (1) 27:23</p> <p>substantive (1) 19:7</p> <p>sugar (1) 24:3</p> <p>suggestion (1) 13:17</p> <p>summary (2) 4:21,24</p> <p>sums (1) 32:15</p> <p>sun (1) 43:8</p> <p>super (2) 22:22;66:15</p> <p>Superior (1) 11:6</p> <p>supersede (1) 56:2</p>
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support (2) 50:24;65:23 supported (1) 50:25 supposed (1) 10:18 sure (7) 19:11;26:20;30:25; 39:15;25;46:14;52:21 suspect (1) 36:9 sustain (1) 29:8 sustainable (1) 25:18	tentative (2) 38:16;19 term (1) 27:25 terms (1) 29:4 terrible (2) 37:11;66:22 territories (3) 49:3,4;54:9 test (1) 14:11 tested (1) 34:5 testimony (1) 7:8 Texas (2) 10:20;66:11 Thanks (1) 25:20 therefore (1) 45:11 thinking (10) 14:13;17:9,10; 43:17;44:16;46:2; 47:5;54:13;60:19 third (1) 6:23 third-party (1) 59:18 thought (5) 41:25;48:6,11,19; 51:1 thoughts (1) 48:23 thousand (3) 18:17,21,22 thousands (6) 5:1,12,13,14,16; 18:15 THPOs (1) 51:20 three (1) 9:22 throughout (2) 12:23;61:4 throw (1) 45:7 thus (1) 50:13 till (1) 45:19 timber (1) 16:20 times (2) 10:2;14:13 tiny (1) 24:11 today (3) 17:6;18:1;24:1 together (6) 6:12;37:1,2;53:19; 61:9;66:3	told (6) 22:22,24;47:13; 53:8;55:16;61:14 tonight (3) 4:15,17;67:10 took (1) 63:9 top (1) 9:1 topic (1) 31:2 TOPPING (8) 5:6,10,14;30:17; 54:10,11;58:8,15 touch (1) 64:10 towards (3) 12:9;13:19;15:10 town (1) 63:9 toxins (2) 11:14;16:17 track (1) 19:16 tracks (1) 41:7 traditional (1) 6:21 traffic (1) 9:9 train (1) 41:7 transcript (1) 7:22 transparent (2) 20:19;66:24 treated (1) 18:20 treaty (5) 5:21;49:4,6;53:7; 63:24 tree (1) 40:12 trees (2) 43:19;56:23 trench (1) 29:17 tribal (21) 4:7;6:8;15:13;26:5, 8,18;31:5,6;36:25; 39:21,22;48:25;49:6, 12,19,24;50:10;51:2, 4,7,20 tribe (3) 36:25;37:13;49:2 tribes (6) 5:23;6:17;26:16; 49:7;50:4;53:18 tribes' (1) 39:20 tried (3) 17:18;62:12,14 trillium (2)	24:9,11 trucks (3) 8:8,11;9:3 truly (1) 51:12 try (3) 27:4;28:23;66:16 trying (11) 19:10;43:22;44:3, 25;46:22,23;47:21; 48:23;52:11;59:8; 64:5 turtle (1) 57:21 turtles (1) 56:19 two (4) 8:19;9:22;19:22; 29:18 two-lane (1) 8:14 type (2) 12:10;50:8 types (3) 7:10;8:13;38:5 typically (1) 52:13	upsetting (1) 44:13 urge (1) 26:24 use (24) 9:22;15:16,19,23, 25;16:1,2;17:13;24:9, 12,13,13;30:5;41:19; 42:17;43:7,8,8,8,9; 44:4,18;65:6,6 used (5) 17:3;27:25;28:22; 29:5;63:20 uses (2) 15:16,17 using (4) 15:11;42:23;43:3; 48:7 usually (1) 11:2 Utilities (7) 20:8;27:16;33:14; 36:2;51:3;52:12;65:8 utility (1) 4:22 utilize (1) 64:22 utilized (1) 24:15
T			U	V
table (1) 61:11 talk (12) 18:1;22:20;26:2; 44:1;45:6,8,9;48:22; 63:6;67:7,7,10 talked (9) 19:23;23:12,12; 24:2;42:13,14,15; 48:3;54:15 talking (10) 9:3;16:5;31:19; 35:6;40:8;42:19; 44:16;45:25;48:1; 55:10 tap (1) 43:19 tax (3) 32:13,21;44:25 taxations (1) 31:25 taxes (8) 32:5,6,11,12,19; 33:10,12;37:9 taxpayers (2) 8:9;44:25 taxpayers' (1) 9:11 tea (1) 24:10 teacher (3) 42:12,20,20 team (1) 59:20 tear (2) 10:16;61:18 technical (4) 17:19,21;26:19; 66:2 technically (2) 35:23;45:11 technology (1) 17:6 ten (2) 57:22;64:3			Um-hum (1) 33:20 unacceptable (1) 17:15 uncommon (1) 18:15 under (1) 61:7 understands (1) 59:21 unfortunately (3) 53:1,10;66:9 UNIDENTIFIED (2) 30:22;38:13 union (1) 10:21 unnecessary (2) 15:9;17:5 unpack (1) 27:5 up (36) 6:23;8:11;10:10,12, 23,24;20:15;21:9,10, 15;22:4,25,25;28:25; 34:14;36:2,20,24; 40:3;41:17,18;42:17; 45:8;46:4;47:4;48:2, 3,8;54:15,20;59:6,6; 62:7,21;63:3,16 upheaval (1) 58:9 upsets (1) 44:8	vacate (1) 14:13 value (4) 50:18,20,21,22 values (2) 44:2;48:14 vast (1) 52:8 video (1) 16:10 violation (1) 21:20 visit (3) 44:2;45:9;63:7 visually (2) 50:6;54:1 voice (1) 51:7 void (1) 10:18 volunteer (1) 60:9
				W
				wait (1) 55:5 waiting (1) 48:17 walk (1) 23:15

walking (1) 23:14	wife's (1) 61:16	8:6;50:3;65:1	
wants (2) 30:4;35:9	Wild (17) 16:2,2,2,5,6,12,18, 25;17:1,2,3;24:2; 55:24,25;56:7,17; 57:2	wrong (1) 60:4	5
watch (3) 62:25;63:4;64:2	willing (1) 52:5	wrote (1) 59:16	5,000 (1) 26:5
watched (1) 17:1	wind (1) 43:8	Y	5,000-page (1) 49:13
watching (1) 47:6	wire (1) 9:1	yards (1) 9:2	50 (1) 17:7
water (9) 9:17,19;56:6,14,15, 16;57:24;61:7;64:4	Wisconsin (2) 6:18;53:22	year (6) 9:23;12:24;16:22, 24;20:12,12	500 (1) 8:22
waters (2) 16:3,17	wish (1) 39:11	years (8) 9:21;16:25;17:8; 41:7;42:20;54:7,7; 61:2	53 (1) 16:25
watershed (2) 9:18;11:9	wishful (1) 14:12	yesterday (1) 9:4	53rd (1) 16:24
waterways (3) 11:6;41:19;43:9	within (2) 29:10;62:19	young (1) 17:2	7
way (39) 11:4;14:13,25;20:2; 25:14;29:6;30:20; 40:24,24;42:6;43:18, 21;44:1,9,10;45:4,18; 46:6,11;47:20;48:18, 19;50:11,12,22;52:4, 18;53:16,25;56:7,14; 57:15;58:14;60:11; 61:12;62:1;63:11; 64:20;66:8	without (6) 21:21;22:16;23:7; 27:11;58:3;66:13	youth (2) 43:20;44:13	70s (1) 42:21
ways (4) 28:1;41:6;43:7; 49:16	witnessed (1) 55:1	1	8
wear (1) 10:16	witnesses (3) 37:24,25;38:2	10 (1) 9:3	800 (1) 9:20
week-long (2) 39:6,6	wondering (2) 20:1;31:23	10th (2) 18:2;67:12	9
weepage (1) 57:13	woodlands (1) 59:22	15 (1) 9:3	9 (4) 30:19,21,25;31:3
weight (4) 17:25;18:3,18;50:7	woods (3) 43:19;47:8;57:7	2	90 (1) 16:18
weighted (1) 18:20	woodwork (1) 25:11	2018 (1) 20:13	
welcome (1) 7:11	wool (1) 47:21	210 (1) 8:11	
whatnot (2) 55:9;57:4	words (2) 30:6,6	22 (3) 18:8,9,12	
what's (12) 4:20;5:2;11:8;28:6; 31:2;42:1;43:3;45:1; 54:1,3;62:9,9	work (5) 12:18;22:4;34:5; 36:11;51:25	23 (2) 49:10;58:9	
wherever (2) 46:21;55:24	workers (1) 10:21	26th (2) 38:18;39:4	
white (1) 60:17	working (3) 5:23;14:7;46:8	3	
whole (7) 9:2;15:21;32:3; 35:7;46:20;53:2; 63:22	works (1) 33:7	3 (9) 10:8,11,22;11:14; 14:10,25;26:10; 29:16;33:24	
Who's (2) 9:7;34:1	world's (2) 64:3,4	30 (1) 61:6	
wife (3) 47:15;60:9;61:5	worried (4) 46:12,16;47:16,16	35 (2) 8:15;9:4	
	worst (1) 10:2	4	
	wreck (1) 42:1	40 (1) 61:6	
	wrestle (2) 34:12;36:3		
	write (5) 18:2;26:13;39:15; 67:8,9		
	written (3)		