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BUREAU OF LAND MANAGEMENT  
Vegetation Treatments Programmatic EIS and ER  
For the Western U.S. and Alaska

Public Hearing

Thursday, December 1, 2005

7:00 PM

Marriot Pyramid  
5151 San Francisco Road, NE  
Albuquerque, NM 87109

Lisa Reinicke

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1                   MR. AMME: We'll go ahead and start this  
2 thing. I'll just give the introductions. I'm  
3 Brian Amme. I'm the Program Coordinator and Project  
4 Manager for this project. I welcome you tonight and  
5 appreciate you coming to find out more about the  
6 project.

7                   Let's get started with the next briefing for you,  
8 as well as finding out more about the project and where  
9 we're going from here.

10                  And I'd introduce everybody, but I think you all  
11 know each other. Gina Ramos, Co-Team Lead in the  
12 Washington office; Bud Crisley is the Admissions Chief  
13 for the Vegetations Program in Washington.  
14 Stuart Paulus is our Project Manager for ENSR  
15 International and PEIS. Carl Gossard is the Assistant  
16 Director of Fire Operations in Washington. Bernie Smith  
17 is here from the State Office of New Mexico.  
18 Dr. Richard Lee is here, Test Site Coordinator from  
19 Denver Technology Center.

20                  And so as housekeeping business, there's  
21 restrooms right around the corner. And that's about all  
22 I have at this point, so not much to tell about that.

23                  Anyway, I will let Stuart take it over with the  
24 Powerpoint briefing, and we'll move on from there.  
25 Thank you.

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1 DR. PAULUS: I want to thank you for coming to  
2 tonight's public hearing on the Bureau of Land  
3 Management's Vegetation Treatments Programmatic EIS and  
4 Environmental Report for the Western U.S. and Alaska.

5 The purpose of this public hearing tonight is  
6 threefold: To help the public understand, in this case  
7 the BLM to understand their own program; to help the  
8 public understand the BLM's proposal to treat vegetation  
9 for up to 6 million acres annually in the Western U.S.  
10 and Alaska. Right now the BLM treats about 2 million  
11 acres annually, and those will be bumped up to about  
12 6 million acres annually.

13 And you might ask: How do they come up with this  
14 number? This is basically developed by going out to the  
15 different field offices and asking them how many acres  
16 they propose to treat over the next three years, and  
17 also the next ten years; what types of treatments; what  
18 types of vegetation will be treated; and what types of  
19 methods. And from that we came up with the number of  
20 about 6 million acres, so that's where that number came  
21 from.

22 The other purpose of tonight's meeting is to  
23 explain the role of the Programmatic EIS, and also the  
24 Programmatic Environmental Report. This project is a  
25 little different from some you probably have seen in the

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1 past where it was just EIS produced. This project also  
2 has environmental reports produced and also biological  
3 assessment and privately supported reports that we've  
4 actually looked at via CDs or downloaded from the BLM  
5 website to review some of the documents that are out  
6 there. Once these documents are prepared we intend to  
7 submit an environmental report along with EIS, and we'll  
8 discuss later how that fits into the whole mix.

9           And finally the last goal tonight is to solicit  
10 comments from the public on issues they felt should be  
11 addressed to EIS, should be better addressed to EIS, or  
12 perhaps alternatives they would like to see addressed to  
13 EIS.

14           What I was told by -- I don't know if it was Carl  
15 or Richard -- the history of the BLM is already in this  
16 room, so I'll just go ahead and skip this slide and move  
17 on rather quickly. The BLM was founded in 1946 with the  
18 goal of serving the current and future publics and  
19 restoring and maintaining the health of the land. For  
20 many, many years the BLM has restored and maintained the  
21 health of the land.

22           The BLM administers nearly 262 million acres of  
23 service lands and about 700 million acres of subsurface  
24 mineral lands. Nearly all of the service lands are in  
25 the Western U.S., including Alaska, as shown in this

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1 little diagram here. If you're familiar with where BLM  
2 lands are, they're actually right in the central parts  
3 of the U.S. Most people don't even realize it.

4 And then Alaska doesn't look like it has a lot of  
5 acres up there, but, in fact, there are about 80 million  
6 acres of BLM land in Alaska, so there's a good chunk  
7 right up there.

8 So what is BLM proposing to do and why?  
9 Obviously we mentioned before, they're proposing to  
10 treat up to 6 million acres annually in the  
11 Western U.S., and that includes Alaska, using the five  
12 primary treatment methods; mechanical, manual,  
13 biological control methods; prescribed fire, and the use  
14 of herbicides.

15 The reason the BLM is doing these treatments, one  
16 of the main reasons, is to reduce hazardous fuels and  
17 reduce the risk of wildfires. I know that Carl will  
18 back me up on this, but I saw on TV last night that they  
19 said this was actually the worst fire season ever with  
20 8 million acres burned.

21 MR. GOSSARD: 8 and a half.

22 MR. PAULUS: 8 and a half million acres  
23 burned, so despite all the acres that have burned over  
24 the last decade, I guess there's still a few more to be  
25 burned. There still are, so a lot of this is being done

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1 to reduce hazardous fuels and especially to  
2 wildland-urban interface areas to reduce the risks to  
3 people and their property.

4           The other major goal is to remove and control  
5 weeds. Weeds are continuing to spread throughout the  
6 west. It's estimated that they're doing about a  
7 fourfold increase in the number of acres of weeds on  
8 public land in the past 15 years or so, so it is  
9 increasing, and it is still a problem.

10           The other major concern or reason for doing these  
11 treatments is to restore and rehabilitate damaged lands,  
12 those that have been ultimately been damaged by all the  
13 fires in recent years. Obviously there's been millions  
14 of acres burned, pretty severe fires that have obviously  
15 harmed quite a bit of lands that need to be restored and  
16 rehabilitated.

17           And, finally, the overall team goal is to improve  
18 ecosystem health while at the same time also to improve  
19 the water quality and improve and provide a quality  
20 habitat for fish and wildlife.

21           Just a quick overview of the methods, which I'm  
22 sure all of you are familiar with so this is nothing  
23 new; mechanical methods, equipment such as tractors,  
24 other types of cutting equipment, drill seeders, and  
25 things like that.

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1           Prescribed fire, using fire to treat hazardous  
2 fuels and remove vegetation. In some places, especially  
3 in Alaska, actually using natural fire in a prescribed  
4 burn situation to improve vegetation. And I guess about  
5 half of the acres that have burned this year have been  
6 in Alaska. I was up there about a year or so ago and  
7 there was just smoke everywhere, so Alaska is getting  
8 more than their fair share of fires.

9           The third most important method in terms of acres  
10 treated are herbicides or chemical treatments. And  
11 that's done using a helicopter and ATV to spray.

12           The fourth most common method for treating  
13 vegetation are biological control methods, and that's  
14 using domestic livestock to contain vegetation, or  
15 perhaps using insects or pathogens to control vegetation  
16 so it'll die off or it won't grow quite as profusely.

17           Finally, the least common method, in terms of  
18 acres treated, is manual control using chainsaws, hose,  
19 axes, things like that to control vegetation.

20           In addition to evaluating the effects of treating  
21 up to 6 million acres annually, there are a few other  
22 things we hope to accomplish in the EIS. One of the  
23 biggest ones is to evaluate the risk to humans, plants,  
24 and animals before the herbicides on BLM land will be  
25 used; diflufenzopyr, diquat, fluridone and imazapic.

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1           Diquat and fluridone are primarily aquatic  
2 herbicides, and diflufenzopyr and imazapic are  
3 terrestrial herbicides. So, in fact, when people have  
4 asked what the heck we've been doing over the last four  
5 years or so, a lot of time is spent doing this risk  
6 assessment, doing this analysis of the risks of using  
7 not only these herbicides, but also some which we are  
8 currently using to determine what the risks were to  
9 humans.

10           A lot of that's been done in the past in terms of  
11 what the risks were, but especially the risks to salmon  
12 and other threatened endangered species, with not only  
13 some of the new herbicides, but also of the old ones.  
14 There was a study done years ago by the BLM, but they  
15 didn't look very carefully at the risks to some of the  
16 threatened endangered species and other plants and  
17 animals.

18           The other thing as part of doing the risk  
19 assessment was the desire to also develop a protocol for  
20 doing risk assessments in the future. In doing the risk  
21 assessments, we spent a lot of time coordinating with  
22 the Environmental Protection Agency, the U.S. Fish and  
23 Wildlife Service, and NOAA National Marine Fishery  
24 Service to come up with a methodology that all can agree  
25 on would adequately assess the risks to humans, plants

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1 and animals. And obviously the Fish and Wildlife and  
2 the National Marine Fishery Service were most concerned  
3 with the threatened endangered species, but obviously we  
4 want to look at the whole gammet of plants and animals,  
5 as well.

6 And there was, I would say, two years of  
7 negotiations in coordinations and developing protocols  
8 and whatnot to get to where we are today. So we feel  
9 like we've kind of got a state-of-the-art protocol put  
10 together through these risk assessments; and hopefully  
11 it's something that the folks of the outhearing board  
12 can use to evaluate new herbicides and microzones you  
13 would like to use and not start all over from ground  
14 zero.

15 To have a protocol in place, the agency can now  
16 use that to evaluate new herbicides and the production  
17 of the Environmental Policy Act Process hopefully will  
18 move a lot faster than four years.

19 Thus the role of the programmatic EIS, as you all  
20 know, federal agencies are required to provide and  
21 prepare a programmatic EIS if there is a potential for  
22 significant environmental impacts.

23 But this EIS really focuses primarily on the  
24 effects of the herbicide treatments. Herbicide  
25 treatments for the central issues of identifying during

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1 scoping, and it was also the central issue that was  
2 identified in EIS and BLM in the late 1980s and early  
3 1990s. And also this also arose to discussions with the  
4 Council of Environmental Quality in which they said  
5 let's focus on the use of herbicides, that's really the  
6 main issue of concern here.

7           Thus the programmatic EIS simply analyzes the  
8 effects of natural and social resources from the use of  
9 herbicides currently available to the BLM, and also the  
10 four herbicides that are used by the BLM.

11           As part of the EIS process we came up with five  
12 alternatives that we felt kind of addressed the range of  
13 potential uses of herbicides, including one alternative  
14 that did not allow the herbicide use.

15           The first one, alternative A, which is a  
16 no-action alternative, basically looks at the situation  
17 today, what is the BLM doing today, and assumed that it  
18 would be carried forward at about the same level. Right  
19 now the BLM treats about 300,000 acres annually with  
20 herbicides, so with alternative A, you will continue to  
21 treat about 300,000 acres annually.

22           In addition to alternative A, treatments would be  
23 allowed in 14 western states, not 17, as in the current  
24 proposal, and also you would be able to use 20 different  
25 herbicides that are currently available to you. Right

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1 now of those 20 that are available, you really use only  
2 about 14. There are 6 that you rarely use or haven't  
3 used at all in the last 5 or 6 or 7 years. But you  
4 would still have that opportunity to use all 20, some of  
5 them like atrazine and fosamine are some that you rarely  
6 use or haven't used in years. You could use them but  
7 probably won't under alternative A.

8 Under alternative B, which is the preferred  
9 alternative, first of all, increase the number of acres  
10 treated overall. For all treatments we're going to  
11 treat 6 million potentially. For herbicides we're going  
12 to about 930,000 acres. So we're looking at about a  
13 three-fold increase in herbicide use.

14 We're going to now be able to treat 17 states  
15 versus the 14 we currently treat. The relevance here,  
16 we're going to pick up Texas, Nebraska, and Alaska.  
17 Right now we don't anticipate any treatments or very few  
18 treatments in Alaska, and the main concern is the use of  
19 herbicides up there, but they still want the opportunity  
20 to use them sometime in the future if the need arises.

21 The other thing under alternative B, and also  
22 under alternatives D and E, is that you would only be  
23 able to use 14 herbicides plus the 4 new ones. The 14  
24 that are currently available herbicides are basically 6  
25 that haven't been used at all in the last 7 years are

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1 now off the table; you will not be able to use them at  
2 least for now.

3           You would be able to use the 4 new herbicides,  
4 and there is a potential that, if there was ever a need  
5 to use those 6 herbicides, you would have to conduct a  
6 risk assessment, or maybe the Forest Service conduct the  
7 risk assessment to be able to use the herbicides, but  
8 right now they are off the table.

9           Under alternative C you would not be able to use  
10 herbicides. You want to have an alternative that says  
11 basically what happens if you don't use herbicides, and  
12 that's alternative C; you would use the other four  
13 treatment methods.

14           Under alternative D, no arial sprays of  
15 herbicides and the concern over drift off public land  
16 that are outside the target area. By not having an  
17 ariel spray, obviously, that risk is much less than if  
18 you did have an ariel spray.

19           And then finally the last alternative is  
20 alternative E, and this alternative was submitted to the  
21 BLM by a coalition of environmental groups, the  
22 Ecosystem Alliance Coalition is its name, and their  
23 proposal actually is about 30 pages in the back of the  
24 EIS appendix. As it relates to herbicides, probably the  
25 key element of their proposal is to not allow the BLM to

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1 use acetolactate synthase-inhibiting herbicides.  
2 Basically these are pretty potent herbicides and if they  
3 have the chance to drift off the target area they can  
4 cause some serious damage if they cross with the  
5 non-target vegetation.

6           Some other things they don't want are spray in  
7 certain areas that might contain amphibians and any  
8 types of herbicide treatments near culturally sensitive  
9 areas as well. Again, the 30-day proposal covers all  
10 the different methods of herbicides that are under  
11 consideration and talk.

12           The herbicides that would not be allowed under  
13 this alternative include chlorsulfuron, imazapyr,  
14 metsulfuron methyl, sulfometuron methyl, the four which  
15 currently are in use; and then another new herbicide  
16 being considered is imazapic.

17           As many of you probably know, the BLM obviously  
18 treated vegetation for many years; and, in fact, EISs  
19 were done a decade or so back. Before the EISs were  
20 done, vegetation treatments, back in the late 1980s to  
21 early 1990s, but they were more regionally focused than  
22 this EIS. You can kind of see, from the map, one of  
23 them, the one at the far top right is a 13-state EIS and  
24 one of the 14 states.

25           Then you have the Northwest EIS, this one focuses

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1 on the Northwest. The western Oregon EIS, and then the  
2 EIS that was done specifically for California.

3           So, again, EISs were done at that time and there  
4 were some things that were not done at that time that  
5 were finally covered by this EIS. First of all, the  
6 number of acres that have been treated actually under  
7 the EISs themselves would only be about 500,000 acres.  
8 There has been additional legislation and policy since  
9 then that has allowed that to bump up to about 2 million  
10 acres, as long as it's related to fire rehab and fire  
11 treatments. But, again, you're still capped at about  
12 2 million acres, so that 6 million acres is one of the  
13 reasons for doing the EIS.

14           The other EIS, as I mentioned, will cover Alaska,  
15 Nebraska, and Texas and how those states come into play.  
16 They did not evaluate the herbicides that we're looking  
17 at in the new EIS. They did not develop the protocol.  
18 And as I mentioned, way back in the beginning, they  
19 really didn't evaluate the risk to especially plants and  
20 animals all that well.

21           So the 14 herbicides and the new herbicides, we  
22 look at what the Forest Service has done in recent years  
23 and our own risk assessments that are part of this EIS,  
24 and we did a very close and careful look at these  
25 chemicals to make sure they are safe to use around

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1 humans and, in particular, around plants and animals and  
2 especially endangered species.

3           So now you have a little more support in that  
4 area. And we also prepared a biological assessment that  
5 covers, I'm going to say, about 340 species that we've  
6 identified on non-public land in the Western U.S. and  
7 Alaska, and they actually covered all 5 treatment  
8 methods so you have some support there using the  
9 biological assessments.

10           The programmatic ER is a little different beast.  
11 If you go look up front, you've got two volumes that  
12 support EIS. Number one is the main part of the  
13 document and all the appendices that are in volume two.

14           There's a programmatic ER; that's one volume. It  
15 also has the appendices. But the ER basically focuses  
16 on the non-chemical treatments, so there you're going to  
17 find the discussion to treat the current situations as  
18 it relates to the use of prescribed fire and manual and  
19 mechanical and biological control methods and also the  
20 effects of using those treatments to develop some sense  
21 of minor treatments of herbicide to vegetation.  
22 Basically that document focuses on going forward with  
23 that.

24           It was not felt, through discussions and scoping  
25 and talks with the CQ, that it was necessary to use EIS

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1 for those treatment methods in the city because it was  
2 related to them, so to put them in the ER, we didn't  
3 worry about them as far as the EIS.

4           The reason we need an ER at all -- it was nice to  
5 look at the effects -- but there was two driving forces  
6 behind this. One, we had to prepare a human of impact  
7 analysis as part of EIS. And part of that analysis,  
8 especially since one of the alternatives does not  
9 involve the use of chemicals, we had to look at the  
10 effects of the other treatment methods, so we needed a  
11 vehicle to help us evaluate the effects of the other  
12 treatment methods and then carry that forward into the  
13 human impact analysis EIS, so that was one reason.

14           And the other big reason was Fish and Wildlife  
15 Service and NOAA Fishery Service were not only concerned  
16 about the effects of these herbicides on threatening the  
17 endangered species, but how would the other treatment  
18 methods effect these species, especially when using two  
19 or three treatment methods in one area. You couldn't  
20 just talk about herbicides without discussing some of  
21 these other methods.

22           So, again, if you look at the biological  
23 assessment, it covers all treatment methods the ER  
24 supports it, as does the EIS. It gives a nice vehicle  
25 there so the services can evaluate the concerns based on

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1 the treatment and the whole program. And we'll know, in  
2 another month or two, the outcome of that.

3 In terms of the importance of each treatment  
4 method under the preferred alternative and also what  
5 we're doing today, what I have labeled as "Old EIS," is  
6 kind of how you treat your acres today throughout the  
7 Western U.S. on a percentage basis. So, again,  
8 prescribed fire mechanical treatments constituted the  
9 bulk of the treatments. Herbicides treatments are about  
10 16 percent. You have biological, which is a little bit  
11 less than that.

12 If you look at the new EIS in terms of looking at  
13 what we're going to do in the future, the preferred  
14 alternative, you can see there's an increase of  
15 mechanical and fire acres that will be treated on a  
16 percentage basis. Herbicide treatments, over the study  
17 are about 16 percent, while biological control and  
18 manual treatments dropped.

19 Now, again, keep this in the context of the  
20 number of acres is tripling. So, in fact, on an acre  
21 basis all five methods will increase in acreage, but on  
22 a percentage basis some will be going up, some holding  
23 steady, and some going down.

24 But each state we've gone to I've done a call  
25 out, kind of asking, "Are you interested in this," and

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1 most of them are interested so far.

2 Right now about half of your acres you treat --  
3 or at least from some information obtained -- about half  
4 with prescribed fires and about half with herbicides.  
5 Very few, less than 10,000 acres, with the other  
6 treatment methods.

7 In the future, same breakdown, I would say  
8 92 percent of the acres will be treated by prescribed  
9 fires and herbicides, pretty equally weighted, and only  
10 a few thousand acres using biological control, and  
11 mechanical and manual, and the number you gave us is  
12 about 15,000 acres. This states heavily towards fire  
13 and herbicides.

14 I was in Utah yesterday. They were looking at  
15 California, who was heavy for biological control. Utah  
16 was very heavy in mechanical; they had very high  
17 mechanics. So in each state we're still looking for the  
18 average state, and we haven't found it yet.

19 So where do we go from here? Key dates, scoping  
20 meetings were held way back in January and March  
21 of 2002. The project actually started the following  
22 2001, after 9/11, I guess. In January and March we had  
23 the scoping meetings and right after EIS was released to  
24 the public on November 10th of this year.

25 We are currently having the public meetings,

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1 there will be ten public meetings. This is our fourth.  
2 Next week we go to Grand Junction and then to the other  
3 states to finish up with the meeting in Washington D.C.  
4 and then the city of Las Vegas.

5 So over the next two and a half weeks we'll  
6 finish up the meetings. The comment period ends on  
7 January 9th. And then we'll start using those comments  
8 to prepare the final EIS. That's projected to come out  
9 in late spring. Public review will occur once the final  
10 is out to review and that will have at least 30 days to  
11 review, and it's anticipated a decision will be out  
12 sometime this summer.

13 Brian, I can't remember, is it the first of July  
14 or the end of July?

15 MR. AMME: July.

16 MR. PAULUS: July. So it won't be that much  
17 longer.

18 So what can you do to help? Well, for most of  
19 you here -- we don't have much public here, per se --  
20 but for the rest of you, review the documents,  
21 especially you folks are going to be best able to find  
22 the flaws. And we've had flaws yesterday and a whole  
23 lot more as we go on.

24 But look through it and let us know. Obviously,  
25 a number of you have reviewed the documents that is in

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1 the process of being prepared. If you think there's  
2 things that we missed or if there's a better  
3 alternative, let us know that.

4           You can get hard copies. If you want hard  
5 copies, we can send those out, quite a few to each  
6 state. Hopefully they got distributed in the field  
7 offices. In some states I think they're still sitting  
8 on the loading dock. We're letting you know those went  
9 out weeks ago, so hopefully they're out there. If you  
10 want extra copies Brian has got about 6 cases or  
11 something he said.

12           MR. AMME: Contact me.

13           MR. PAULUS: You can get a copy.

14           CDs, I brought extra copies of the CDs; it is a  
15 two-CD set so make sure make sure they're different, it  
16 should be stated on the title there.

17           You can go to the website. The folks in Denver  
18 put together a website. They did a nice job.  
19 Everything is there.

20           And if you can look at the hard copies, you know  
21 they're about this long and this thick put together. I  
22 would say to look at all the documents prepared to  
23 support the EIS in something like this.

24           There are 10 risk assessments, air quality  
25 modeling done for the environmental part of the

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1 documents. They didn't print them a hard copy, but they  
2 are on the website and the CD. Each risk assessment is  
3 like 150 pages plus other pages of supporting documents,  
4 so quite a bit there if you get bored during the  
5 holidays and need some reading time.

6           Once you've looked at them, if you have any  
7 comments or issues or concerns about alternatives we  
8 should address, let us know, so we can get that to the  
9 final. And then, obviously, you're on the mailing list,  
10 and so if you'd like to mail something to us, you're  
11 welcome to do that. And this is where you can send your  
12 comments if you have any.

13           Obviously Brian is the primary contact, so you  
14 can mail them to Brian, and we actually provided a  
15 comment sheet up front. If you want to submit any  
16 comments, just fill it out on the sheet. You can also  
17 let us know if you'd like to receive a final EIS or be  
18 put on the mailing list or receive additional  
19 information, you can turn that in and give it to us  
20 tonight.

21           You can fax in the comments or the sheets to  
22 Brian. His fax number is (775) 861-6712, or you can  
23 e-mail him, that's probably the easiest, at  
24 [vegis@nv.blm.gov](mailto:vegis@nv.blm.gov).

25           Again, comments are due by January 9, 2006, so

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1 make sure you get them in by then. If they don't make  
2 it in, they may not be considered.

3 That's all I have. I'll now turn it over to  
4 Gina.

5 MS. RAMOS: Good evening. I'm Gina Ramos,  
6 tonight's Hearing Officer, and I would like to  
7 officially call this discussion hearing to order.

8 As Stuart said, this is an opportunity for the  
9 public to provide formal comments. And unlike the open  
10 house we will not be answering questions. We'll only be  
11 receiving formal comments on the EIS. So if you are a  
12 member of the public, I invite you to come forward and  
13 provide any comments.

14 If no one wants to provide comments, that is  
15 fine. We will accept formal comments through electronic  
16 mail, fax, and written comments. If you know of anyone  
17 that was not able to attend tonight, we encourage you to  
18 inform them that they can provide comments.

19 And at this point we will go ahead and adjourn  
20 this hearing. Thank you for your time, and we will be  
21 around to answer any questions that you may have. Thank  
22 you.

23 [Hearing adjourned at 7:30 PM.]

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REPORTER'S CERTIFICATE

I, Lisa Reinicke, Certified Stenotranscriptionist, do hereby certify that the foregoing of the above-entitled cause was transcribed by me and that the transcript is a true and accurate transcription to the best of my ability.

I FURTHER CERTIFY that I am neither an attorney nor counsel for, nor related to or employed by any of the parties to the action, and that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.

\_\_\_\_\_  
Lisa Reinicke,  
Certified Stenotranscriptionist

Lisa Reinicke

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