

BEFORE THE STATE OF NEW MEXICO
MINING AND MINERALS DIVISION

IN THE MATTER OF RIO GRANDE RESOURCES
CORPORATION'S APPLICATION TO CHANGE
THE STATUS OF ITS EXISTING MINE PERMIT FROM STANDBY
STATUS; PERMIT REVISION 13-2 (PERMIT NO. C1002RE)

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED that on the 4th day of
December, 2015, this matter came on for hearing before
FELICIA ORTH, Hearing Officer, at the Cibola County
Offices, Commission Meeting Room, 515 West High Street,
Grants, New Mexico, at the hour of 10:02 a.m.

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1	I N D E X	PAGE
2	Opening Remarks by Ms. Orth	6
3	Opening Statement by Mr. Ausherman	13
4	JOE LISTER	
5	Direct Testimony	14
6	ALAN KUHN, Ph.D.	
7	Direct Testimony	30
8	JOE LISTER, ALAN KUHN, Ph.D.	
9	Cross-Examination by Mr. Jantz	53
10	Cross-Examination by Ms. Rodgers	81
11	VIRGIL SIOW	
12	Direct Testimony	86
13	ANN BERKLEY RODGERS	
14	Direct Testimony	89
15	MELODY MEYER	
16	Direct Testimony	95
17	MICHAEL BUTLER	
18	Direct Testimony	97
19	CARLTON BOWEKATY	
20	Direct Testimony	101
21	MICHELLE LaFAYE	
22	Direct Testimony	103
23	MARTIN HICKS	
24	Direct Testimony	105
25		

1	I N D E X (Continued)	PAGE
2	LAURA WATCHEMPINO	
3	Direct Testimony	108
4	PAMELA MAHOOTY	
5	Direct Testimony	118
6	PETUUCHE GILBERT	
7	Direct Testimony	121
8	PAUL ROBINSON	
9	Direct Examination by Mr. Jantz	123
10	JANET GREENWALD	
11	Direct Testimony	145
12	EDWIN DICKENS	
13	Direct Testimony	148
14	TONY HOOD	
15	Direct Testimony	150
16	JONATHAN PERRY	
17	Direct Testimony	152
18	LYTLE TZOSIE	
19	Direct Testimony	154
20	LANE CLEVELAND	
21	Direct Testimony	156
22	ANN AYZE	
23	Direct Testimony	158
24	LAURA JARAMILLO	
25	Direct Testimony	160

1	I N D E X (Continued)	PAGE
2	DON BEGAY	
3	Direct Testimony	163
4	SISTER ROSEMARIE CECCHINI	
5	Direct Testimony	164
6	SUSAN GORDON	
7	Direct Testimony	168
8	LEONA MORGAN	
9	Direct Testimony	169
10	ED BECENTI	
11	Direct Testimony	174
12	Closing Remarks by Ms. Orth	178
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 MS. ORTH: Good morning. My name is Felicia
2 Orth, Hearing Officer appointed to accept public
3 comment today in the matter of Rio Grande Resources'
4 Application to change the status of its existing mine
5 permit from standby status to active status.

6 This is docketed as Permit Revision 13-2.
7 The permit number is C1002RE. The hearing will be
8 conducted -- can you hear me? Let me get this closer.
9 The hearing will be conducted pursuant to Section
10 19.10.9.905 of the New Mexico Administrative Code.
11 These are part of the regulations relating to mining
12 permits.

13 Essentially, all comment and testimony is
14 taken under oath and is subject to cross-examination.
15 If you have not signed in yet, there is a sign-in sheet
16 on this table over here. Please do sign in. We use
17 the sign-in sheets as evidence of public participation
18 and for the correct spelling of your name in the
19 transcript. You'll also find on that table a fact
20 sheet showing a chronology of permitting events and
21 references to the mining regulations that are relevant
22 to those permitting events.

23 We plan to be here for several hours today.
24 We will take a break every 90 minutes to two hours. We
25 will take a lunch break. I would not expect us to go

1 beyond dinner, but we can have that conversation
2 later. Following today's event here in Grants, if you
3 have something that you would like to submit for the
4 Mining and Minerals Division Director's consideration
5 on this Application, please submit it to him in writing
6 by January 4th, 2016. And you can get the address of
7 the place you need to send it from Mr. Clark.

8 So let's have some introductions. I will
9 start over here. Mr. Butzier?

10 MR. BUTZIER: Thank you very much, Madam
11 Hearing Officer. Stuart Butzier with the Modrall
12 Sperling Law Firm representing Rio Grande Resources
13 Corporation, the Applicant for the permit in this
14 proceeding. I would like to introduce Larry Ausherman,
15 my law partner in the Modrall Sperling firm.

16 Next to Larry is Mr. Joe Lister, the manager
17 of the Mount Taylor Mine. Next to him is Dr. Alan
18 Kuhn, who will be one of the witnesses. Joe Lister and
19 Alan Kuhn will be witnesses. And then next to Alan is
20 Christina Sheehan, also of the Modrall Sperling firm.

21 MS. ORTH: All right. Thank you, Mr.
22 Butzier. Let's see, Mr. Jantz?

23 MR. JANTZ: Thank you, Madam Hearing
24 Officer. My name is Eric Jantz. I am a staff attorney
25 with the New Mexico Environmental Law Center. We are

1 representing the Multicultural Alliance for a Safe
2 Environment. With me here is Ms. Jaimie Park, also a
3 staff attorney at the law center. I am here also with
4 Susan Gordon from the Multicultural Alliance for a Safe
5 Environment, Coordinator, and Paul Robinson, who will
6 be testifying on MASE's behalf.

7 MS. ORTH: Thank you. From the Energy,
8 Minerals, and Natural Resources Department, Mr. Clark,
9 if you would please raise your hand. That's David
10 Clark. I also saw David Ohori earlier. Raise your
11 hand. Is there anyone else from EMNRD who would like
12 to be introduced?

13 MR. COLEMAN: Michael Coleman.

14 MS. ORTH: Michael Coleman. Thank you. And
15 you can speak with any of these gentlemen on a break,
16 if you would like to, regardless of whether they
17 testify. I know they welcome questions and other
18 contact, and I believe we might have someone from the
19 New Mexico Environment Department, Brad Reid.

20 MR. REID: Yes. Right here.

21 MS. ORTH: Okay. Yes, Brad is right there.
22 Again, regardless of whether these employees testify, I
23 know they are happy to talk with you. Is there anyone
24 else who would like to be introduced at this time?

25 Ma'am?

1 MS. RODGERS: I am Ann Berkley Rodgers,
2 General Counsel for the Pueblo of Acoma. I will be
3 representing the Pueblo of Acoma.

4 GOVERNOR SIOW: My name is Virgil Siow. I am
5 Governor for the Pueblo of Laguna. And I will have
6 four members from my Tribal Council here, as well as my
7 staff from our environmental department.

8 MS. ORTH: All right. Thank you very much.
9 Anyone else? Did I see a hand? Sir?

10 MS. LAFAYE: My name is Michelle LaFaye. I
11 represent several citizens in the City of Grants.

12 MS. ORTH: Thank you. Is there anyone else
13 who would be introduced at this time? Ma'am?

14 MS. GREENWALD: I am Janet Greenwald,
15 Coordinator for Citizens for an Alternative to
16 Radioactive Dumping.

17 MS. ORTH: Thank you, Ms. Greenwald. Anyone
18 else? Sir, in the back?

19 MR. FREELAND: Mark Freeland, Executive Staff
20 Assistant, representing Navajo Nation, Office of the
21 Vice President and President.

22 MS. ORTH: Thank you, sir. Anyone else?
23 Thank you, Stuart.

24 MR. BUTZIER: You are welcome.

25 MR. FREELAND: My work is primarily with the

1 Arizona, New Mexico, Utah, Navajo grassroots
2 organizations. Thank you.

3 MS. ORTH: Thank you, sir. All right.
4 Anyone else?

5 MS. LOUIS: Tonya Louis with the New Mexico
6 Department of Public Health.

7 MS. ORTH: Thank you. Anyone else? All
8 right. Thank you all very much for introducing
9 yourselves. If you would, please, before we begin,
10 reach for your cell phones and turn them off. They are
11 disruptive when they ring during someone's speaking.

12 The hearing is being reported and transcribed
13 by Denise Kopan of Kathy Townsend Court Reporters. If
14 you would like to purchase a copy of the transcript,
15 please contact Ms. Kopan directly and she will sell you
16 one. The transcript also eventually becomes a public
17 record in the offices of EMNRD.

18 So let's begin. I do have a document that
19 was submitted to the Agency this week that we might
20 spend just a little bit talking about. This was Rio
21 Grande Resource's Prehearing Statement with Continuing
22 Objection to Anticipated Public Offerings.

23 Mr. Butzier, I read it, and I would just ask
24 if you have anything to add.

25 MR. BUTZIER: Thank you, Madam Hearing

1 Officer. I don't have anything to add to that, but at
2 the appropriate time, I may have a couple of other
3 points of clarification relating to this hearing that
4 we could go over.

5 MS. ORTH: All right. Unless we need to do
6 that now, I'd like to get to the comment.

7 Mr. Jantz, I understand that this document
8 represents a number of invitations -- an invitation to
9 limit public comment, which as you can imagine, I am
10 not inclined to do, unless we go too far afield, and
11 really the preservation of objections to the way -- to
12 inform the way of the evidence that will be done by the
13 Director of the Mining and Minerals Division. If you
14 have some comments to make, I am happy to accept them
15 now or later.

16 MR. JANTZ: Thank you, Madam Hearing
17 Officer. Given the date and time, which we know this
18 is less than 48 hours ago, I really haven't had the
19 opportunity to actually respond. I guess a point of
20 clarification, the record is going to be held open
21 until January 4th?

22 MS. ORTH: Yes.

23 MR. JANTZ: At that point, I think that we
24 can provide written responses --

25 MS. ORTH: Okay.

1 MR. JANTZ: -- as necessary, but I trust that
2 the hearing will be open and wide-ranging, as is
3 appropriate.

4 MS. ORTH: All right. Thank you. Does
5 anyone else have anything to say about this? Again, I
6 would prefer to have your responses, as Mr. Jantz just
7 indicated, in writing by January 4th if you have some
8 legal arguments to make about this.

9 MR. JANTZ: And, of course, Madam Hearing
10 Officer, if Mr. Butzier or Mr. Ausherman specifically
11 object to anything, in particular, as the hearing goes
12 forward, we can hash that out as the need arises.

13 MS. ORTH: All right. Anything else, Mr.
14 Butzier?

15 MR. BUTZIER: Just very quickly, Madam
16 Hearing Officer. As I think was clear from the
17 presentation in that document, we weren't specifically
18 asking for a ruling that certain things be limited, and
19 we embrace the notion of being open. We were simply
20 trying to identify what may be relevant for purposes of
21 the decision at hand.

22 MS. ORTH: Yes. Thank you very much. That
23 was the spirit in which I read it.

24 MR. BUTZIER: Thank you.

25 MS. ORTH: And thank you for that. Anything

1 else before we begin? No. In that case, Mr. Butzier,
2 would you call your witnesses, please?

3 MR. AUSHERMAN: Thank you, Madam Hearing
4 Officer. Larry Ausherman. Rio Grande Resources will
5 be presenting two witnesses today. We will be
6 presenting Joe Lister and Alan Kuhn. Joe is the Mine
7 Manager for the Mount Taylor Mine, and he will be
8 testifying as to a brief history of the Mount Taylor
9 Mine as to Rio Grande Resources' objectives in coming
10 off standby to active status at the mine, and he will
11 also be giving an introduction to the mine that is
12 subject to the permit application. He will describe
13 their function, and he also will introduce what will be
14 planned as those units come off of standby status.

15 Alan Kuhn is Rio Grande Resources' technical
16 consultant. He will give a brief permit history of the
17 permitting of the mine and will give the details that
18 Mr. Lister introduces about the planned upgrades.
19 Also, he would focus on the reclamation of the plan for
20 the mine in the future after production is ceased.

21 They will be giving their testimony using
22 PowerPoint presentation, and we are assuming, we
23 propose, that they be available together as a panel for
24 any questions and that the questions be held until the
25 end of both of their testimonies so that they can then,

1 as a panel, answer.

2 MS. ORTH: All right. Thank you. Mr. Jantz,
3 as you know, I actually prefer panel cross.

4 MR. JANTZ: That's fine with us. No
5 objection.

6 MS. ORTH: All right. Thank you. Please go
7 ahead.

8 MR. AUSHERMAN: I call Mr. Lister. And he
9 will present his testimony by PowerPoint presentation.

10 JOE LISTER

11 after having been first duly sworn under oath,
12 testified as follows:

13 DIRECT TESTIMONY

14 MR. LISTER: Thank you, Madam Hearing
15 Officer. As Mr. Ausherman said, today I will give
16 testimony on my involvement in the industry, a brief
17 history of that, brief history of the project, and our
18 objectives in some of the mine units.

19 Next slide, please. Again, working in the
20 uranium industry as a summer hire in 1969 with
21 Kerr-McGee Corporation. Subsequent to that, I went
22 back to school for awhile, coming back home to work for
23 several mining companies and drilling companies.

24 I began working at the Mount Taylor Mine in
25 January or February of 1978 for the prime contractor,

1 Harrison Western, who was sinking the shafts. I worked
2 with them in several different capacities. Then I went
3 to work for one of the prime electrical contractors,
4 working for them, finally going to work for Gulf
5 Minerals in about 1981.

6 With Gulf Minerals, I held several positions,
7 all of which were underground, several of them being in
8 the Mine Department, some of them being in the
9 maintenance and electrical and construction. Part of
10 my duties also included shaft maintenance, ground
11 control, and those activities it takes to run the
12 day-to-day operation.

13 Along about 1982, the market was off, Chevron
14 had slowed down, and we ended up putting the mine on
15 standby status, or standby basis, that being no
16 production being involved in the day-to-day operations,
17 the skeleton crew was formulated. I was part of that
18 crew.

19 Later, Chevron, in 1985, through a merger
20 with Gulf, became the owner of the property and I went
21 to work for Chevron, and in that capacity, I had
22 several job responsibilities, including General Mine
23 Foreman, Mine Superintendent, and at the end of the
24 period, I was the Mine Manager.

25 Since 1991, when Rio Grande Resources bought

1 the property from Chevron, I was still employed, and I
2 was employed with RGR as Mine Manager, and I have held
3 that position ever since.

4 Next slide, please. The history of Mount
5 Taylor Mine operations, let me begin first with telling
6 you where it's at for those that perhaps don't know.
7 We are located about a mile northeast of San Mateo at
8 the end of Highway 605.

9 The exploration and discovery of uranium was
10 made particularly mostly by Gulf through a series of
11 exploration holes, through acquisition, and a few other
12 means. Gulf spent about \$400 million in 1972
13 developing that property, what became known as the
14 largest high-grade source of uranium in the United
15 States.

16 Since that time, RGR has acquired that
17 property and we have added to that resource. And I'd
18 like to take just a few minutes to talk a bit about the
19 project development timeline. Gulf made the decision
20 to start exploring for uranium in New Mexico in about
21 1967, exploring through the Grants Mineral District,
22 and several other explorers have been exploring the San
23 Mateo Valley.

24 Gulf, through acquisition and through its own
25 drilling efforts, acquired most of the mineral

1 resources in what we know now as the Mount Taylor
2 Mine. In 1975, through all of the discovery, the
3 acquisition, the leasing programs developed, Gulf made
4 the decision, "We have enough resources. Let's go to
5 the development stage of that operation."

6 So in 1975, we began shaft sinking. That was
7 a commitment of a lot of resources, both in terms of
8 money and people. Parallel to that, they started a
9 program to develop a mill application. That mill
10 application was submitted in 1978.

11 1979, all the shafts were sunk, a development
12 plan was formulated, and a test mining period began.
13 Then production was developed between '80 and '82 to
14 confirm that it was -- could be mined and could be
15 developed.

16 And in about 1982, Gulf took the position the
17 market is softening and we placed the mine in inactive
18 status. We maintain the pumps, we have left a skeleton
19 crew, of which I was part of, some 45 people, to care
20 and maintain the facility in that status.

21 Along with the Chevron/Gulf merger, which
22 happened about 1985, Chevron decided to open the mine,
23 let's operate it, it has contracts, and let's see if we
24 could be successful at mining Mount Taylor. As it
25 proved in the one-year test mine period, that proved to

1 be correct, and we were operating for another four or
2 five years.

3 By 1990, Chevron had made the corporate
4 decision that perhaps it would get out of some of the
5 mining business and Mount Taylor was selected as one of
6 those properties that would, along with other property,
7 uranium properties, it owned in Texas, that it would no
8 longer be in that business, or perhaps some of the gold
9 and other properties they had across the world.

10 We then decided to shut down the mining,
11 which happened January of 1990, and in 1991, June of
12 1991, we pulled the pumps and allowed the mine to
13 flood. After removing all of the equipment from
14 underground, including the rail, the pipe, the cable,
15 all the equipment, it was removed to surface. We
16 allowed the mine to flood.

17 During that period, Chevron was divesting
18 themselves of most of their mining property, Mount
19 Taylor being one of them, and it was ultimately sold to
20 Rio Grande Resources, which also bought their uranium
21 properties in South Texas. Those properties are no
22 longer a viable operation, having mined out the deposit
23 and shut down.

24 Since 1991, we have done various things at
25 the mine, and some of the things we have done is we

1 have had several test programs where we have
2 demonstrated through different permits held by the
3 State that we were able to treat groundwater to the now
4 current standard, which is 30 parts per billion. We
5 also acquired other properties previously held by Gulf
6 and brought them back into our fold.

7 Next slide, please. I'd like to add that we
8 are now -- we have been in a standby mode and we are
9 now seeking this application to do more than standby,
10 more than maintain status quo, but rather do those
11 activities that would -- you would typically see in an
12 active mine.

13 RGR's ownership, as I said, was in 1991. I
14 have mentioned that we have been inactive since then,
15 and that's not entirely true. We have done things such
16 as tested a water treatment technology, we have added
17 the additional reserves that I talked about, and we
18 have done those activities to maintain the property in
19 status quo, along with maintaining the permits and
20 applying for new ones, such as this revision to come
21 out of standby. If we are going to reactivate the mine
22 beyond our current activities, this is why we need this
23 permit.

24 Next slide, please. Our objectives to coming
25 off the standby status, RGR believes that the market

1 will be there, we believe that the timing is
2 appropriate for us to respond to the long timeline it
3 takes to come off this inactive -- this standby status
4 that we are in.

5 In order to do that, this is the first step.
6 We brought this application some two-and-a-half years
7 ago. We didn't arbitrarily wake up the day before that
8 and say, "We are going to put in this Application." We
9 actually had three or four or five years prior to that
10 come to that determination.

11 So this is a very lengthy process. And by no
12 means is it over today. If we don't start this
13 process, this mine won't be ready for when the market
14 is ready for us -- some of these activities will be
15 very extensive, and certainly beyond status quo,
16 certainly beyond what we have been doing maintaining
17 the property, and for that reason and several more,
18 this is why we seek this permit revision.

19 We will not risk money, nor would any prudent
20 businessman risk money, without assurance that a permit
21 is available. We are talking about significant sums of
22 money, particularly to advance it to an active status
23 and to get into production and for us to conduct any
24 ground-breaking activities or anything that would cause
25 any disturbance beyond.

1 What you see at the project now is
2 inconsistent with standby. To shape its reclamation
3 activities in order for us to understand the totality
4 of what that reclamation would be, it's going to be
5 based on the conditions of the permit that we get.
6 Until we get the permit, we don't really understand
7 what those conditions might be.

8 Next slide, please. I'd like to talk for a
9 minute about the lead time of operations. I have
10 touched on it a little bit, but there is a lot of work,
11 much work to prepare the mine for production. This is
12 a very large mine. Many things will have to be done.
13 Certainly, exploration and development work comes
14 before any production exploration will happen on the
15 surface and underground.

16 Can you hear me back there? Good. All
17 right. As I was saying, exploration and development
18 work, when one thinks of that in a mining sense, we
19 think of exploration not only as surface, but, also,
20 underground, and underground delineation, that
21 development work, that's a broad term that we use.

22 Development could be development of the
23 surface, development underground, as well, and,
24 certainly, all those activities have to come before any
25 final production. When the permit is revised to come

1 off standby, exploration and development operations are
2 absolutely necessary. We will have to do all of that
3 before we can develop production.

4 And to talk a minute about that long lead
5 time to achieve production, awhile ago I told you Gulf
6 decided to start exploring in 1967 when they put men in
7 the field, put equipment on the ground, but that
8 decision didn't come lightly, nor did it come
9 overnight. It likely took place sometime in about
10 1964, '65, with a presentation made to the Board,
11 corporate board, saying, "We think that if we expand
12 Gulf Minerals to include uranium production," that came
13 with the presentation.

14 The Board heard it, the Board voted on it,
15 and from that time, we developed the resources in order
16 to do that. You go out, you find qualified
17 individuals, you develop relationships with landowners,
18 you explore for, you apply for patents, you do all
19 those things that take a lot of time, effort, and
20 money.

21 So to think about it from the inception of
22 1964 or so to actual production, some 16, 17 years. We
23 started thinking about opening the mine the minute we
24 bought it. More recently, we have decided we would
25 make application to revise our standby status to an

1 active status.

2 That's been a period of five or six years,
3 with the Application being filed in 2013.
4 Two-and-a-half years later, we are here today to talk
5 about it. So as you can see, it's a long process. It
6 takes a lot of time.

7 Next slide, please. So the operation before
8 production, the one thing that each -- and I will talk
9 a little bit about units, but I want you to understand
10 that each unit will require a certain amount of
11 engineering, some more than others, and each time we
12 will be breaking ground, cultural surveys will be
13 made.

14 If anything is found, certainly, we will
15 mitigate that situation. One of the challenges that we
16 face is a work force development. Mount Taylor Mine
17 will employ a lot of people and a lot of different
18 occupations with a lot of special trades.

19 Hopefully, we can work with the local
20 college. We will be able to bring curriculum seminars,
21 equipment, that sort of thing, that would produce a
22 worker that has had radiation training, worker safety
23 training, MSHA training, specialized training in
24 whatever occupation, mechanics, pump mechanics, diesel
25 mechanics, hydraulic specialists, electricians,

1 machinists, welders. All those trades are necessary in
2 order to operate the mine.

3 The equipment procurement, that's a big
4 question with Mount Taylor and other mines. Mount
5 Taylor is a very deep mine, it's over 3,000 feet, it
6 requires hoists that are much larger than what is
7 normally seen in the Ambrosia Lake District.

8 Those hoists, we have located a few of them.
9 Some of them are going to likely come from Canada,
10 perhaps some out of South America, perhaps, but that
11 detailed study and that procurement study has just
12 barely barely begun.

13 Pumping systems, generator systems,
14 compressor systems, all of these systems have to be in
15 place in order to operate the mine. All of them will
16 require procurement, installation, construction. Along
17 with that, we would have to scope the construction bid,
18 award the bid through our accounting process, and they
19 would actually have to mobilize, get the manpower
20 necessary, install, and demobilize. Each one of these
21 mine units we are about to look at will involve all of
22 the above, some more than others, but all of them
23 certainly will involve the same thing.

24 The next few slides that we will see, I will
25 attempt to describe the functions of those units and

1 introduce to you -- and, also, describe how they
2 integrate with you, and, also, introduce briefly what
3 our planned upgrades are before the ground is
4 disturbed.

5 Next slide, please. I don't know if all of
6 you can see in the back, but what I have here is a
7 placard that denotes the mine as it is with our
8 different mine units, and I will attempt to illustrate
9 what those are and how they work within the mine,
10 itself.

11 And those more important features, of course,
12 the service and support facilities, the mine water
13 treatment, the ore pad, the waste rock pile, Dr. Kuhn,
14 in his testimony, will discuss in greater detail about
15 the upgrades and how we plan to reclaim those.

16 Next slide, please. The mine shaft service
17 support area. We are talking about this area right in
18 here. And if you will look at this area, it includes
19 the two shafts, the 14-foot diameter shaft and a
20 24-foot diameter shaft.

21 It illustrates the hoist house, itself, the
22 service administration building, the substation, or
23 emergency generators location, is here. Our
24 day-to-day, week-to-week warehouse surface is here to
25 allow materials to get underground.

1 The purpose of this area is, of course, the
2 fresh-air shaft is a smaller shaft, the 14-foot shaft,
3 where we enter the mine, exit the mine. Some supplies
4 are taken down through this 14-foot shaft. Most of the
5 supplies are coming down and up the 24-foot shaft.
6 That's where the day-to-day materials are that support
7 the mining effort, and, also, the production both in
8 ore and waste.

9 The admin building is where we have our mine
10 offices, our change house for the employees, our
11 clothes. We wash everybody's clothes at the mine. All
12 that activity is also in this building and our
13 warehouse building.

14 Our electrical substation is part of this, as
15 well as our security gate, guard office, and ambulance
16 building. Some of the examples of what we plan to do,
17 of course, as part of the process is to depressurize
18 this area through a series of dewatering wells.

19 Those wells are going to have to be worked
20 over. They are still in existence. They are going to
21 have to be cleaned out, the pumps are going to have to
22 be placed back in them, a pipeline built to discharge
23 that water back into our water treatment area, which I
24 will get to in a moment, but certainly, it's going to
25 be a certain amount of work.

1 The shafts, themselves, we have looked at.
2 They are going to take some sort of repair, some sort
3 of cleaning out, and, of course, when we get
4 underground, the rehabilitation of the underground
5 facility will take place. Most of the buildings will
6 need minor work. Some of them will need to be brought
7 to certain electrical codes, as some of the
8 reconstruction will require that.

9 Next slide, please. The water treatment area
10 is located here in the northwest corner of the
11 property. It entails a series of eight ponds. It has
12 with it treatment facilities both in terms of uranium
13 removal, moly-selenium removal, and radium removal.

14 The water is impounded there in those eight
15 ponds, going through the treatment to treat and to meet
16 all the standards that we adhere to. Some of the
17 examples of those upgrades is the existing IX plant.
18 It will be expanded to handle the maximum flow rate
19 anticipated, about 10,000 gallons a minute.

20 We don't anticipate being at that level for
21 very long, but we like to have at least 200 percent
22 redundancy on almost all of our operating systems.
23 What will be added will be a molybdenum-selenium
24 treatment plant.

25 We believe after a period of time that that,

1 perhaps, will approach a standard that will have to be
2 treated for. We are installing that equipment as part
3 of that treatment. All of the ponds that are in place,
4 as you see, will be rehabbed, all the sediments will be
5 removed. They will be double-lined with a geomembrane
6 in between that will allow leak detection, all the
7 sediments will be disposed of in our disposal cell and
8 our waste rock pile, which Dr. Kuhn will address in his
9 presentation. All the ponds, as I said, will be lined,
10 and the 24-inch pipeline which receives the discharge
11 water will also be lined.

12 Next slide, please. The ore pad, as every
13 mine will have an ore pad, its function is to receive
14 the ore production from the mine and store it and grade
15 it in a place that we can then take it to the mill.
16 Currently, the little bit of ore that is left on the
17 pad is covered with several feet of cleaning fill.

18 Some of the examples of the planned upgrade,
19 all of the material on the ore pad that's existing will
20 be removed and that liner will be replaced with a
21 synthetic liner and a dirt liner on top that will allow
22 for no integration or downward movement of any of the
23 uranium.

24 A truck wash, which we had proposed to the
25 State of New Mexico, will be located right here. Some

1 of the issues associated with past uranium production,
2 of course, has always been that transportation of
3 uranium.

4 We will add a truck wash where equipment will
5 come in, trucks will come in, load up the ore into the
6 truck, you'll bypass through this truck wash, and the
7 bottom of that truck will be washed off prior to it
8 leaving the site. That water will be -- and that will
9 come off the truck -- will all be piped into our
10 retention ponds for evaporation.

11 Next slide, please. The waste rock pile
12 located presently right here is an important part, as
13 the ore pad is, too. We will produce a certain amount
14 of waste, and that waste rock is characterized by
15 little or no mineralization in it.

16 This pad presently holds waste from prior
17 operations, and we intend to use it in future
18 operations. As you can see, we have a stormwater
19 system that collects, and all this pile is graded back
20 to intercept the flow into a water diversion for
21 stormwater which will fall into a stormwater cell that
22 we constructed and upgraded.

23 Dr. Kuhn will talk more about that. Examples
24 of some of the planned upgrade is the disposal cell
25 from the existing sediments that are in the pond will

1 be disposed of, we will construct a cell in the
2 present-day waste rock pile, and we will deposit and
3 cover that.

4 Dr. Kuhn will cover that in his, as well.
5 When we are all done, we will reshape this pile. We
6 will actually reshape it prior to operations, but in
7 the future, the final design will look much different
8 than what it is today.

9 Next slide. So in conclusion, to conclude my
10 presentation, how these units will function, I hope I
11 have been able to explain enough about the history of
12 the mine, what our objectives are, and our history.

13 I will now turn this over to Dr. Kuhn. Thank
14 you very much.

15 MS. ORTH: Thank you, Mr. Lister.

16 ALAN KUHN, Ph.D.

17 after having been first duly sworn under oath,
18 testified as follows:

19 DIRECT TESTIMONY

20 DR. KUHN: Thank you very much. My name is
21 Alan Kuhn. I am a consulting engineer and I work with
22 Rio Grande Resources in a variety of efforts to return
23 the Mount Taylor Mine to active status. I'm going to
24 cover the topics listed on the screen right now, give
25 you a brief summary of my qualifications, give you a

1 summary of the mine history, and not necessarily
2 repeating what Joe Lister has said, but focus on the
3 permitting aspects of the mine. Then an overview of
4 the several permits and licenses we have or have in
5 progress for this facility.

6 And the focus of what I have to say is really
7 on the next two bullets, the changes that we have
8 proposed in the Application to the mine facility and
9 what those changes mean to the closeout plan, which is
10 already in place, but will obviously be changed to
11 accommodate the improvements and revisions that we make
12 to the mine site.

13 And then I will conclude with a brief
14 description of the estimated schedule for closeout at
15 the end of the operating life and then a few
16 conclusions regarding closeout and the cost of not only
17 closeout, but the financial assurance that goes with
18 it.

19 This might be a little bit hard to see in the
20 back. I will just very briefly read it. I have a
21 bachelor's degree in geology, a master's in
22 hydrogeology, and a Ph.D. in engineering geology. I am
23 a licensed professional engineer, as well as a
24 professional geologist, and I have 48 years of
25 professional experience.

1 I first got very closely involved with the
2 Mining Act when I was appointed a member of one of the
3 -- one of the two industry members of the Technical
4 Advisory Committee to the EMNRD for rulemaking
5 subsequent to the passage of the 1983 Mining Act.

6 I have been consulting on a variety of sites
7 throughout the United States, 17 in total by my latest
8 count, uranium mines and mills, and I have been doing
9 this since 1977. And this consulting that I have been
10 doing covers the whole spectrum of not only the
11 planning and the design and the operations of these
12 facilities, but, also, their closure and reclamation.
13 I have been providing these services to the Mount
14 Taylor Mine since 1994.

15 There is a very brief summary that I think is
16 worth repeating. Joe Lister has covered some of this,
17 but I want to emphasize in what I cover that somewhat
18 covers the same ground, how the mining licensing
19 permitting activities for Mount Taylor have tracked
20 against the Mining Act.

21 For those who are not acquainted with the
22 history of the Mining Act, it was a matter of some
23 debate and negotiation during the legislative session
24 of 1993 and was passed after that session, signed into
25 law by Governor King.

1 At that time, part of a provision in the law
2 called for a Technical Advisory Committee to be formed
3 to support the writing of the rules to implement that
4 Mining Act. So after that was passed, then all of the
5 mines, there were existing mines in the state of New
6 Mexico, were still operating, were required to submit
7 an Application for a permit as an existing mine.

8 The Mining Act has a provision for existing
9 mines and one for new mines. Because the Mount Taylor
10 Mine had been in operation for some years prior to the
11 passage of the Act, it qualified as an existing mine.
12 So because as Joe Lister pointed out, the uranium
13 market had been pretty poor during the '90s and largely
14 as a result of the U.S. deal with the Russians to buy
15 some of their highly enriched weapons-grade materials,
16 that was being down-blended for power production
17 through the '90s and up to just a couple years ago
18 really.

19 So Joe Lister and RGR decided that it was
20 advisable to put the mine on standby status, which is
21 also a provision of the Act. The first standby status
22 then would have expired within five years. So there
23 was a renewal. The law allows for four five-year
24 periods of standby.

25 So for the second period, or the first

1 renewal, an Application was made and granted in 2005.
2 However, that was appealed, and the appeal process took
3 quite a few years, actually, and during that period of
4 time -- or I'm sorry, I misplaced the interval there.

5 The actual second standby renewal was granted
6 in 2010, then was the one that was challenged under
7 appeal, and in May of this year, we finally had a
8 rehearing on that standby renewal, and that is still in
9 process at this time.

10 In the meantime, RGR decided to make
11 application to bring the mine off of standby status.
12 That Application was submitted more than two-and-a-half
13 years ago, in April 2013, and we are here for the
14 hearing related to that application.

15 Now, as a precaution, because of the limited
16 periods of standby renewal, RGR decided to submit their
17 third Application, or their Application for a third
18 renewal in October 2014, and we expect that simply to
19 be a holding place while the resolution of this
20 Application to come off standby is sorted out. So that
21 third renewal Application might not, in fact, finally
22 be needed.

23 We have a little bit of trimming off the
24 bottom of this slide, but nonetheless, I think you can
25 see all of it. This slide is taken from Table 5.1 from

1 the Application, and it lists several permits that are
2 involved in the Mount Taylor Mine, the topmost, of
3 course, is the one that we are talking about now.

4 This year, a couple months ago, a renewal of
5 the discharge permit with the New Mexico Environment
6 Department was approved. That's DP-61. Then there are
7 two EPA permits, both related to the NPDES, or National
8 Pollutant Discharge Elimination System.

9 One is for the mine, specifically, its
10 discharge water, the other one is for stormwater
11 discharges. The first one, the 21 -- or 28101 permit
12 is in the process of approval. We expect to get that
13 approval notice from the EPA any day, and the other
14 one, the multi-sector general permit, is in process at
15 this time.

16 With the New Mexico Environment Radiation
17 Bureau, there is a permit in process for the
18 radiological source material license. An Amendment has
19 been filed to that which would add to that permit the
20 provisions, the approval for the IX, or the ion
21 exchange plant. And then -- and that one is in
22 process, as I said.

23 The final two, there is no activity needed on
24 them. They are in place. One is a special-use permit
25 from the Forest Service for that part of the discharge

1 pipeline that crosses Forest land, and the other one is
2 a solid waste landfill permit that has been in place --
3 well, essentially, throughout the whole mine life. So
4 those are -- this is just to show you that there are a
5 variety of permits that are -- all of them have to be
6 maintained, of course, throughout the operating life.

7 Now, related to this particular application
8 to bring the mine back from standby status, you can go
9 to this site on the web and download all of the mine
10 permit documents there. It's a very comprehensive
11 file, and I think you'll find the answer to all your
12 questions that we cannot otherwise provide verbally
13 here today.

14 Now, I want to emphasize primarily not so
15 much how the mine operates and what its facilities
16 are. Joe has pretty well covered that. What I want to
17 emphasize here are the changes that will occur on the
18 mine property as we go from standby back to operating
19 status.

20 And as Joe pointed out, this is a very
21 time-consuming, very costly process. Equipment that is
22 specific to and appropriate for this mine is not on the
23 shelf at Lowe's. It's something that takes long lead
24 times. You search the whole world for some of these
25 hoists because they are so exceptionally large and

1 rare.

2 So we have a lot of things that we are going
3 to do, and I will just go through briefly some of these
4 and I will get into more of this in more of a graphic
5 set of slides to come later. Joe pointed out that we
6 are going to remove the pond sediments from the water
7 treatment ponds, and they will be placed in a lined
8 disposal cell to be constructed on the waste pile.

9 So we are essentially concentrating all of
10 the radiologically contaminated waste in one spot, and
11 that's not only advocated at the State level, that's
12 also advocated at the federal level. Then once the
13 pond sediments have been removed, the ponds will be
14 lined with a lining system that I'll describe in a few
15 slides with some very -- it's a very robust system, and
16 one that's essentially being done for all impoundment
17 facilities that contain contaminated liquids.

18 Then, of course, Joe talked about rehab being
19 the depressurizing wells. That's required so that we
20 can enter that mine space. We have to take the water
21 out of the mine space before we can actually enter it.
22 Then there will be an upgrade to the existing IX plant,
23 as Joe pointed out.

24 It will be expanded and more modern equipment
25 put in, and then we will add a new facility, the

1 moly/selenium, or as we say in shorthand, the "mo/se,"
2 treatment plant. That is not because those two
3 analytes are in excess of human health standards now,
4 but the trends are that they will likely concentrate
5 more in the mine water with time, and, therefore, we
6 are planning ahead of time to treat those contaminants
7 when they actually do exceed the human health
8 standards.

9 So with the installation of that treatment
10 system, then we will have clean water to discharge.
11 The pipeline for discharge will be lined with a slip
12 liner, one that specifically is designed to draw
13 through a pipeline and provide new lining surface on
14 the inside.

15 Then we will reshape that waste pile, in
16 part, to accommodate that disposal cell, but, also, to
17 help reshape to a more stable form and to a permanent
18 form the outslopes of the waste pile. So they will, in
19 fact, be reclaimed as part of the process of activating
20 the mine once again.

21 Now, we will, after removing the ore from the
22 ore pad that will be lined, and, again, it's a very
23 robust liner, and I will get into that in some detail,
24 we will improve the stormwater runoff controls and then
25 reactivate a variety of other support facilities needed

1 to make the mine run.

2 Now, this is the same figure on the screen as
3 we have here. It's probably more visible, but maybe
4 not terribly visible to everyone in the room. So we
5 will keep this poster up throughout the day so you can
6 kind of look at it.

7 The designation of mine units is useful and
8 really necessary only so we can help categorize things,
9 but there is no bright line, no barrier, no wall
10 between one unit and the other. For instance, the
11 shafts and the support -- service and support area
12 obviously overlap in terms of space. They share a
13 common footprint.

14 The ore pad that the mine water treatment
15 unit area is -- they both have their own space, as does
16 the waste rock pile and the south stormwater drain --
17 or the south stormwater pond. So going one by one
18 through these, what I want to point out is what we are
19 going to do to bring the mine into active status, and
20 that is what we are proposing to do soon, and then what
21 we will do with those same changes and upgrades at the
22 time of closure.

23 So the left column is what we are going to do
24 soon to go active with the mine, the right column is
25 what we will do when mine life is complete and we go to

1 closure. One thing I want to point out is we use this
2 term "closure/closeout" or "closeout/closure," and why
3 do we do that, well, the Mining Act of '93, which I
4 just talked about, gave some authority to the New
5 Mexico Environment Department, some shared authority,
6 over mine activities in the form of general
7 environmental reviews of what happens with the mine
8 sites, but, also, in terms of the discharge permit.
9 Specifically, discharges that might meet -- or might
10 reach groundwater.

11 And because of that kind of dual
12 jurisdiction, there were two permits that we had to
13 pursue in the reactivation of the mine. One was the
14 discharge permit with the NMED and that for Mount
15 Taylor is called Discharge Permit Number 61, and the
16 other one is this mine permit.

17 Well, both of them are due to be renewed or
18 the Applications due to go active, but at essentially
19 the same time. So we spoke to both Departments and we
20 said, "Can we write one comprehensive document which
21 treats the requirements of both Agencies and thereby
22 make it a more seamless effort and show where the
23 integration and the overlaps," and they agreed to
24 that.

25 So what we did was write a closure/closeout

1 plan. "Closeout" is MMD's terminology; "closure" is
2 NMED's terminology, but it means the same thing. It
3 means reclamation. So a bit of terminology
4 clarification here before we go forward.

5 So for the mine specifically, when we go back
6 to restart it, we have to rehab those deep wells, as
7 Joe pointed out, and refit all the mine shafts and the
8 underground workings. At the end of mine life, we will
9 then plug and abandon most of those deep wells.

10 The ones that are in the shallowest aquifer,
11 and I will get into that also, will be kept in service
12 for use for post-mine land use, which will be grazing,
13 but the deeper wells will be plugged and abandoned
14 according to State Engineer and NMED rules.

15 Then we will abolish the headframes, those
16 are the towers that stick up above the mine, and plug
17 those shaft openings. And I have some illustrations
18 for that, too. Here is a drawing that comes directly
19 from the Application.

20 I don't expect you to be able to see it very
21 well because a lot of lines at some distance just turns
22 into a blur, but let me explain. This is the design
23 for the closure of the 24-foot diameter shaft.

24 When we take down the headframe, we will use
25 the steel from the headframe and we will recycle it as

1 a layer, a double layer of steel beams at about 30-some
2 feet down in the collar, what we call the "subcollar
3 level," and that will then be covered with a
4 lightweight concrete plug, over which we will then
5 place about 25 to 30 feet of a mixture of soil, cement,
6 flash, and water, and it's called "flowable fill."

7 And this fill then is flowed into the opening
8 like a thick soup, and then it will take a set and
9 become hard and it will form a very robust permanent
10 plug for that shaft. So there will be no inadvertent
11 entry, no danger of anyone falling in.

12 And for the wells, this is, again, from the
13 Application, and, again, it's kind of hard to see from
14 your distance, but on the left-hand side is a short
15 well. That represents the wells that go down to the
16 point lookout aquifer.

17 This is a clean drinking water aquifer. It
18 requires no treatment whatsoever. The people who have
19 been living and working at the mine for the last 25
20 years drink this all the time and they are perfectly
21 healthy. So it contains no contaminants above the
22 human health standards.

23 And those wells will continue to be used
24 during mining, and, also, preserved for use
25 post-mining, for the post-mining land-use grazing. The

1 middle and the right-hand wells are the wells that go
2 deep down into the strata that are just above and
3 contain the ore body, and these are the Dakota to
4 Westwater Aquifers.

5 They contain radium and uranium levels just
6 above drinking water standards, which we have been
7 treating and will treat in the future. We expect the
8 water from those aquifers to have, over time,
9 increasing levels of molybdenum and selenium, which
10 will also be treated.

11 So the surface and support unit, Joe kind of
12 described that, I don't need to spend much time on it,
13 because it's basically support structures, offices,
14 warehouses, maintenance shops, security, fire
15 protection, and utilities.

16 The upgrades that we plan will pretty much be
17 those needed to bring those structures and facilities
18 up to present-day code, and then there is a -- if I can
19 point it out -- no. Sorry. I moved ahead too
20 quickly. I am not getting my pointer.

21 Okay. Sorry about that. This pointer,
22 which, again, from the back, is pretty hard to see -- I
23 think I have skipped ahead even more. Going back to
24 where I was, and my apologies for not being a better
25 pointer operator, right here at the end of the green

1 dot is a sanitary treatment plant; in other words, a
2 sewage treatment plant, that was active during mining
3 days, will be reactivated.

4 So when the mining period is done, that
5 sewage treatment plant will be removed, as well. Now,
6 the mine water treatment unit is where most of the
7 changes, most of the upgrades, will take place, and,
8 therefore, where most of the reclamation effort will be
9 placed other than plugging those shafts.

10 There are a number of upgrades, Joe has
11 covered them, I will just go through them briefly.
12 There will be an update to the ion exchange or IX
13 plant; there will be an additional mo/se plant
14 constructed, put into operation; the presently
15 contaminated sediments and the disposal cells will be
16 removed; those pond basins will be graded so they are
17 smooth and ready to accept the liner; there will be a
18 compound lining system composed of high-density
19 polyethylene sheets, and that will be installed in all
20 of the ponds.

21 The hydraulic control structures on the
22 ponds, the structures that control the inflow and
23 outflow of water from the ponds, they will be
24 rehabbed. There will be another set of pipes installed
25 to complete all the bypass piping systems so that at

1 any one time, if a pond needs to be taken out of
2 service for repairs, it can be done so and the water
3 can be rerouted so we don't have any interruption in
4 the mine water treatment.

5 And then finally, as I mentioned earlier,
6 there will be a slip liner installed in the mine water
7 discharge pipe, which goes -- and, again, if you can
8 follow this green dot -- the clean mine water will be
9 stored temporarily in these two smaller ponds. It will
10 be clean by that time.

11 It will be transferred out of the mine
12 discharge pipeline and go to a discharge point about
13 4.3 miles north of the mine. And this is just a
14 closeup of three of the ponds that were shown in that
15 previous figure.

16 The compound lining system is illustrated in
17 the upper right, and this is largely a cartoon, it's
18 obviously not this thick in real scale, but the bottom
19 will be graded, the soil surface will be regraded,
20 smooth, there will be a 40 mil, or approximately
21 one-millimeter thick high-density polyethylene
22 geomembrane sheet laid down, and then another layer
23 will be a geogrid, actually a drainage layer to capture
24 drainage, and then over that will be the top liner, a
25 thicker 60-mil HDPE liner.

1 This is the design that is advocated and
2 almost universally required by the EPA for lining -- or
3 for pond systems that hold uncontaminated water. Now,
4 when we move all of the contaminated sediment out of
5 the existing pond basins, we will put those sediments
6 in a disposal cell that we will construct on the waste
7 pile, on the existing waste pile, and as we move all
8 that up there, then we will also be regrading this
9 whole pile to a more permanent stable configuration
10 with a five-to-one outslope, and these slopes to the
11 west and south side are now steeper than that. They
12 will be graded flatter to make it easier to put a clay
13 liner on there, to establish vegetation, and to
14 maintain erosion controls that will be needed for more
15 permanent performance.

16 Now, we had, in the original Application, had
17 included and were permitted for another second waste
18 pile to the north. We call it the "north waste pile."
19 Due to changes in mine design and backfill technology
20 and so forth, RGR has determined that they no longer
21 need that second waste pile. So it will never be
22 built.

23 So obviously, in the upgrades that we are
24 doing, we are canceling that waste pile, and obviously,
25 there will be no closure needed for it because it will

1 not exist. So, again, we are going to reshape and
2 cover the outslopes of the waste pile, build a
3 clay-lined activation waste disposal cell, and then
4 conduct a test plot that will take several years to
5 evaluate the performance of the cover as a structural
6 system, but, also, for the vegetation in that test plot
7 to see what varieties and combinations of plant species
8 work best.

9 So we will have a lot of time to observe,
10 monitor, and refine the actual closure design of that
11 cover in the years during operation. So when we are
12 done, there will be no more -- when we are done and
13 ready to go to reclamation, there will be no more work
14 needed on those slopes, they will be stable by that
15 time, and covered with, we hope, very good vegetation.

16 Then we will construct a final or a second
17 waste disposal cell, I will show that in the next
18 slide, that will sit basically in the middle of the
19 waste pile and higher than the original waste disposal
20 cell, and then we will do then a final cover and
21 revegetate the pile on closure.

22 So this is what I meant by saying a "second
23 waste cell." It will be placed just at closure. The
24 original one that I am talking about that we will be
25 doing very soon here after reactivation will sit lower

1 on the existing pile surface. If there is any waste
2 rock to add, it will be added on top of that.

3 And then finally, upon closure, then this
4 final waste cell will be constructed and the whole
5 thing will be capped by a clay cover and revegetated.
6 And this is the location where that final disposal cell
7 will be placed.

8 Now, we are going to the ore pile, which is
9 in the upper left corner of the site as it's mapped
10 here. The present ore pile that sits there now
11 occupies a space roughly in the middle of this whole
12 area. That ore pile will be removed and shipped
13 off-site, we will grade and clean up this whole area of
14 any vegetation or residual materials, because then we
15 will put a new HDPE liner on this site and cover it
16 with several feet of free-draining soil.

17 That free-draining soil then will be the base
18 for the ore to be placed there in the future. As water
19 drains out of it, it will be captured in these catch
20 basins and then conducted through pipes to a newly
21 lined ore pad runoff retention pond. It will be built
22 just like the other waste treatment ponds.

23 So we will construct a truck wash in here, we
24 will put a new liner, a new lined pond, and then when
25 we reach closure, all of that will be removed. And as

1 we go to reactivation, we are going to clean out the
2 existing stormwater pond, we are going to remove those
3 sediments to the waste cell, which will, on this
4 figure, be just to the upper right off of the image, we
5 will construct a new clay liner in this pond and
6 install new hydraulic control structures so that we can
7 bring water under controlled flow conditions into this
8 pond.

9 And then once the pond receives water, there
10 will be a floating pump system which will float on the
11 surface of the water and pump that retained water back
12 to the mine water treatment unit for treatment so that
13 before it is discharged, it meets human health
14 standards.

15 And then when we go to closure, this
16 particular pond will not be completely removed, we will
17 take sediments out and put them in that final closure
18 cell, but we will convert this stormwater pond to a
19 stock watering tank, again, consistent with the
20 post-mine land use, and then we will retain these
21 hydraulic control structures to help that pond receive
22 and pass water more efficiently, but the pumping system
23 will no longer be needed and it will be removed.

24 So as we look at the site in general, this is
25 kind of a snapshot image of what it would look from

1 about a 10,000-foot level. We are going to, while we
2 take the mine into active status, improve these
3 drainage characteristics at the site, which will
4 include rerouting some of the culvert drainage, which
5 is already there, adding new catch basins and culverts
6 to direct water under control to the stormwater basin,
7 and then we will establish vegetation on the waste pile
8 slopes.

9 It's a bit redundant because I said that
10 before. Then we will be implementing the stormwater
11 pollution prevention planner, SWPP, which is required
12 under the permit, and we will remove any contaminated
13 soil that we find elsewhere on the site and put that
14 into the waste pile disposal cell.

15 When we finally reach closure, then we will
16 grade all these surfaces for efficient runoff control,
17 we will reseed the whole area so we have vegetative
18 growth in all the services but roadways, we will
19 install passive erosion controls, that means water
20 bars, riprap, and other things that help harden up the
21 surface against any erosion, and then, again, if there
22 is any residual contamination left in the soil at that
23 time, that will be removed and placed in the waste
24 pile's disposal cell.

25 So that's kind of a long litany of things

1 that we intend to do to bring the mine to active
2 status, as well as the follow-up closure will result
3 from that at the end of the mine life. The actual
4 calendar time of closure isn't known yet because if the
5 mine is able to discover new bodies of ore or more rich
6 portions of existing ore body, then it will have a
7 longer life.

8 If that's not the case, it will have a
9 shorter life, but we are thinking that the projected
10 mine life is decades long. So out there somewhere at
11 the end of the operating life of the mine, we have laid
12 out a schedule -- sorry. We have laid out a schedule
13 that covers all the closure activities. And, again,
14 difficult to see back there, but it would cover about
15 18 months, about 17-and-a-half to 18 months of time to
16 effect closure.

17 So my conclusions. We have diligently
18 studied, discussed, consulted, and otherwise found out
19 what the MMD requirements are for the closure plan, and
20 we believe as submitted, it meets those. It has
21 already been approved. The closure plan has already
22 been approved by the NMED as part of its DP-61
23 responsibilities.

24 We have determined that the best land use at
25 this time, as we can see it, is grazing, and it

1 basically returns the land to the pre-mining land use,
2 and it's consistent with establishment of a
3 self-sustaining ecosystem that's appropriate for the
4 life zone of the surrounding areas, words that are
5 almost verbatim out of the Mining Act.

6 There has been a financial assurance cost
7 estimate prepared. That is roughly \$7.2 million for
8 the mine at the end of an active period of operation.
9 That's slightly above the closeout cost that would be
10 estimated for the closure of the mine in its as-is or
11 existing state, which is about 6.8 million. So it's
12 slightly more expensive. And we expect to have overall
13 environmental compliance with not only the plan to
14 reactivate, but the plan to eventually close the mine.

15 So thank you very much.

16 MS. ORTH: Thank you, Dr. Kuhn. Mr. Jantz,
17 do you have questions? Oh, actually, Mr. Lister, if
18 you would join Dr. Kuhn.

19 MR. JANTZ: I actually have quite a few
20 questions.

21 MS. ORTH: All right.

22 MR. JANTZ: Would it be okay to take a
23 five-minute break?

24 MS. ORTH: Oh, certainly. Let's take a short
25 break. Five minutes.

1 (Recess taken from 11:20 to 11:35 a.m.)

2 MS. ORTH: All right. We are back after a
3 break. At this time, there will be questions of the
4 RGR panel. We will begin with Mr. Jantz. Ms. Rogers
5 is here, I will go to you next, and then ask if there
6 are other questions.

7 I have had a request for the taking of a bit
8 of public comment after this panel has been questioned,
9 and I'm going to do that. I will start with the
10 Governor of the Pueblo of Laguna, and we will move on
11 to anyone else who has time constraints so that those
12 folks who can't be with us after lunch still have an
13 opportunity to make their comment.

14 Mr. Jantz, cross?

15 MR. JANTZ: Thank you, Madam Hearing
16 Officer.

17 CROSS-EXAMINATION

18 MR. JANTZ: My first series of questions go
19 to Mr. Lister. Mr. Lister, you said -- you gave us
20 your job title, and that was mine manager; is that
21 right?

22 MR. LISTER: I'm sorry, what was that?

23 MR. JANTZ: You gave us your job title during
24 your introduction, and that was mine manager; is that
25 correct?

1 MR. LISTER: During years of production, did
2 you say?

3 MR. JANTZ: No. No. During your
4 presentation, you introduced yourself as the mine
5 manager?

6 MR. LISTER: That's correct.

7 MR. JANTZ: Okay. I didn't catch, though,
8 what your duties are as mine manager.

9 Could you explain that a little bit just so I
10 know how to ask questions?

11 MR. LISTER: Sure. The current duties -- the
12 question was what are my current duties as mine
13 manager. My current duties as mine manager is to
14 operate, maintain the mine facility in the status quo,
15 maintain the facility in a way in which we can bring it
16 back on-line, is to maintain the existing permits, is
17 to make application for renewal of those permits, and
18 to apply for new permits, basically.

19 MR. JANTZ: So as an overseer of the status
20 quo, are you responsible for the day-to-day operations
21 of the mine?

22 I mean, do you go there on a daily basis?

23 MR. LISTER: Do I go to the mine on a
24 day-to-day basis, yes, I do.

25 MR. JANTZ: So you have some sense of what's

1 going on at the mine site during the day-to-day
2 activities; is that right?

3 MR. LISTER: Well, I try to, yes.

4 MR. JANTZ: Okay. So you mentioned that some
5 things had occurred, some activities at the mine site
6 had occurred during the standby period.

7 Could you explain more about what you meant?

8 MR. LISTER: The question is what activities
9 have occurred in standby?

10 MR. JANTZ: Yes, that's correct.

11 MR. LISTER: Well, other than the day-to-day
12 activities, some of the things that's been done is we
13 have increased the size of the fence to prohibit
14 animals from jumping over a six-foot fence, we have
15 increased that to about eight feet or so; we have also
16 applied for a temporary discharge license, DP-1712,
17 which had allowed us to take approximately four to five
18 gallons a minute out of the mine pool, treat it, and
19 test different ion resins to see which one would be the
20 best to use to remove the uranium.

21 That was concluded, the report was submitted
22 to NMED, and that permit was handed back to them. We
23 no longer have it. Some of the other things that we
24 have done, of course, is maintain the property, improve
25 the property, and we paint what needs to be painted, we

1 repair what needs to be repaired relative to roofs,
2 water lines, things like that, regravel, reshape roads,
3 care for our trees that we have planted. Things like
4 that.

5 MR. JANTZ: And does it include the
6 groundwater mediation effort, as well?

7 MR. LISTER: Yes, it does. We have -- and
8 perhaps Dr. Kuhn can speak better about this, but we
9 have engaged a Stage 2 abatement plan with the New
10 Mexico Environment Department where we have a small
11 area, less than two football fields, that exceed the
12 groundwater standards in some constituents, we have a
13 plan in case, and we have been working towards that
14 abatement.

15 MR. JANTZ: Okay. Now, let me go back to
16 something you said during your initial presentation.
17 You said that the timing for mine reopening was now,
18 you have intended to file your Application to return to
19 active status now because you believe the market will
20 be there.

21 Can you explain what you meant by that?

22 MR. LISTER: Well, we actually filed
23 two-and-a-half years ago. The decision to make that
24 filing came much more before that, but yes, we believe
25 the market is going to be there. We believe, as I

1 tried to demonstrate in my testimony, that simply by
2 having an active permit doesn't mean that that
3 production is going to start tomorrow.

4 There are many things that have to be done, a
5 long lead time, both in engineering, both in
6 procurement of equipment, searching for equipment,
7 contract awards, construction, itself, the dewatering
8 phase, itself, the rehabilitation of the shaft,
9 rehabilitation of the mine, the development of the
10 mine, the delineation of drilling underground, stoke
11 preparation, and finally, the extraction.

12 All of that takes time. All of it won't
13 happen immediately, but if we don't do this step today
14 that we are doing and the plan that we have done in the
15 past, it never will happen. So we anticipate that
16 market being recovered by the time that we are ready to
17 mine the uranium.

18 MR. JANTZ: And what do you mean by "market
19 recovered"?

20 So let me just refresh your memory about some
21 of the statements that have been made in the past, or
22 that you have made in the past.

23 Do you recall in the 1994 Application for an
24 existing mine permit where you said that production
25 would occur at the mine no later than 2010?

1 MR. LISTER: I'd have to refresh that. I
2 don't recall that offhand.

3 MR. JANTZ: Madam Hearing Officer, I actually
4 have a copy of that document, if I can approach Mr.
5 Lister, or we can just stipulate.

6 MS. ORTH: All right. Why don't you just
7 assume, that is to say, include it as a hypothetical in
8 the question.

9 MR. JANTZ: Sure. Okay. Well, let's assume,
10 and we will put this in the record later --

11 MR. LISTER: Sure.

12 MR. JANTZ: -- that that was in the 1994
13 Application.

14 What's changed since 1994, in your
15 estimation?

16 MR. LISTER: Oh, many things have changed
17 since '94. We had a federal program that allowed the
18 Soviet-made weapons to actually be downgraded, which
19 produced a large part of the uranium supply. That was
20 definitely a big source of secondary supply that the
21 market did not anticipate, and as you may recall, you
22 saw a runoff in the uranium market back in 2005 through
23 2010, I believe, where uranium spiked at about \$130 a
24 pound or so.

25 MR. JANTZ: Right.

1 MR. LISTER: And we believe internally, we
2 are a privately held company, we operate on private
3 land, our estimation, that market was much like the
4 housing market, we saw that as a bubble. Certainly,
5 when we invest our own money, we would not invest in
6 that bubble, but, rather, we look at the longer term,
7 and we don't sell into the spot price.

8 The spot price currently is about \$36. It's
9 the longer-term price that we are looking at. We don't
10 finance a project this size on a spot price, what we
11 can get, but, rather, what we deliver in long-term
12 contracts.

13 MR. JANTZ: And so the market spike was
14 during the time that there was the down-lending
15 program; is that correct?

16 MR. LISTER: That's one of them, yes.

17 MR. JANTZ: Okay. And since the down-lending
18 program ended in 2013, what's the market done?

19 MR. LISTER: Well, it's gone up and down. It
20 has been as high as 46, \$47 and as low as, I think, 32
21 or \$34, but, again, that's short-term spot price. We
22 don't sell into the spot market.

23 MR. JANTZ: So I am assuming that based on
24 your information about supply and demand, you think
25 that within a certain amount of time, you'll be able to

1 produce profitability; is that correct?

2 MR. LISTER: I don't think we would be
3 investing millions of dollars of our own money, not the
4 public money, but reaching into our own pocket to make
5 those investments if we didn't think it was going to be
6 that way.

7 MR. JANTZ: Well, let's talk about the demand
8 then. Let's talk a little bit about demand. In the
9 past, you have said that -- and I am thinking of the
10 May 2015 hearing -- you expected that China and India
11 would have increasing demands.

12 That's still not reflected in the spot price,
13 though, is it?

14 MR. LISTER: I don't think I heard what you
15 asked.

16 MR. JANTZ: I'm sorry. In May 2015, you
17 testified earlier this year, that you expected the
18 demands to increase from India and China, but that
19 still hasn't affected the spot price now, has it?

20 MR. LISTER: I am not sure. I don't really
21 follow the spot price all that well because we don't
22 sell into it. I am not sure how much the market really
23 -- no, your line of questioning is indicating
24 questions about the market, but we are really here
25 today to talk about reopening the mine. We have

1 already made that decision to do that regardless of
2 what the spot price is doing.

3 MR. JANTZ: Well, is the market not important
4 for your decision to reopen?

5 MR. LISTER: Well, absolutely, but I don't
6 think that as a private company, we have to share that
7 with you.

8 MR. JANTZ: No, sir, you certainly don't.
9 However, it is important for the purposes of whether or
10 not this permit is actually needed for the public and
11 the regulatory agency to understand what the timeline
12 for this is. And so let's talk about the timeline.

13 And I think that this goes to Dr. Kuhn's
14 slides, as well. Can we have the PowerPoint slides
15 that show the two columns where there is the work
16 that's supposed to be done for the reactivation work
17 versus closeout work? I can't remember the numbers.
18 The slide where it starts.

19 MS. SHEEHAN: Okay.

20 MR. JANTZ: That's the one where it starts,
21 yes. So I'd like to get a sense of the anticipated
22 timeline for reactivation, and, Dr. Kuhn, you talked
23 about these activities that would begin soon, but I
24 don't know what that means exactly. So I am wondering
25 if we could talk about sort of specific time frames

1 based on your table here.

2 So if we are talking about rehabilitation of
3 deep wells, when do you expect that work to begin, and
4 when do you expect it to end?

5 DR. KUHN: Are you asking me or him?

6 MR. JANTZ: Dr. Kuhn, yes.

7 DR. KUHN: Well, everything is really kind of
8 predicated on the approval dates, of course.

9 MR. JANTZ: Sure. And let's assume for the
10 sake of argument that this permit gets approved, turned
11 around, by the beginning of 2016.

12 DR. KUHN: Well, okay. Based on --

13 MR. JANTZ: Hypothetically.

14 DR. KUHN: Based on that assumption, I am
15 not, of course, the one making the decision about when
16 things start, but rehabbing the wells, getting the
17 wells back into operating condition is one of the early
18 things that would have to happen.

19 And that, again, is a process that would
20 probably take, I am guessing, a year, year-and-a-half.
21 So if it were to be lined up to the same activity, or
22 the activity would have the same end point, then we
23 can't really start pumping water from the wells until
24 we have some ponds lined.

25 So these things go in parallel. So it

1 depends on which of those related activities has the
2 longest time, where is the critical path, and
3 everything that would be feeding into that would be
4 back-scheduled from that point.

5 So let's say it would take from now, two
6 years, just hypothetically, to get the ponds all lined
7 so that they are ready to receive water, well, then the
8 time to rehab the wells, if they are going to take 18
9 months, you would start no later than six months from
10 now.

11 So all those scheduling things have to be
12 worked out. So I'm not saying this is what RGR plans,
13 I am just saying that when you need to schedule and
14 coordinate multiple tasks that are interactive, you
15 have to consider the whole spread of all those
16 activities, not just one.

17 MR. JANTZ: Okay. That's helpful. So let me
18 ask you this then.

19 Assuming this permit gets granted in the
20 beginning of 2016, first quarter of 2016, and you have
21 this long list, several slides, and unfortunately, we
22 can't see the whole list all at once, but what items on
23 that list of reactivation activities, upgrade and
24 reactivation activities, would take the longest?

25 So in other words, I want to get a sense,

1 assuming, if I am understanding you correctly, you need
2 to take the thing that would take the longest amount of
3 time and back-schedule from that for all the other
4 parts to fit into place; is that right?

5 DR. KUHN: That's right.

6 MR. JANTZ: So what in this list of
7 reactivation/upgrade activities would take the
8 longest?

9 DR. KUHN: I would say that the long-lead
10 equipment items, probably the shaft hoists, because
11 they are so large, so expensive, and so hard to find.

12 MR. JANTZ: And, actually, that reminds me,
13 thank you, of a question I had for Mr. Lister. Mr.
14 Lister, you mentioned that you were just now in the
15 process of trying to track down these hoists.

16 Could that not have been done during the
17 standby period?

18 I mean, could you not have been trying to
19 look for that stuff at that point?

20 MR. LISTER: Well, it's not exactly -- as Dr.
21 Kuhn said, it's not exactly going to Home Depot and
22 getting it off the shelf.

23 MR. JANTZ: Sure.

24 MR. LISTER: Hoists are typically specific to
25 a mine pool shaft department, shell diameter, things

1 like that. And so we have looked at the hoists during
2 this last three- to four-year period, we have located
3 one or two that could work for Mount Taylor with some
4 refurbishment, but those are only one of the long lead
5 items. We are looking at our underground pumping
6 plant, for instance, we have looked at that recently,
7 and those have a 48-month delivery date.

8 MR. JANTZ: So an underground pumping plant?

9 MR. LISTER: Yes.

10 MR. JANTZ: I don't recall that from the
11 permit Application.

12 MR. LISTER: When we go underground?

13 MR. JANTZ: Yes, the underground pumping
14 plant.

15 MR. LISTER: We had, in prior production,
16 pumped from underground.

17 MR. JANTZ: Okay.

18 MR. LISTER: So we have pumped stations
19 located on the 1600 mid level and at the 3200 level.
20 Those pumps would have to be replaced as when we are in
21 production, and those pumps are the ones I am referring
22 to with the long lead time.

23 MR. JANTZ: Okay. So it sounds like it's
24 about two years for -- two, two-and-a-half years for
25 the longest lead time based on the hoists and this

1 underground pumping?

2 MR. LISTER: I said that those pumps add up
3 to 48 months.

4 MR. JANTZ: Forty-eight months.

5 MR. LISTER: Lead time.

6 MR. JANTZ: So four years, four years out?

7 MR. LISTER: Well, we hope to expedite that,
8 but that's our initial answer to our question, "What is
9 the lead time?" And the first answer we got from the
10 vendor was 48 months. We hope to expedite that, but we
11 don't know how we will do on that.

12 MR. JANTZ: Well, let's assume a 48-month
13 period. So you have got 48 months, four years, for the
14 longest lead time for getting that -- for the upgrades,
15 the reactivation --

16 MR. LISTER: No. Excuse me. 48 months is
17 the time it takes to receive those pumps.

18 MR. JANTZ: Okay. So you'll get them, put
19 them on-site, and then what?

20 MR. LISTER: Well, it's not as easy as you
21 describe. These pumps are 500-horsepower pumps, they
22 go on two different levels, they have a support piping
23 system, they have a support electrical system that
24 powers them up and allows them to operate. All of that
25 will have to be part of the underground rehabilitation.

1 MR. JANTZ: So underground rehabilitation
2 comes first?

3 MR. LISTER: Well, placing the pumps in it is
4 part of that rehabilitation effort.

5 MR. JANTZ: Okay. So we are talking a
6 minimum of four years, conservatively speaking, before
7 we can start that process, right?

8 MR. LISTER: That's what we are being told
9 right now by vendors, they anticipate about a 48-month
10 lead time.

11 MR. JANTZ: Okay. So let's assume a
12 four-year period as a planning time frame.

13 Dr. Kuhn, going back to your list of upgrades
14 and reactivations, can you tell me hypothetically,
15 given that four-year outer limit time frame, what's the
16 soonest -- which activity would happen soonest?

17 DR. KUHN: I am not following. I think what
18 you are asking is about an answer you have already
19 received. So I am not sure what you are asking new
20 here.

21 MR. JANTZ: No. So what I am asking now is
22 -- let me try and rephrase this.

23 Let's assume there is a four-year outer limit
24 time frame and we are back-scheduling from that
25 four-year time frame, right, based on what Mr. Lister

1 just testified about, all right, let's assume that.

2 DR. KUHN: All right.

3 MR. JANTZ: What is the first step, what is
4 the first thing on this list of upgrades and
5 rehabilitations that can happen, given that four-year
6 outer limit time frame, and when might it happen?

7 MR. BUTZIER: Madam Hearing Officer, may I
8 just interpose one point of clarification?

9 MS. ORTH: Yes, Mr. Butzier.

10 MR. BUTZIER: I think the term "outer limit"
11 is a little ambiguous as Mr. Jantz is using it. I
12 object to that as not consistent with the testimony.
13 If his intention is to imply that "outer limit" means
14 four years from now or from the beginning of 2016 until
15 things are ready to go, because Mr. Lister testified,
16 as we have heard, that that four-year period is for
17 receipt of the equipment. So I just wanted to make
18 sure that by Mr. Jantz' use of the outer limit that
19 there was not a misperception.

20 MS. ORTH: All right. Thank you. I know
21 it's a complicated question.

22 MR. JANTZ: Sure. And it is kind of a
23 complicated question.

24 MS. ORTH: Yes.

25 MR. JANTZ: You are assuming that for

1 purposes of planning upgrades and rehabilitation of the
2 mine to go back on active, start-producing uranium
3 again, that at a minimum, you're not going to be able
4 to start dewatering in the shaft until four years from
5 now, 2020?

6 DR. KUHN: That's incorrect.

7 MR. JANTZ: So it's incorrect?

8 DR. KUHN: No, the way you are connecting
9 these dots is incorrect.

10 MR. JANTZ: So could you correct me, please?

11 DR. KUHN: A pumping station that Joe Lister
12 talked about before has to be -- or pumping stations
13 are set at two levels down the shaft. So dewatering
14 would obviously have to begin before those could be in
15 place.

16 MR. JANTZ: Okay.

17 DR. KUHN: Now, the order time would have to
18 be sometime prior to that, but in order to dewater the
19 shafts, to draw water out of the mine level, we have to
20 have a way of handling it at the surface, treating it
21 at the surface, temporarily holding it at the surface,
22 and then releasing it.

23 MR. JANTZ: Okay.

24 DR. KUHN: Because we cannot simply wave our
25 hands and have an opportunity to get into the shaft.

1 So all these things that you are asking about are very
2 complicated project planning and procurement schedule
3 items which have to be written out basically in a
4 project schedule, where the interactions and
5 dependencies on all these things can be worked out, and
6 then the proper procedure and project scheduling is to
7 define what's called a "critical path"; in other words,
8 what sequence and series and connections of activities
9 are critical to meeting the overall schedule or the
10 overall objective of putting the mine back in operation
11 as soon as possible.

12 So we don't know yet, until we fit all these
13 pieces together, what that critical path is because the
14 company is still inquiring of manufacturers and vendors
15 what they can produce and in what time frame and how
16 that would impact the procurement and the placement of
17 other pieces of equipment.

18 So you are asking for a very straightforward,
19 simple answer to a very complicated question.

20 MR. JANTZ: So what I am hearing is that
21 there is not a critical plan at this point, and no
22 schedule, and there won't be until you have all these
23 contracts in place; is that correct?

24 MR. LISTER: In part, but more importantly,
25 we have not received the permit to come off of standby

1 on to active, and we don't know what conditions might
2 be in that permit, but to further what Dr. Kuhn has
3 spoken about, there are lots of activities that are
4 going to happen.

5 The mine is typically developed in phases.
6 The first phase, of course, is exploration; the second
7 phase is typically land acquisition, going to
8 development, and then finally extraction. All of that,
9 all of that, typically is -- takes engineering, takes
10 procurement, takes a work force, takes all those
11 activities.

12 We think that there are going to be long lead
13 times on almost every equipment that we order.
14 Submersible pumps that go in the deep wells have a long
15 lead time; electric cable, if you have bought copper
16 recently, you know there is a long lead time involved.
17 Most major equipment, that's true.

18 But most of these activities will be placed
19 on a schedule, we will understand the procurement of
20 it, we will understand the engineering time required,
21 all that will be put in the schedule. Hopefully, we do
22 it sooner, but we are at the mercy of many different
23 vendors, both in terms of engineering and equipment.

24 MR. JANTZ: Okay. I think that that gets to
25 most of what I need to know about that schedule or lack

1 thereof. Let's see. One thing I actually noticed that
2 nobody talked about in terms of going back to active
3 status is the availability of milling processing
4 facilities, because it's my understanding that in order
5 to produce a product, an end product, for nuclear power
6 plants, you need to have the ore milled; is that
7 right?

8 MR. LISTER: Sure.

9 MR. JANTZ: Okay. So do you have a mill for
10 your ore?

11 MR. LISTER: Well, we are here today about
12 reactivating the mine, but to answer your question on
13 the mill, as was done in the Gulf era, that mill was
14 working concurrently with the development of the mine.
15 We have talked to NRC, we understand what those rules
16 are, and we have engaged several people in the
17 preliminary planning of that. We have noticed NRC that
18 they can expect a permit Application within the next
19 four to five years. We believe that Application
20 preparation will take at least four to five years.

21 MR. JANTZ: And so this is for a Rio Grande
22 Resources mill; is that right?

23 MR. LISTER: That's correct.

24 MR. JANTZ: Okay. So does that mean you're
25 not planning on going to White Mesa?

1 MR. LISTER: We will look at all the options.

2 MR. JANTZ: Okay. Again, I'm trying to get a
3 sense of a timeline here.

4 MR. LISTER: Well, let me back up to say
5 this.

6 MR. JANTZ: Sure.

7 MR. LISTER: Mount Taylor is a huge deposit.
8 If you look at it in terms of size, it's probably equal
9 to about 30 percent of the total production of the
10 entire district. It's certainly big enough to sustain
11 the capitalization of its own mill, and we plan to do
12 so.

13 MR. JANTZ: Okay. And so let's assume then
14 you submit your Application to the NRC in 2020. My
15 understanding is you told the NRC that you would do it
16 in the last quarter of 2019, first quarter of 2020. So
17 let's assume that you submit your license, mill license
18 Application, in 2020.

19 What's the time frame for the NRC granting
20 the license? And this is for either you or Dr. Kuhn.

21 DR. KUHN: My experience with the NRC's
22 timeline is you can get them to say what they believe
23 they can do or would attempt to do, but there are no
24 guarantees with that process. The latest thing I have
25 heard from the NRC at the Annual Uranium Workshop

1 meeting, which is held annually up in Denver, is that
2 they will try to process mill permit Applications in
3 two-and-a-half years. They have not hit that mark
4 yet.

5 Now, that's in contrast to the Pinon Ridge
6 Mill, which, from start to finish, received its license
7 -- before challenges, received its license in the
8 state of Colorado in 44 months. So that's certainly
9 shorter than the time frame we could expect going
10 through this process with the NRC.

11 I have scheduled these mill application
12 processes countless times, and the biggest unknown in
13 the whole scheduling is the review and approval time
14 through the NRC. I can be fairly confident of how to
15 get to the date of Application, but beyond that, we
16 have no control over it.

17 MR. JANTZ: Sure. But you are saying
18 Colorado, which is an agreement state; is that right?

19 DR. KUHN: Correct.

20 MR. JANTZ: So that was 44 months, about four
21 years?

22 DR. KUHN: Yes.

23 MR. JANTZ: So we can expect maybe a four- to
24 five-year process for NRC to do it?

25 DR. KUHN: I wouldn't tell anyone to expect

1 it in less than five years.

2 MR. JANTZ: All right. Thank you. That's
3 very helpful. All right. Let's see, I want to talk a
4 little bit now, and I think that we have covered --
5 actually, hold on just a second.

6 All right. I want to talk a little bit about
7 the waste pile, and I guess it's the only waste pile
8 now, is that correct, it's going to be the only waste
9 pile?

10 DR. KUHN: That's correct.

11 MR. JANTZ: Okay. Can you describe for me
12 the -- and, Stuart, actually, while you are there,
13 could you give me the slide that has the elevation view
14 of the waste pile?

15 DR. KUHN: That would be the next slide.

16 MR. JANTZ: Yes. Thank you. So right now,
17 could you describe the construction of the waste pile
18 where it stands currently?

19 Is it lined?

20 DR. KUHN: No. If you look at that lower
21 kind of horizontally and vertically hatched, lightly
22 shaded area toward the bottom of that profile, the
23 upper view, that would represent the existing waste
24 pile with its surface, you know, graded smooth.

25 MR. JANTZ: I'm sorry. Could you repeat

1 that? I lost you there.

2 DR. KUHN: If you look at this zone here,
3 this hatched, lightly gray-shaded area --

4 MR. JANTZ: Okay.

5 DR. KUHN: -- and look at the surface on it,
6 that represents generally a generalization of the
7 current shape. In other words, there are some
8 irregularities and so forth, but that's the way we
9 would prepare it prior to placing additional material
10 on top.

11 MR. JANTZ: Okay. So you flatten out the
12 current waste pile?

13 DR. KUHN: Well, yes. It is basically flat
14 on the top now. It's just that there are some
15 irregularities that we would remove so that we have a
16 better working surface.

17 MR. JANTZ: Okay. So is it fair to say then
18 that you level off grade at the top of the current
19 waste pile, put a liner on it? That's not right? You
20 are shaking your head.

21 DR. KUHN: No, that is not correct.

22 MR. JANTZ: Okay.

23 DR. KUHN: What we are saying is taking this
24 pile from its present standby to active status, the
25 only things that we had talked about doing was reducing

1 the slopes to a five-to-one gradient and then pushing
2 that material farther up onto the pile to form these
3 berms that would then constitute a waste disposal cell,
4 and all the pond sediments and contaminated soils would
5 be brought into this cell, which would be lined. This
6 would be lined.

7 MR. JANTZ: Okay.

8 DR. KUHN: And then there would be a clay cap
9 put over it once all that material was placed there.

10 MR. JANTZ: And so this newly constructed
11 cell, waste rock containment cell, that would include
12 the radioactive waste from the current ponds, right?

13 DR. KUHN: Correct.

14 MR. JANTZ: Would it be designed for waste
15 brought from the future mining operations?

16 DR. KUHN: No, it is not going to contain
17 waste rock. It's going to contain contaminated
18 materials cleaned up from the ponds and the other
19 contaminated soil locations on-site.

20 MR. JANTZ: Okay.

21 DR. KUHN: But not from waste rock.

22 MR. JANTZ: And where is the waste rock
23 that's generated with renewed operations going to go?

24 DR. KUHN: It would be in these zones, or
25 it's marked "waste rock."

1 MR. JANTZ: Okay.

2 DR. KUHN: And/or it would be placed in
3 underground openings as backfill; in other words, never
4 brought to the surface.

5 MR. JANTZ: Okay. And so all the radioactive
6 waste that's currently on-site is going to be
7 consolidated in this waste pile, it's not going to be
8 shipped anywhere; is that right?

9 DR. KUHN: That's correct.

10 MR. JANTZ: All right. Now, with the current
11 waste pile, the one that's unlined, is there any way to
12 detect leaks from that?

13 So let me just ask you, is there any way to
14 detect whether there is any contamination coming from
15 the current waste pile?

16 DR. KUHN: Well, that's already been covered
17 in the Waste Pile Characterization Study that was done
18 as part of compliance of DP-61.

19 MR. JANTZ: Okay. Great. And what measures
20 are going to be used to prevent additional leakage or
21 contamination from waste rock -- what measures is Rio
22 Grande Resources taking to prevent additional or
23 potential contamination from the waste pile when the
24 new waste rock from renewed operations is placed on
25 top?

1 DR. KUHN: Well, there is no data that says
2 we are getting contamination from the existing waste
3 rock. And so unless we have a mechanism that would be
4 something we have not experienced yet to bring that
5 contamination out of the waste rock, we wouldn't expect
6 any from the future waste rock.

7 The important thing here is that we keep it
8 dry, we don't let water pond there, and that we also
9 cover it as quickly as we can once the material is in
10 place. So that would keep it physically in place so it
11 wouldn't be eroded.

12 MR. JANTZ: All right. That answers my
13 question. So one final question.

14 The permit area, as I understand it, is
15 around 4,000 acres; is that right?

16 DR. KUHN: Joe knows better than I.

17 MR. JANTZ: Okay.

18 MR. LISTER: Yes, it's around 4,000 acres.

19 MR. JANTZ: But the disturbed area is roughly
20 140-some acres?

21 MR. LISTER: Yes.

22 MR. JANTZ: And that's privately owned land;
23 is that right?

24 MR. LISTER: Yes, it is.

25 MR. JANTZ: Okay. Some of the 4,000 acres is

1 Forest Service land, though, is that right, or no?

2 MR. LISTER: Very little of it. Most of it
3 is our patented land and other land and most of that
4 private land. We do have unpatented claims on the
5 Forest Service, but we also have a large number of
6 patented claims, and there are other folks that have
7 patented claims that we lease from.

8 MR. JANTZ: Okay. But there are some
9 unpatented claims on Forest Service land?

10 MR. LISTER: Yes, sir.

11 MR. JANTZ: Okay. Is there any BLM land
12 involved here?

13 MR. LISTER: Yes, there is some BLM land.

14 MR. JANTZ: Thank you. I think that's all I
15 have.

16 MS. ORTH: Okay.

17 MR. JANTZ: Oh, right. So there is currently
18 what, 60,000 tons of ore on the ore pile; is that
19 right?

20 MR. LISTER: I'm sorry?

21 MR. JANTZ: There are currently 60,000 tons
22 of --

23 MR. LISTER: The ore -- there is
24 mineralization. There is stockpiled mineralized rock
25 on the existing ore bed, we covered that in both

1 presentations, where we would remove that ore and place
2 a liner under it. That ore pile that is there now has
3 covered about three feet of clean soil.

4 MR. JANTZ: Where is that ore going to go?

5 MR. LISTER: Off-site.

6 MR. JANTZ: Can you say where?

7 MR. LISTER: I don't know what it has to do
8 with this hearing, but yes, it's going to be taken
9 off-site, hopefully to a mill.

10 MR. JANTZ: Okay. So it might be milled at
11 the Rio Grande Resources mill, it might be milled
12 somewhere else?

13 MR. LISTER: One or the other.

14 MR. JANTZ: Okay. Thank you.

15 MS. ORTH: All right. Thank you, Mr. Jantz.

16 Ms. Rodgers, do you have questions?

17 MS. RODGERS: Yes, I do. Not many.

18 CROSS-EXAMINATION

19 MS. ROGERS: And my first question is
20 primarily for Mr. Lister.

21 What is the present plan for cultural
22 surveys?

23 MR. LISTER: Can you hear me? The question
24 was what are the present plans for a cultural survey.
25 No ground-breaking will take place without a cultural

1 survey.

2 MS. RODGERS: But do you have plans for how
3 that will be accomplished?

4 MR. LISTER: We plan to hire some expertise
5 in that subject to do that for us.

6 MS. RODGERS: And does that include
7 consultation with the tribal communities and the local
8 land grant communities that have cultural resources
9 there, or that may?

10 MR. LISTER: We would welcome that. We would
11 welcome to engage the local folks in that endeavor,
12 yes.

13 MS. RODGERS: And given that many cultural
14 resources cannot be identified by people other than
15 members of that culture, are you making plans for
16 tribal participation in those cultural surveys?

17 MR. LISTER: We would welcome that.

18 MS. RODGERS: And as to the cost for this
19 participation, is Rio Grande Resources considering
20 covering those costs?

21 MR. LISTER: That, I think, would have to be
22 covered under a Memorandum of Understanding.

23 MS. RODGERS: Okay. And I will acknowledge
24 that Acoma has been in discussion with Rio Grande
25 Resources and we are looking at a potential MOU. We

1 have brought that up.

2 Now, I am concerned. I noticed in your
3 PowerPoint, you talked about several agencies that will
4 be giving you -- that you are going for permits, you
5 applied for permits in this process, but I would ask
6 you, what applications are pending before the Office of
7 the State Engineer?

8 MR. LISTER: Currently, there is no action
9 pending currently under the State Engineer's Office.
10 The mine was active prior to the Mine Dewatering Act.
11 We believe that one, that we are grandfathered in under
12 that Act, and we have pre-basin rights to some of that
13 water.

14 MS. RODGERS: And have you consulted with the
15 Office of the State Engineer on that issue?

16 MR. LISTER: We have had a brief talk with
17 them, but we have not discussed it in-depth.

18 MS. RODGERS: Okay. So you don't have any
19 pending applications that are before the Office of the
20 State Engineer that require --

21 MR. LISTER: We do not.

22 MS. RODGERS: -- the State Engineer to issue
23 a permit?

24 MR. LISTER: Well, we believe, again, that we
25 were grandfathered in under the Mine Dewatering Act

1 when we -- it's kind of a chicken-and-egg thing. We
2 would hopefully have this revision to active status,
3 that will trigger lots of activities, talk to the
4 State, to the State Engineer, is one of them, begin
5 that NRC process is another one. There would be
6 several others.

7 MS. RODGERS: Okay. And finally, just a few
8 more questions.

9 I understand that in the past, you, yourself,
10 participated in a water planning process with the City
11 of Grants; is that correct?

12 MR. LISTER: Actually, it was some 20 years
13 ago. We participated in a water supply project, which
14 involved the City of Gallup and the Pueblo of Acoma and
15 Laguna.

16 MS. RODGERS: No. I am talking about the
17 process that took place in the 1990s with the City of
18 Grants and its 40-year water supply.

19 MR. LISTER: Yes. I participated. I was one
20 of the participants in the planning process.

21 MS. RODGERS: Are you aware that the Morrison
22 formation has been identified as a future water source
23 for the City of Grants in that plan?

24 MR. LISTER: I am not.

25 MS. RODGERS: And if it has been, assume it

1 has, how will the company avoid any potential conflict
2 between the municipal needs and the dewatering of the
3 mine, the Morrison formation, and the transfer of that
4 water out of the basin?

5 MR. LISTER: Well, I think the hydrology
6 question portion of that would probably better be
7 answered by Dr. Kuhn. As far as interbasin transfers,
8 we are permitted to discharge currently at an outfall
9 location that does take it off of the surface feature
10 of the groundwater basin.

11 MS. RODGERS: Have you considered
12 transferring or discharging the water at some future
13 time into the Rio San Jose Basin?

14 MR. LISTER: We have made that consideration
15 as we have talked to folks about that. We believe
16 there is surplus water beyond what we have a use for,
17 and how that gets put to beneficial use that would
18 benefit the community, benefit the whole area, is yet
19 to be determined.

20 Do we think there is a better use, there
21 probably is. Do we think there is enough water for
22 everyone, we hope there is, but we would like to engage
23 in that conversation, we would like to open that up to
24 the community, we would like to be able to talk about
25 it and have all the players at the table.

1 MS. RODGERS: Thank you. I have no further
2 questions.

3 MS. ORTH: Thank you, Ms. Rogers. Are there
4 other questions that have not yet been asked of the
5 panel based on their testimony? Okay. Thank you very
6 much, gentlemen.

7 Anything, Mr. Butzier?

8 MR. BUTZIER: No.

9 MS. ORTH: Thank you very much, gentlemen.

10 So I'd like to take some public comment before we break

11 for lunch for those of you with time constraints who

12 will not be able to join us this afternoon, and I'd

13 like to begin with Governor Virgil Siow.

14 VIRGIL SIOW
15 after having been first duly sworn under oath,
16 testified as follows:

17 DIRECT TESTIMONY

18 GOVERNOR SIOW: Thank you. I am Virgil
19 Siow. I am the Governor for the Pueblo of Laguna. As
20 I mentioned earlier, here with me today, I have several
21 members from our Pueblo Council. I have First
22 Lieutenant Paul Pino -- or Second Lieutenant Paul Pino,
23 I have one of our staff officers, Gaylor Siow, I also
24 have Council Members Alvin Martin and Albert Riley.

25 I also have with me today members of the

1 Pueblo of Laguna Environmental & Natural Resources
2 Department, Mr. Adam Ringa, who is the Director for
3 that Department, and Mr. Greg Jojola, who works in that
4 department, as well.

5 You know, we are here at this public hearing
6 today scheduled by the New Mexico Mining and Minerals
7 division regarding Rio Grande Resources' request to
8 move its Mount Taylor uranium mine from standby status
9 to active status.

10 The Mount Taylor Mine near the Village of San
11 Mateo has been inactive, without any remediation, for
12 the last 25 years. In our experience, the
13 environmental damage caused by uranium mining gives us
14 reason to be concerned about prolonging cleanup of the
15 Mount Taylor Mine.

16 In the case of the Jackpile Mine, the Pueblo
17 of Laguna started negotiating with ARCO after closure
18 of the mine in 1983 and began reclamation in 1995.
19 Even with these measures and reclamation, the Pueblo
20 will continue to address environmental issues for
21 years.

22 In view of the potential impacts to nearby
23 communities, it is difficult to view the delay to clean
24 up the mine by Rio Grande Resources as responsible
25 corporate behavior. Additionally, we know that the

1 areas contain cultural resources that are important to
2 the Pueblo of Laguna and other tribes.

3 However, the mine was permitted at a time
4 when cultural resources did not have even the minimal
5 protections they have now. We will remain concerned
6 about the potential impact to these resources as we
7 follow the process.

8 So that concludes my statement from the
9 Pueblo.

10 MS. ORTH: So, Counsel, as you know, the
11 rules require that anyone making comment be subject to
12 questioning. I know you also know that I discourage
13 questioning of non-technical comment. So rather than
14 inviting questioning after each non-technical comment,
15 if you really have a question, please get my
16 attention. Thank you.

17 Thank you very much, Governor. Is there
18 anyone else who would like to offer public comment
19 before lunch? Again, there will be lots of
20 opportunities after lunch.

21 Ms. Rogers?

22 MS. RODGERS: I was also asked to make
23 comment for the Pueblo of Acoma. We have written
24 comment, and it cites to documents, and the documents
25 are on the disk.

1 MS. ORTH: Okay.

2 MS. RODGERS: Here is the written comment,
3 and I do have a copy for you. I am down to one, but I
4 will be glad to give you mine after the presentation.

5 ANN BERKLEY RODGERS

6 after having been first duly sworn under oath,
7 testified as follows:

8 DIRECT TESTIMONY

9 MS. RODGERS: I am here speaking on behalf of
10 the Pueblo of Acoma as its comments.

11 The Pueblo of Acoma, a federally recognized
12 Indian tribe, and the oldest continually inhabited
13 community in not only this region, but all of North
14 America, appreciates this opportunity to provide its
15 position and comments on the proposed reactivation of
16 the Mount Taylor Mine by Rio Grande Resources
17 Corporation.

18 Acoma looks at any proposed uranium mine with
19 deep reservations due to the present legacy mining
20 issues that this region is faced with and the abject
21 failure of the mining industry to provide for the
22 region that is giving it so much wealth and has given
23 it so much wealth.

24 In Acoma's view, in a perfect world, there
25 would be no mining of this toxic substance, and it

1 definitely would not take place on a mountain of such
2 deep cultural significance to Acoma. And I would add,
3 to the surrounding communities, as well, as I stand
4 here looking at Mount Taylor behind you.

5 But that is not the world that we live in.
6 If the State of New Mexico is intent on allowing this
7 activity, then every care must be taken to prevent this
8 activity from harming the region, and the contributions
9 of the mining industry should be commensurate with what
10 it is taking from this region. This did not happen
11 with past mining, and hopefully, we have learned from
12 past mistakes.

13 In this real world, the region has
14 groundwater contamination that has not been capable of
15 cleanup for decades, despite many efforts. And that's
16 established in the Homestake Mining Company Superfund
17 Site report done by the EPA.

18 Acoma has concerns about levels of uranium in
19 urine samples of people in the region that are six to
20 nine times higher than the national average. That is
21 in the 2020 Five-Year Plan to Assess and Address Health
22 of Environmental Impacts of Uranium Mining and
23 Milling. It is well and good to say that with today's
24 technology, the contamination of the past will never
25 happen again, but we live with that contamination

1 today. We are not starting with a blank slate here.

2 Beyond contamination of groundwater, there
3 are related water quality issues. Will this project
4 render useless existing water planning efforts that
5 designate the Morrison formation as a source of future
6 municipal water supply for the City of Grants? And
7 that is in their 40-Year Water Plan published in 1999.

8 This is of grave importance to Acoma because
9 the primary source of surface water on Acoma Pueblo
10 comes from the same source that Grants is currently
11 using, and that source is gravely over-appropriated at
12 the present time.

13 We also must consider what has the mining
14 industry done to improve the quality of life for the
15 people of this region other than provide temporary
16 employment for most? What has this industry seen as
17 its responsibility to the area that is giving up its
18 natural resources and the health of communities to
19 safeguard, much less improve, the quality of life
20 here?

21 In almost any other nation, the mining
22 industry would have to give back to those communities
23 most affected by its activities, be it schools,
24 hospitals, irrigation projects, or other regional
25 means. It hasn't done that in the past, but it should

1 be required to do that now.

2 Acoma has to be concerned about this proposal
3 because Acoma can only exist where it exists today. It
4 cannot pick up and move if this area or the resources
5 Acoma relies on are destroyed by development such as
6 the Mount Taylor Mine.

7 While Rio Grande Resources formally objects
8 to consideration of any public offering that raises
9 issues that may be under the "jurisdiction" of another
10 agency, it also acknowledges that the New Mexico courts
11 have held that the Director is required to
12 independently consider all those issues.

13 Acoma submits this Department essentially
14 must do that if there is to be any review of the
15 totality of effects on the people, the natural
16 resources, and the environment of the region.

17 Someone must look at the large picture and
18 determine whether or not, taking into consideration
19 everything, this project is consistent with the public
20 welfare of this region, and Acoma submits that the
21 Department is the agency best suited to do that.

22 We believe the present closure plan fails to
23 take into consideration reasonably foreseeable
24 contingencies that may be necessary to protect public
25 health and safety and welfare of the region. And in

1 that regard, the closure plan, ignoring the fact that
2 it is reasonably foreseeable that Grants will and other
3 users in this basin will need that water that they are
4 dewatering and sending over to another basin, the
5 closure plan should include that possibility. It is
6 reasonably foreseeable.

7 And that contingency is not conjectural. The
8 U.S. Environmental Protection Agency acknowledges that
9 the same aquifer that Grants uses today has
10 contamination plumes from the Homestake Mill that
11 decades-long cleanup efforts have not been able to
12 contain.

13 So that there is the possibility, I hate to
14 say "likelihood," but there is more than just a mere
15 possibility that Grants is going to be faced with a
16 very hard question in that regard because their present
17 source, those plumes are moving closer and closer to
18 the Grants wells.

19 Taking into consideration all the factors
20 then, the presently proposed operation and closure plan
21 associated with it is not adequate to address the
22 reasonably foreseeable needs of the region. The same
23 considerations also suggest that the financial
24 assurances probably do not take this into account or
25 other reasonably foreseeable contingencies.

1 And one could say, "Well, isn't it the
2 responsibility of the State Engineer to do that?" As
3 you can see, there is no permitting application before
4 the State Engineer which would allow him to take these
5 matters into consideration.

6 Finally, Acoma is aware that its ability to
7 prevent this proposed mine from going forward is
8 significantly limited and has met with Rio Grande
9 Resources to attempt to reach a resolution of its
10 concerns.

11 Resolution has not yet happened, and Acoma
12 will continue to have concerns about this project until
13 its concerns are addressed. Acoma hopes that
14 discussions will continue and that it will produce a
15 result that benefits not only Rio Grande Resources, but
16 the region as a whole.

17 MS. ORTH: Thank you, Ms. Rodgers. Is there
18 anyone else who would like to offer public comment
19 before we break for lunch? I will also ask for public
20 comment after lunch.

21 Ma'am, in the gold sweater, and the gentlemen
22 next to you, and after you, sir, in the glasses. So
23 those will be our next three speakers. And I need your
24 name first.

25

1 MELODY MEYER

2 after having been first duly sworn under oath,
3 testified as follows:

4 DIRECT TESTIMONY

5 MS. MEYER: My name is Melody Meyer. And I
6 am from the Pueblo of Laguna. I am also the Vice
7 President of the KIVA Club of the University of New
8 Mexico, and I would just like to offer a statement on
9 this issue of mining near these indigenous communities.

10 And so the way that I see this issue is that
11 mining is a short-term solution for economic problems
12 that we see in Grants as a border town, and there are
13 concerns about the history of Grants as a border town
14 and the violence that it has been subjected to over the
15 years.

16 And in addition to that, I think that the
17 short-term solution that uranium provides is not enough
18 to counter the long-term consequences not only for the
19 damage toward cultural resources, but on an
20 environmental scale.

21 And my other concern is that when we reopen
22 certain mines, it also leads to the reopening of other
23 mines that are closer to my own community and
24 communities of other indigenous people, and I think
25 that the line needs to be drawn here where we are

1 continuing to reopen these mines.

2 As we have heard in the previous statements,
3 there has been a continued effect on the health of our
4 people, not only in terms of physical health, but how
5 it affects our identity as a unique cultural base of
6 people, and I don't think this is the right way to
7 build a community, the community of Grants, if this is
8 what the purpose of it is, to build jobs and bring a
9 better economic prosperity.

10 And I think that everyone here -- I am
11 grateful for the opportunity that the public gets to
12 voice their concerns, because I think that everyone
13 here needs to really consider the wishes of their
14 surrounding indigenous communities.

15 And one final thing is the concern of
16 increased violence toward women when mining
17 corporations come into our lands, that's something that
18 has happened in many communities, including near and on
19 the Navajo Nation.

20 And I think that's it. That's all I have to
21 cover. Thank you.

22 MS. ORTH: Thank you, Ms. Meyer.

23 MR. JANTZ: Madam Hearing Officer?

24 MS. ORTH: Mr. Jantz?

25 MR. JANTZ: I have a quick question for Ms.

1 Meyer.

2 Forgive my ignorance, but I don't know what
3 the KIVA Club is.

4 MS. MEYER: We are the oldest Native American
5 student organization on campus. We were chartered
6 around 1950, I believe, and what we do is we promote
7 community outreach. It was meant to promote Native
8 American cultural awareness, cultural unity on campus,
9 and one of our biggest events is the Powwow. We also
10 do a lot of youth outreach, just outreach with the
11 community, in general.

12 MR. JANTZ: Thank you.

13 MS. MEYER: You are welcome.

14 MS. ORTH: Thank you, Ms. Meyer. Sir?

15 MICHAEL BUTLER

16 after having been first duly sworn under oath,
17 testified as follows:

18 DIRECT TESTIMONY

19 MR. BUTLER: Again, thank you so much for
20 allowing us to offer testimony or offer public
21 comment. I grew up in Gallup, New Mexico. I have
22 spent about 20 years there of 26 years I have lived in
23 New Mexico. Currently, I reside in Albuquerque. I
24 moved to go to school at the University of New Mexico.

25 I am also here on behalf of the Red Nation

1 Coalition, which can be found at the rednation.org. We
2 are a group of folks that have come together to do
3 activism in organizing and to create a better future
4 for people in the state of New Mexico and the
5 Southwest.

6 One of the issues that we work on, obviously,
7 is environmental issues and environmental protection.
8 I am a little nervous. Sorry.

9 MS. ORTH: That's all right.

10 MR. BUTLER: As I stated before, I am from
11 Gallup, New Mexico. I come from a family that is
12 impoverished, chronically impoverished, generationally
13 impoverished. I have family members currently who are
14 unemployed. I have struggled with unemployment my
15 whole life.

16 And so one of my concerns about this process
17 is that these companies and these corporations come
18 into our communities and tell us that they are going to
19 create jobs, that they are going to invest in our
20 communities, and I find these claims to be disingenuous
21 based on previous history and historical rhetoric.

22 And I would actually ask that the New Mexico
23 Mining and Minerals Division take this concern
24 seriously in terms of looking at whether or not this is
25 actually going to be good for our communities in terms

1 of the cost as well as employment, especially
2 considering when we have other resources at other
3 points, that actually reclamation and remediation and
4 cleanup is probably going to be a better long-term
5 solution, especially in terms of employment.

6 I understand that there is going to be cost
7 to human life either way because uranium is a toxic
8 substance and uranium mine workers will be affected
9 whether they are doing cleanup or they are mining. I
10 would rather work as a cleanup worker than as a mine
11 worker in the long term knowing that the potential
12 damage is to the environment and to indigenous people.

13 I would also, based just personally -- or
14 just based on the testimony that I just heard from
15 certain people that were sitting -- certain gentlemen
16 that were sitting at the table, and no disrespect, I
17 cannot remember their names, it seems that -- and based
18 on the questions that the lawyer that represents the
19 Pueblo of Acoma asked, it seems that up until this
20 point that they say they are open to working with a
21 plan to work with the communities. It seems that they
22 have not actually done this at this point, again, which
23 I would point out that to me, that seems disingenuous,
24 for them to say that they care about these
25 communities.

1 As well as my friend, Hope, with the KIVA
2 Club, my other concern also is that there is an ongoing
3 rationalized and racist problem in Grants. If you look
4 at the history of Grants as a border town, there has
5 been systemic settlor colonial violence done in this
6 city against indigenous populations.

7 But, again, I think the New Mexico Mining and
8 Minerals Division should take seriously, in terms of
9 being a public institution that looks out for the
10 welfare of the state of -- of people who reside in the
11 state of New Mexico -- sorry. I just lost my train of
12 thought.

13 And I think that also gets to the underlying
14 portion of my testimony, and the underlying point of my
15 testimony is that the New Mexico Mining and Minerals
16 Division is a public institution that should serve and
17 respect the needs and wishes of all of us here, and I
18 think that that is a direct contradiction to a private
19 company with private investments and private money
20 holdings which does not serve the interests of the
21 public or the interests of the public population. And
22 I think there was a contradiction that was pointed out
23 long before I pointed out that contradiction, and I
24 think that contradiction also needs to be resolved.

25 So, again, thank you so much for allowing us

1 to be here and allowing us to testify. Thank you.

2 MS. ORTH: Thank you, Mr. Butler. Let's see,
3 sir, yes?

4 CARLTON BOWEKATY

5 after having been first duly sworn under oath,
6 testified as follows:

7 MR. BOWEKATY: On behalf of the Governor and
8 its Tribal Council and the people of Zuni, I appreciate
9 the opportunity to provide comments on this proposed
10 status. First and foremost, we recognize that within
11 the State of New Mexico, every county, every city,
12 town, community faces significant challenges when
13 looking at economic and workforce development.

14 However, the Pueblo of Zuni is opposed to any
15 actions on mining where significant traditional
16 cultural properties are being affected, particularly
17 Mount Taylor, as well as the Zuni Salt Lake. Our main
18 concerns are, again, that as a traditional cultural
19 property, this area is rich in Zuni history traditions
20 and culture.

21 Tomorrow, there is a significant religious
22 activity in Zuni, our Shalako ceremony, and in those
23 ceremonies, prayers will be spoken that identify our
24 history, and Mount Taylor will be named in those
25 prayers. So in that sense, we consider Mount Taylor to

1 be a living entity deserving of respect.

2 And when we consider it a living entity, we
3 consider it to be well beyond our own life spans, and
4 that is a reason why it is important in our prayers.
5 Our prayers will continue for generations on down, and
6 those generations will continue to respect and honor
7 the traditions that we hold.

8 So our concern, again, is that the Pueblo of
9 Zuni and the affiliated tribes continue to be consulted
10 in cultural surveys to ensure that our traditions are
11 respected, our sites are respected.

12 And, in particular, when the concern about
13 water is that Zuni considers water as the prime source
14 of life and water is associated with Mount Taylor as
15 the blood of the mountain, and for pumping the water
16 and transferring it to a place is egregious and not in
17 line with our conceptions of our respect.

18 Another concern that we want to address as
19 far as the Energy -- or the Mining and Minerals
20 Division is that we recommend that you work with the
21 Indian Affairs Department of the State of New Mexico in
22 order to ensure that the rights and respect of our
23 tribes are represented and any areas that will affect
24 cultural properties.

25 So those are our concerns, and, again, we

1 appreciate the opportunity to provide those comments to
2 you.

3 MS. ORTH: Thank you, Mr. Bowekaty. Is there
4 anyone else who must go before lunch? Ma'am?

5 MICHELLE LaFAYE

6 after having been first duly sworn under oath,
7 testified as follows:

8 DIRECT TESTIMONY

9 MS. LaFAYE: I can relate to what the Native
10 Americans are discussing as far as their respect for
11 Mount Taylor and water and the environment. I grew up
12 in a contaminated area thanks to Monsanto in St. Louis
13 County.

14 As a kid, I didn't understand it all, but I
15 knew that there was a reason that there were no fish in
16 the water, and since then, my spirit has been
17 indigenous also. Whether for good or for evil, our
18 children reap what we sow.

19 It is for us to decide the legacy we leave to
20 future generations. We must be wise. We must be
21 cautious. Would you sell the safety and well-being of
22 your children for any material good or even a need?
23 Well, we sell the future of our children when we choose
24 to repeat the actions which have already proved to be
25 disastrous.

1 Mount Taylor is a sacred mountain for several
2 tribes, including for many whites in this area of New
3 Mexico. It has been a part of a sacred respect to the
4 Giver of Life. All mountains give life. They are all
5 the headwaters of all the rivers that flow from stream
6 to stream across the country, across the continent,
7 into the oceans, and the ocean is the great life giver.

8 We have totally disrespected here. The
9 nuclear industry has been a total destructive force on
10 this planet. There are people who are claiming that
11 the Pacific Ocean is dying, literally dying, starfish
12 are mounting.

13 Of course, they are not taken seriously. So
14 we don't know what truth is in that. We do know that
15 dolphins wash among the sea. That's just an example,
16 but it starts right up on Mount Taylor of what the
17 future generations are going to have to be able to
18 possess for their life ahead.

19 MS. ORTH: Thank you, Ms. LaFaye. So I'm
20 sorry, my battery has apparently died. Let's take a
21 lunch break at this point for one hour. When we
22 return, we will hear from Mr. Jantz and Mr. Robinson
23 and I will again invite public comment after that.
24 Thank you.

25 Mr. Ausherman?

1 MR. AUSHERMAN: The Mayor has just walked in
2 and would like to speak before lunch.

3 MS. ORTH: Who is that?

4 MAYOR HICKS: I am.

5 MS. ORTH: Okay. We are going to take one
6 more speaker before lunch. We are going to listen to
7 Mayor Hicks, and then we will break for lunch.

8 MAYOR HICKS: Could I approach and pass this
9 out?

10 MS. ORTH: Yes. Sorry. Thank you.

11 MARTIN HICKS

12 after having been first duly sworn under oath,
13 testified as follows:

14 DIRECT TESTIMONY

15 MAYOR HICKS: I just gave you two
16 resolutions. Resolution 14-1455, which was passed in
17 2014, which is a resolution finding the special
18 interests groups that we have across the state -- first
19 of all, let me apologize to anybody that I might offend
20 here today. I am not the most well-spoken person or
21 politically correct person, okay, so if I hurt any
22 feelings or anything, I'm sorry. That's not my intent
23 here today.

24 First of all, with the special interests
25 groups, and I am sure you have heard from a few of

1 those people here today, they have got no skin in the
2 game here. Okay. People that live here need jobs. If
3 you read the papers this morning, you'll notice that
4 our population in the state is going down instead of
5 up. People are leaving our state because there are no
6 jobs here, period.

7 You know, and the people that are with these
8 special interest groups, your Sierra Club and the rest
9 of these guys, Forest Guardians, whoever it might be,
10 there are thousands of them, they are paid by
11 non-profit organizations and foundations, they don't
12 have a job, and they kill communities like ours.

13 Our legacy issues were created by the federal
14 government, okay, they were created because there was
15 no oversight, no regulation, no nothing going on back
16 in the '40s and the '50s when they were in a nuclear
17 arms race.

18 Well, since then, there is oversight, there
19 is regulation, and they are doing it right. Resolution
20 15-1506 is in support of a modern uranium industry that
21 is an environmentally friendly mine. I made a trip to
22 Utah in November, about 30 days ago. It was the first
23 time I have been up there in 20 years.

24 Every little town I went through, they are
25 building, there are ore cars, there is drilling, the

1 roads are great. You know, I am thinking, "What's the
2 difference between Utah and New Mexico? We have got
3 the same thing they have got, they have got coal, we
4 have got coal, they have uranium, we have our uranium,
5 they have oil, we have got oil."

6 The difference is they are using it up there
7 and we are not. Now, I bet you that state has one of
8 the strongest economies in this country as far as
9 states go, if not number one, I bet you they are number
10 two. That's the only thing I can see as the difference
11 between New Mexico and Utah.

12 You know, it amazes me, I hear people come
13 and they say, "Well, mining is dangerous. You get sick
14 when you do mining. You get this, you get that."
15 Well, in my opinion, if a man goes for a job and he
16 knows the risks when he takes that job, I will give you
17 an example police officers, they get shot left and
18 right, okay, Marines, soldiers, they are not paid
19 anything, but they take these jobs. They know the
20 risks.

21 It's just like a miner. If he wants the job,
22 he knows the risks when he is going down there. You
23 know, and the main thing that bothers me about this is
24 if you have got a company, a private company, private
25 people with private money on private land, and they are

1 willing to invest millions and millions of dollars to
2 go back to mining and they are willing to do this
3 following the law, not only the letter of the law, but
4 the spirit of the law, why would we want to stop that?

5 And on that note, I will close. Enjoy your
6 lunch, and thank you very much.

7 MS. ORTH: Thank you, Mayor Hicks. All
8 right. Let's break for lunch one hour. So we will be
9 back at 2:00, please.

10 (Lunch recess taken from 1:00 to 2:05 p.m.)

11 MS. ORTH: We are back after the lunch break,
12 and I have had one request to offer public comment
13 before Mr. Robinson starts speaking, if that's okay.
14 If you would, Laura? We need your full name and then
15 to swear you in.

16 LAURA WATCHEMPINO

17 after having been first duly sworn under oath,
18 testified as follows:

19 DIRECT TESTIMONY

20 MS. WATCHEMPINO: Thank you, Madam Hearing
21 Officer. My name is Laura Watchempino, and I am here
22 today as a member of the public, the Pueblo of Acoma,
23 the Laguna/Acoma Coalition for a Safe Environment, and
24 the Multicultural Alliance for a Safe Environment.

25 I would like to ask a few questions and

1 comment on matters of public record at this public
2 hearing. The Rio San Jose Basin is composed of 55
3 water sheds, many of which emanate off Mount Taylor.
4 Our regional water supplies are used for drinking,
5 farming, livestock watering, cultural practices, and
6 recreation. They depend on preserving the sources that
7 took thousands of years, sometimes millennia, to form.

8 The San Mateo Creek subbasin where the Mount
9 Taylor Mine is situated is an ongoing subject of
10 investigation by both EPA and the USGS. And in my
11 written statement, I refer to the USGS Scientific
12 Investigation Report 2012-5019, within the Upper San
13 Mateo Creek Basin.

14 It is tempting and very easy to tap that --
15 excuse me. Very easy to think that we can tap into and
16 disturb these water sources without consequences, but
17 the fact is that most of the mines and mills around
18 Mount Taylor have been identified as significant
19 environmental threats to our health and well-being.

20 Besides being susceptible to wind and water
21 erosion over time, seepage from tailing material and
22 mine waste will continue into the foreseeable future as
23 long as these contaminants are stored on-site. None of
24 the existing waste piles have been placed onto
25 impermeable surfaces that would prevent leakage into

1 subsurface soils and aquifers.

2 The Mount Taylor Mine poses a significant --
3 poses a potentially significant danger to the Rio San
4 Jose because its impacts have yet to be assessed. As
5 long as the mine remains open, seepage from its ore and
6 waste rock piles -- seepage from the ore and waste rock
7 piles, mine shafts, and vents will continue.

8 An aging dewatering pipeline and clay-lined
9 evaporation ponds have not been reclaimed, yet the mine
10 has not been in operation for a quarter of a century.
11 Does the specter of another Gold King Mine disaster
12 loom in these shadows?

13 EPA estimates that extensive dewatering
14 operations in the Grants Mining District from the 1950s
15 to the 1990s significantly changed regional hydrologic
16 conditions, resulting in widespread groundwater
17 contamination from the continuing influx of oxygenated
18 groundwater during mine operations.

19 And this is covered in the 2015-2020
20 Five-Year Plan to Address and Assess Health and
21 Environmental Impacts of Uranium Mining and Milling in
22 the Grants Mining District at Appendix page three --
23 Appendix A, page three.

24 Around 80 billion gallons of mine water was
25 discharged to surface drainages during this period

1 where it infiltrated the ground surface and saturated
2 alluvium on a massive scale. Water levels were raised
3 over 50 feet in some parts of the basin.

4 This massive slug of mine water has been
5 draining out of the basin alluvium and into the
6 underlying bedrock aquifers that subcrop against the
7 alluvium for over half a century. EPA completed its
8 aerial radiological assessment in 2009 and 2010 using
9 its Gamma Emergency Mapper and an on-the-ground
10 radiological survey to prioritize the Village of San
11 Mateo as the area with the highest probability for
12 excessive radiological contamination.

13 The Mining and Minerals Division and New
14 Mexico Environment Department have jointly developed
15 protocols for site characterization and cleanup goals
16 at existing and new mine sites. These protocols should
17 be followed in all related mine permitting and
18 discharge permitting programs, and that Joint Guidance
19 for the Cleanup and Reclamation of Existing Uranium
20 Mining Operations is located in the New Mexico
21 Administrative Code, Title 19, Chapter 10, Parts 3 and
22 6.

23 So my first question to Rio Grande Resources
24 is, can the corporation, a privately held company,
25 commit to a schedule for completion of reclamation

1 improvements that will lessen the threats to the public
2 welfare posed by the 60,000 tons of uranium ore
3 stockpiled on-site, or does Rio Grande Resources plan
4 to assure us that it can safely pile more waste on top
5 of this pile?

6 Prolonged stockpiling of uranium ore and
7 waste ore poses a continuing radiological risk to our
8 communities. These zombie mines, like the Mount Taylor
9 Mine, have been inactive for extended periods of time
10 with unreclaimed waste ore piles and open mine shafts.
11 They are the functional equivalent of other legacy
12 mines in the Grants Mining District which continue to
13 release radiological contaminants.

14 My second question is, how does the Mining
15 and Minerals Division plan to protect communities like
16 ours from the stockpiled waste that poses a risk to the
17 public and our air, soil, and water? Without a plan or
18 policy for waste removal or storage at a licensed
19 permanent repository, these stockpiles will become de
20 facto waste repositories in need of reclamation and
21 continual monitoring.

22 The releases to air and groundwater will be
23 the most difficult to contain and remediate.
24 Therefore, Mining and Minerals Division should revise
25 Rio Grande Resources' financial assurances to cover

1 groundwater remediation and air quality impact
2 adequately.

3 The "boom and bust" nature of the uranium
4 industry, like that of coal, does not lend itself to
5 certainty. In fact, mining companies like Rio Grande
6 Resources are masters of speculation. Rio Grande
7 Resources once claimed that the market price of uranium
8 did not support viable mining operations in its 2010
9 standby renewal application.

10 Rio Grande Resources now claims that
11 substantial investments in its mine property are based
12 on a belief in the future economic viability of the
13 Mount Taylor Mine, and I quoted their standby
14 Application renewal for revision of Mine Permit C1002RE
15 in April of 2013.

16 Nevertheless, there is no guarantee that the
17 Mount Taylor Mine will mine uranium in the near future
18 and mine properties continue to change ownership. In
19 this case, we need the Mining and Minerals Division to
20 independently evaluate the long-term foreseeable risk
21 posed to air, water -- to air, soil, and groundwater
22 from mining contamination by a private owner.

23 My third question is, if the Mining and
24 Minerals Division does not address groundwater
25 contamination and Rio Grande Resources' closeout plan

1 or financial assurances, who will foot the bill for
2 cleanup of contamination from a privately owned mine?

3 The Mining and Minerals Division should
4 reevaluate the geohydrologic impacts that were outlined
5 in the 1974 baseline study by the New Mexico
6 Environmental Institute and the 1994 Geohydrology
7 Associates Report in light of the more recent 2012 USGS
8 report for the Upper San Mateo Creek Basin.

9 My next comment is that the Mount Taylor Mine
10 is a conventional underground mine which will continue
11 several practices that took place during the earlier
12 mining boom which ended in 1990. The mine will
13 continue to dewater massive amounts from the Morrison
14 formation into the San Lucas Canyon, which mixes with
15 the San Miguel Creek drainage system.

16 Radon and other toxic mine gases will
17 continue to be vented to the open air and recirculated
18 in our backyards, our school yards, and parks.
19 Groundwater seepage from waste rock and abandoned
20 sewage lagoons will continue to perpetuate unregulated
21 releases to our downstream communities.

22 In short, discharges from mine dewatering
23 will continue to inflict irreversible changes to our
24 regional hydrology. Uranium ore, if it's not
25 stockpiled on-site, will be transported night and day

1 along our public roads and highways in haul trucks for
2 hundreds of miles to a uranium mill for processing,
3 posing a danger to nearby residents and commuters along
4 the way.

5 Incessant traffic to and from the mine site
6 will contribute to the buildup of greenhouse gases in
7 the atmosphere. Carbon emissions, in combination with
8 radioactive releases from uranium mining and milling,
9 water depletion and degradation, and the lack of a
10 permanent repository for mine and mill waste all
11 contribute to the large carbon and radioactive
12 footprint of this portion of the nuclear fuel cycle.

13 In conclusion, the Gold King Mine spill which
14 released large volumes of toxic metal contaminants to
15 the Animas and San Juan Rivers could be replayed at the
16 long dormant Mount Taylor Mine, posing potential
17 threats to watersheds in the San Mateo Creek and San
18 Miguel Creek drainages.

19 Mining and Minerals Division can require
20 reclamation in tandem with the reactivation of Mount
21 Taylor Mine to mitigate the threat of accidental
22 releases. Our communities insist on clean water, clean
23 air, and an end to contaminated soil in our backyards.

24 Our concerns echo the mission of the New
25 Mexico Environment Department and its regulations,

1 which are to protect the public health and our
2 environment. These concerns were highlighted by
3 Cabinet Secretary Flynn after the Gold King Mine
4 disaster, but a similar influx of oxygenated water into
5 the old mine works and mine shafts of the Mount Taylor
6 Mine under tremendous pressure could pose similar
7 dangers.

8 Secretary Flynn recently criticized the 2005
9 Consent Order for cleanup of radioactive materials at
10 Los Alamos National Laboratory as being unrealistic
11 without deadlines or a set completion date. The
12 Laboratory's existing cleanup plan calls for
13 investigation work plans that have led to the discovery
14 of additional contaminants, requiring more
15 investigation and suggested remedies.

16 These examples from other mines and
17 radioactive waste producers like Los Alamos National
18 Labs confirm what we have known all along, there is no
19 safe way to mine and produce uranium for nuclear
20 weapons or for nuclear reactors. Every link in the
21 nuclear fuel chain leaves a plume of radioactive and
22 toxic metal pollution in its wake.

23 And I will also enter into the record the
24 Nuclear Free Zone Declaration for the -- for Northwest
25 New Mexico and in the Grants Mineral Belt that was

1 adopted by the Multicultural Alliance for a Safe
2 Environment.

3 I will not read the entire declaration, but I
4 would like to highlight the fact that we endorse the
5 development of renewable energy sources that sustain
6 our public lands, our multicultural landscapes, and
7 natural ecosystems. We would like our lawmakers and
8 private industry to invest in renewable clean energy
9 that conserves and protects our forest, watersheds, and
10 cultures.

11 And with that, I would like to thank you for
12 the opportunity to make my comments. I am making sure
13 that I made all of them. I just wanted to emphasize in
14 my final statement that the purpose of the New Mexico
15 Mining Statute is twofold: And that is to regulate
16 mining in New Mexico and protect the public health,
17 welfare, and environment.

18 Thank you.

19 MS. ORTH: Thank you, Ms. Watchempino. Shall
20 we turn now then to you, Mr. Jantz?

21 MR. JANTZ: Yes, Madam Hearing Officer.
22 Unfortunately, I think my microphone battery has died.
23 We are going to need a second to set up.

24 MS. ORTH: All right. I can get another one
25 of these from the back that's charged up, and let's use

1 this one for Mr. Robinson.

2 MR. JANTZ: Okay.

3 MS. ORTH: We have one more public commenter
4 before Mr. Robinson. Thank you, Mr. Robinson. Give us
5 your name first, please.

6 PAMELA MAHOOTY

7 after having been first duly sworn under oath,
8 testified as follows:

9 DIRECT TESTIMONY

10 MS. MAHOOTY: My name is Pamela Mahooty, and
11 I am a member of the Pueblo of Zuni. I am a citizen, I
12 am from Mexico, and I work with a firm that works with
13 all the tribal entities in some way, and, also, in
14 particular, with seven tribal entities.

15 My concern today is -- and I am very thankful
16 for the leadership that spoke before me and very
17 thankful that they were able to invite some information
18 related to the mining, but it concerns me that the Rio
19 Grande Resources group did not consult with tribes.

20 They have been in progress for two-and-a-half
21 years, according to information provided, and there has
22 been plenty of time, and even though the -- where is my
23 information -- the Mining Act of 1983, under
24 then-Governor King, was enacted, and you guys were
25 grandfathered in during that time, and in the

1 two-and-a-half years that this has been in progress,
2 there has been another Act that was called the "State
3 Tribal Collaboration Act," which was in the year 2009,
4 and in that time, you had some time to consult with
5 tribes via the New Mexico Mining and Minerals Division,
6 plus the New Mexico Environment Department, and
7 possibly through the Indian Affairs Department.

8 There has been no consultation, and I believe
9 that this is something that needed to happen prior to
10 any of this happening. And although you have spent a
11 significant amount of money in a lot of things that you
12 are planning to do, especially equipment that you will
13 be using for the mining, we have to fight with this
14 thing basically to get tribal infrastructure funds, to
15 get capital outlay dollars, and, you know, this is
16 something that you can easily purchase.

17 Mount Taylor is very precious to us, and
18 speaking as a mother, I don't think you want to kill
19 your mother, because that is what is happening with
20 this mine. As stated before by my Councilman Bowekaty,
21 this is a being, and I realize that you may not be able
22 to understand, but these are precious areas that we
23 have, also the San Francisco Peaks and other areas that
24 we pray to and cherish.

25 And so it's basically -- and I'm going to use

1 the analogy of what do they call that, transfusion,
2 blood transfusion, you are trying to -- fracking and
3 stuff like that, I am not sure if there is anything
4 like that going to be happening, but you are killing
5 the blood of our Mother Earth, and especially Mount
6 Taylor, when you are extracting the "blood" that keeps
7 us going.

8 And it's very hard for me to speak right now
9 because I don't know how many years I have been at
10 these microphones, and one of the things that also was
11 precious was the Salt Lake issue. And so it's very
12 lengthy in my presence at these meetings, but there was
13 a law passed, and I wish that you would have abided by
14 those laws, and using the SB-159 as your -- I mean,
15 SB-1967 as your placement for any consultation, that
16 should have taken place before any of this happened.

17 So I just wanted to make sure that you folks
18 know that there are laws that we need to follow, and I
19 appreciate your time. And thank you so much. I bid
20 you a good evening because I know it's going to run
21 into an evening, but please consider what our people
22 are saying and asking, and it's not just us as Native
23 people, but there are obviously other folks, and
24 somewhat also maybe with the Grants Mayor that spoke, I
25 am not offended. I am proud to be in front of this

1 microphone.

2 Thank you so much.

3 MS. ORTH: Thank you, Ms. Mahooty. All
4 right. Is there any reason not to turn to Mr. Robinson
5 at this time?

6 MR. JANTZ: We still can't get a computer
7 PowerPoint projector.

8 MS. ORTH: Okay. Do you want to take a
9 break?

10 MR. JANTZ: I think that that might be best
11 to see if we can figure this out.

12 MS. ORTH: Okay. And I see a hand here.
13 Would you like to offer public comment? Would you tell
14 us your name first, please?

15 PETUUCHE GILBERT

16 after having been first duly sworn under oath,
17 testified as follows:

18 DIRECT TESTIMONY

19 MR. GILBERT: I am Petuuche Gilbert, and I am
20 Vice President of Laguna/Acoma Focus for a Safe
21 Environment. I am making a brief statement on behalf
22 of this organization that is composed of -- it's a
23 small group of individuals from Laguna Pueblo and Acoma
24 Pueblo.

25 And much of what has been stated about the

1 environment and the water resources and contamination
2 as a result of the uranium ore resources that are
3 stockpiled on the ground has already been stated, and I
4 won't go into that area, but I really do want to
5 emphasize the need of our tribes, as has been stated
6 and in consultation with this last speaker, and I just
7 want to add a concept that's been developed by
8 indigenous people at the United Nations, which is free,
9 prior, and informed consent.

10 The United States supported this declaration
11 in 2007, and one of the -- therefore, several
12 particular articles are there regarding this free,
13 prior, informed consent and the need of federal and
14 State agencies, departments, and so on to consult with
15 indigenous people.

16 And in this regard, the tribes, especially
17 the five nominated tribes, which the State of New
18 Mexico set aside Mount Taylor as a traditional
19 property, need to be consulted. And so it is not only
20 these five tribes, but the rest of the tribes in New
21 Mexico or Arizona that have concerns over any
22 development on Mount Taylor, that it is of interest and
23 I think necessity for this kind of consultation to
24 occur. And the only other thing I will say is our
25 small organization, LAFSE, for short, is opposed to the

1 renewal or this request for standby to active permit.

2 Thank you, ma'am.

3 MS. ORTH: Okay. Thank you, Mr. Gilbert.

4 Let's take a short break while we address the technical
5 difficulties.

6 (Recess taken from 2:33 to 2:36 p.m.)

7 MS. ORTH: Let's come back from the break,
8 please. We are back after a break and we are ready to
9 hear from Mr. Robinson.

10 Mr. Jantz?

11 MR. JANTZ: Thank you, Madam Hearing
12 Officer. On behalf of the Multicultural Alliance for a
13 Safe Environment, I'd like Mr. Paul Robinson, of the
14 Southwest Research and Information Center, to introduce
15 himself, please

16 PAUL ROBINSON

17 after having been first duly sworn under oath,
18 was questioned and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. JANTZ:

21 Q. Go ahead, Mr. Robinson.

22 A. My name is William Paul Robinson. I am
23 Research Director at Southwest Research and Information
24 Center in Albuquerque, New Mexico, and I reside at 1805
25 Terra Vita Place, Northwest, 87107.

1 Q. Could you talk a little bit about your
2 experience, Mr. Robinson?

3 A. Yes. I have worked at Southwest Research and
4 Information Center for the past 40 years, also taught
5 environmental assessment methods at the University of
6 New Mexico at the undergraduate and graduate level, and
7 have a resume of my experience and education that I
8 have included with a written statement that provides a
9 detailed review of the experience that goes back to
10 participating in the radioactive materials and
11 discharge permitting plans for the Mount Taylor Uranium
12 Mill in 1981, other proceedings related to the mine,
13 and other uranium facilities along with other resource
14 management facilities in New Mexico.

15 And, in addition, have provided testimony
16 before regulatory bodies and other panels as recently
17 as inquiry into uranium at Quebec City, which included
18 consideration of uranium technology as well as uranium
19 market conditions.

20 Q. Can you talk in a little bit more detail, Mr.
21 Robinson, about some of the uranium-related issues that
22 you have provided testimony regarding prior testimony
23 in front of government agencies?

24 A. Yes. I did provide technical testimony in
25 the DP-1712 proceeding, which has been mentioned, and

1 it was for the Mine Water Treatment Test Project that
2 the Mount Taylor Mine participated in, several cycles
3 of the DP-200 discharge permit for the Homestake
4 facility as far back as 1984, participated as a
5 technical witness in proceedings for mines in the San
6 Mateo Creek at the time jurisdiction of the Clean Water
7 Act was being challenged. Recent work has included
8 peer review publications assessing mine waste quality
9 and mine waste impacts on water in the Southwest.

10 Q. Has any of your past testimony included
11 testimony about uranium markets?

12 A. Yes. Certainly, this recent invited
13 statement before the Quebec Environmental Inquiry
14 addressed that matter in some detail, and during
15 licensing proceedings for the Crow Butte In Situ
16 facility in 2006, the assessment of the resource and
17 its viability as a producible commodity in the market
18 was an important consideration.

19 Q. Okay. Thank you, Mr. Robinson. Let's begin
20 with your presentation.

21 A. Thank you. This statement has been prepared
22 on behalf of the Multicultural Alliance for a Safe
23 Environment and Amigos Bravos, who requested a hearing
24 on Rio Grande Resources' Application for active status
25 with a letter in May of 2013.

1 This hearing has been convened to identify --
2 to give the public an opportunity to learn about and
3 comment on the requested return of the Mount Taylor
4 Mine to active status, including the updated closeout
5 plan and financial assurance.

6 The revised Application provides very little
7 information regarding the changes in the uranium market
8 conditions that support the proposed change from
9 standby to active status. Only on page two of the
10 revised Application is there discussion of the market,
11 where it notes -- the Application notes that "The mine
12 remains on standby after mining operations were
13 suspended due to the depressed uranium market"
14 conditions, and the mine has been on standby since
15 1991, when Rio Grande acquired it.

16 There are several actions that are described
17 as occurring in the plan upon return to operating
18 status, and these include mine dewatering. The
19 functions and overall dimensions of the mine remain the
20 same from 1990, when the existing mine permit
21 Application was filed.

22 The regulations that define the word
23 "Standby" -- the Mining Act reclamation regulations
24 define "standby" as "a temporary cessation of a mining
25 operation which is expected to resume," and the

1 regulations that address converting a standby status to
2 -- standby status for a permit require an analysis of
3 anticipated future economic viability of the units
4 proposed, and that the Director, Mining and Minerals
5 Division Director, is required to determine that such
6 an analysis was conducted, as I read the regulations.

7 The proposed -- the revised Application
8 provides for a schedule of -- provides a section called
9 "Schedule." And the Schedule identifies, at page 48
10 of the revised Application, a series of activities that
11 Rio Grande Resources says it will begin upon approval
12 of the mine activation permit.

13 And these include the mine water pumping
14 facilities that will be placed into operation,
15 dewatering sufficient to enable access is expected to
16 take two to three years, with shafts accessible, the
17 mine may be ready to enter and rehabilitate in
18 approximately four to five years after revision, ore
19 production will begin soon after that.

20 I am summarizing some of this background that
21 is also in my statement. The standby status is defined
22 as "a temporary cessation of mining operations
23 exceeding 180 days" at Part 19.10.7.701.A, and based on
24 that description, it's my opinion that operational
25 status is understood as conducting mining operations

1 without cessation exceeding 180 days. If the cessation
2 occurs, then a standby status is attained, according to
3 the rule as I read it, and if the operation proceeds
4 without cessation for that six-month period, then it
5 would be in operation.

6 The term "anticipated future economic
7 viability," though perhaps an interesting dissertation
8 topic, is not defined in the regulations. What I have
9 identified is the definition from the Merriam-Webster
10 Dictionary of "viable," which is "capable of living;
11 capable of growing and developing; capable of working
12 and functioning, or having a reasonable chance of
13 succeeding, financially sustainable." So those are the
14 words that are used to provide some meaning behind the
15 term "viability."

16 Now, the Application that is before the
17 Director is filed even though depressed conditions
18 still occur in the uranium industry, and I'd like to
19 use some slides to illustrate that. The depressed
20 conditions can be understood as market prices below the
21 cost of production of the commodity, prices depressed
22 below the cost of production, and when there is low
23 production versus operating capacity. And so both of
24 those conditions exist in the U.S. uranium industry.

25 Looking at this first slide, this is a slide

1 that provides information about the uranium price --
2 excuse me, that provides information about the uranium
3 price that is identified as necessary for profitable
4 operation by Energy Fuels Company, which has a Roca
5 Honda project a few miles west of the Mount Taylor
6 site, and this Table shows which uranium prices across
7 the bottom of the Table will allow the company to make
8 a profit.

9 On the right side of the Table, the black
10 numbers are positive, or profit, the red numbers in the
11 parentheses are negative, or losses. And this report
12 shows that there are profitable projections at the \$65
13 price, which is the third line in from the right.

14 And this is a report that's prepared
15 according to the Canadian Securities Administration
16 Guideline N143-101, which is a well-known international
17 standard of mineral resource evaluation, which publicly
18 traded companies in the Canadian markets must comply
19 with.

20 Rio Grande Resources is a wholly owned
21 subsidiary of General Atomics, which is a privately
22 held firm, does not trade shares, and, therefore, is
23 not subject to that kind of disclosure. Were it a
24 joint stock company, that might not be the case.

25 Since the Roca Honda Mine is close to Mount

1 Taylor, it is also a deep underground mine, it would
2 need a mill or transport to a mill. It's a rough
3 comparison. So \$65 is the price that is necessary for
4 any profit to be generated. Whether the left side of
5 the internal rate of return constitutes a measure of
6 sufficient profit, that's a much more difficult
7 question, but that price is necessary for there to be
8 any profit.

9 On the next slide --

10 Q. Before we leave the slide, Mr. Robinson,
11 could you explain what the "PEA" is?

12 A. PEA is a Preliminary Economic Assessment.
13 It's a specific type of study mandated under the
14 N143-101 guidelines that are used to determine whether
15 a resource is recoverable at a profit or a reserve or
16 whether it is a resource not well-enough defined. So
17 it's an advance stage of resource estimation, does it
18 meet an economic assessment of profitability.

19 Q. Thank you.

20 A. So the next slide includes the comparison of
21 the price of uranium currently to that \$65 price in the
22 2015 Technical Report. Roca Honda uses the spot market
23 price as a uranium price. The current contract price
24 is in the \$45 range and has been below 50 for the last
25 five years.

1 This slide on the left shows the uranium
2 price over the last five years and marks where the 2002
3 minimum profitable price for Roca Honda, \$65, is, and
4 the 2012 minimum uranium price identified by Roca Honda
5 before it was acquired by Energy Fuels and was
6 proposing its own mill.

7 So you see that these prices are well above
8 any price that's been sustained in the past five
9 years. The price that peaked above the \$70 price
10 evaporated as quickly as it rose, and, actually, it
11 fell in February of 2015, the month before Fukushima,
12 which helped the price fall, as well, but it is
13 certainly not the only factor.

14 So this price has been in the \$40 range for
15 several years. The lower right slide is the price for
16 the last 20 years. And one can see another brief
17 period where the price in 2007 peaked above 130, and
18 then the second peak is the 2011 peak, but the market
19 has never sustained a price above \$40 for any more than
20 six months and not above -- and so the market is still
21 -- the price is still depressed relative to the cost
22 of production, is the main point.

23 There are many factors, of course, that
24 affect uranium price and uranium sales, but these are
25 some of the dominant factors. It's in my testimony on

1 page five and in the Technical Report at page 1.6,
2 where the uranium prices in the Preliminary Economic
3 Assessment are higher than the current uranium price,
4 the February 24, 2015, spot market prices cited.

5 So that's a company using that as a price
6 point. There is no information that I am aware of that
7 provides any estimates of the profitable uranium price
8 that Rio Grande Resources would need for its operation
9 to compare to the Roca Honda, none of that information
10 is provided to the Canadian Securities Administration.
11 So this seems to be the best comparison readily
12 available.

13 A second demonstration of the continued
14 long-term depressed conditions in the uranium market is
15 the low uranium production from licensed uranium
16 production facilities. And this is illustrated
17 beginning with the next slide, slide three in my
18 Exhibit 2.

19 And on the lower right is a chart that shows
20 the amount of uranium produced from uranium operations
21 in the U.S. during the last 20 years, and the last
22 year, 2014, is a year in which 4.9 million pounds of
23 uranium were produced, and that bar on that Figure 5
24 shows that level relative to the last 20 years. And
25 this is material from the U.S. Energy Information

1 Administration's U.S. Domestic Uranium Production
2 Report, which I also have a copy of with my packet.

3 Q. And that's Exhibit 3, Mr. Robinson?

4 A. That's Exhibit 3. So the U.S. produces 4.9
5 million pounds. The box on the right states that the
6 U.S. production is only 21 percent of licensed
7 production capacity. There are 15.3 million pounds of
8 licensed production capacity in-situ mines and eight
9 million pounds of capacity at the one licensed mill in
10 the country, the White Mesa.

11 And so that's a total of 23.3 million pounds,
12 4.9 was produced, 4.9 divided by 23 is 21 percent. So
13 that's like 21 percent of the shelves being full, or 21
14 percent of the car capacity in a factory being made.
15 So that's a very low production capacity.

16 The left side of that slide represents the
17 U.S. uranium demand. U.S. uranium demand is about
18 18,000 tons of uranium per year, which is about 36
19 million pounds, and the U.S. had licensed capacity for
20 more than half of that, 11,000 tons, but only produced
21 at 20 percent.

22 So there are 9,000 tons of uranium production
23 capacity licensed by the NRC, Texas, or Colorado, that
24 are not being used. So that's a substantial amount
25 that reflects market decisions since the permits are in

1 place and that's a lot of production capacity to come
2 on-line before new production is needed, and there is
3 another 9.7 million pounds of in-situ production
4 capacity in the permitting pipeline according to the
5 NRC.

6 And so that would get the U.S. up to 80
7 percent of its uranium demand if it all had to be met
8 by mines. The U.S. has several trading partners it has
9 a long history of getting uranium from, including
10 countries where U.S. operating companies exist. Canada
11 and Australia are quite prominent among the producing
12 companies, Kazakhstan is the most rapidly growing
13 producing company also produces in that country.

14 So in summary, the U.S. produces at a very
15 low percentage of its operating capacity. There are
16 plenty of licensed uranium production facilities out
17 there that are not being used, and that depressed
18 production versus capacity is an important measure of a
19 depressed market.

20 The next slide, please. This slide lists all
21 of the licensed facilities in the DOE report. On the
22 left side is a quote from the Energy Fuels annual
23 information form for 2014 mentioning their eight
24 million pound production capacity, but they only
25 produced 900,000 pounds in 2014, and the right side

1 resummarizes the license, the in-situ mines.

2 Next slide. And then this is a more readable
3 version that the Hearing Officer and Director might
4 need glasses more sooner than I. And so this lists all
5 of the uranium mills. Only the White Mesa Mill is
6 licensed and operating.

7 There are two standby facilities, Shootaring
8 Canyon and Sweetwater, that are not licensed to produce
9 and have not submitted Applications for renewal. The
10 Pinon Ridge facility in Colorado is licensed and has
11 been acquired by Energy Fuels, which has stated it has
12 no plans to destruct that facility.

13 At the time Energy Fuels acquired Roca Honda
14 Mine from Strathmore Minerals, Strathmore had initiated
15 a mill licensing application for facility just between
16 the Mount Taylor Mine and the El Segundo Coal Minority
17 of San Mateo using fully below-grade tailings disposal
18 methods.

19 That Application has since been withdrawn
20 when Strathmore acquired -- Strathmore and Energy Fuels
21 merged. So I also summarize how much production is at
22 the various sites, and, also, discuss the relative
23 global uranium production versus demand, and that's on
24 slides seven and eight.

25 Yes. This is slide eight. And this is a

1 slide from a publication called the "Uranium Red Book,"
2 which is a publication of the Organization for Economic
3 Cooperation and Development and Nuclear Energy Agency
4 Global Report produced every two years for 40 years,
5 and it projects world uranium supply and demand through
6 the year 2035.

7 So on the slide, the red dotted line going
8 across from left to right is the actual uranium demand,
9 and before 2015, it's one line. So it shows the actual
10 uranium demands from 2005 to 2015. And then it
11 projects uranium demands on a high- and low-scenario
12 basis through the year 2035.

13 The darkest blue line is actual uranium
14 production through 2015, the medium blue line is the
15 existing and committed production capacity, and the
16 lightest blue line is planned or prospective
17 production.

18 And what this shows the viewer is between
19 2008 and 2015, there is more production capacity than
20 there is demand, and there is more production capacity
21 than there is projected demand for the high scenario
22 through the year 2024. There is enough capacity out
23 there to meet demands for the next eight or nine
24 years. And at the low scenario, there is enough
25 capacity all the way through the end of the projection,

1 to the year 2035.

2 So without judging how accurate we are out
3 when our great grandchildren are able to take care of
4 us in 2035 and see which is right, high or low, there
5 is a lot of uranium production capacity in place and
6 well above that where there is demand for eight or nine
7 years.

8 So this is also an indication of a very
9 difficult market to inject new production and is
10 certainly a very important aspect of the excess
11 capacity versus production in the U.S., where we have
12 much more uranium capacity than we can use based on
13 price even though the country needs more than the U.S.
14 industry currently produces and can meet that through
15 international purchases and uranium reuse.

16 So the conclusion, continuation of the
17 long-term depressed conditions in the uranium market
18 have been demonstrated through uranium prices depressed
19 below the cost of production and uranium production
20 depressed at licensed facilities operated only
21 one-fifth of capacity. And there is adequate capacity
22 around the world for the next ten years and perhaps the
23 next 20.

24 Moving to the reactivation activities, the
25 revised Application identifies a series of activities

1 which must be conducted for reactivation of the Mount
2 Taylor Mine. The Mount Taylor Mine was not operated in
3 a standby status in the sense where standby meant ready
4 to go.

5 Standby was maintaining the facility in a
6 condition where it could be refurbished. And so there
7 is certainly a spectrum of things that people will
8 think "standby" could mean, but certainly, the mine is
9 not ready to go.

10 There is a great deal of activity
11 identified. And there are a lot of plans that are
12 mentioned. It seems to me that it's appropriate for
13 the Director to require a demonstration that the
14 reactivation has begun and is occurring in a timely
15 manner, begun within 180 days, actions scheduled and
16 occurring without a 180-day cessation in order to show
17 that reactivation has begun and is continuing.

18 In the Schedule portion of the revised
19 Application, there are a number of specific steps that
20 parallel what Dr. Kuhn discussed earlier, each of which
21 there should be a demonstrable procurement process,
22 bids offered, bids accepted, contracts issued, work
23 plans issued, all of those milestones, those are how
24 you can tell a project is proceeding.

25 The plans are not the reactivation

1 activities, themselves. So the clean out of the water
2 treatment ponds to be deposited in the disposal cell,
3 that's one of the upon-reactivation activities. It's
4 unclear why reactivation was required for that
5 activity.

6 Since the standby preparation for reopening
7 seems to have been appropriate and the site wasn't
8 prepared for reopening, many of the steps identified
9 are in the upgrade and preparation stage or in the
10 nature of upgrade and preparation work that's necessary
11 to conduct the wide complex of activities that are
12 necessary.

13 The same is true with the south waste pile,
14 where that area has a treatment that could have been
15 done at any time during standby and would have improved
16 the condition of the site and would have left it in a
17 condition to begin being reactivated.

18 Now, there is a backlog of work. So I think
19 that it's important to demonstrate that if reactivation
20 is permitted that the actions to upgrade the south
21 waste pile should be initiated upon activation of
22 mining activities, and that should be understood as
23 occurring upon the issuance of the return to active
24 status order or determination, that a limitation of
25 closure and closeout is appropriate.

1 Schedules for the contracting design
2 implementation of the ore pads are not contracting
3 actions, those schedules are part of the planning
4 process. Demonstrable milestones for implementing the
5 south waste pile and ore pad should be identified,
6 returned with schedule of activity, beginning no longer
7 than 180 days after the permit to return.

8 If there is no action after 180 days, that's
9 cessation, as I understand the rules, and in order to
10 avoid cessation and activate the -- I believe the
11 permittee needs to be acting at that pace. Decades
12 ago, when the Mount Taylor Mine was constructed,
13 operations were projected to reach 4,000 tons per year,
14 yielding seven to eight million pounds of yellow cake
15 per year, and that production capacity was the basis of
16 a mill license Application, as was mentioned, and Rio
17 Grande Resources has provided a Letter of Intent to the
18 NRC to indicate that it is planning a mill
19 application.

20 It did that in 2008, it did that in 2010, it
21 did that in 2011, 2012. The most recent is included as
22 Exhibit 4 in my packet, and this is a letter which, to
23 me, indicates that the company has not yet begun to
24 reactivate its mill licensing application.

25 On November 18, the NRC wrote Joe Lister,

1 "Can you provide NRC with an update to your plans for
2 the Mount Taylor Mill application? The mill
3 application only, not the mine site. We would like to
4 take the mill application off our 'applications list'
5 if it is not expected in the near future, three years
6 out. It can always be added back on with an updated
7 Letter of Intent. Since it is a conventional, we don't
8 expect it in any time soon. We currently don't have an
9 expected application date on the list, it is listed as
10 TBD, and we would like to see a specific date." "TBD"
11 means "to be determined."

12 Joe Lister wrote back, "In response to your
13 inquiry, I provide the following: The Mount Taylor
14 Mine has received the DP-61 Mine Water Discharge Permit
15 from the State of New Mexico as of a couple of weeks
16 ago and we are scheduled to have a public hearing on
17 December 4, 2015, of the mine standby permit to active
18 status. We anticipate receiving the active mine permit
19 in the first quarter of 2016. The mill project will be
20 accelerated once we receive the revision of the current
21 standby permit to active status. The mill application
22 is targeted for late 2019 to the first quarter 2020."

23 So that's a very brief dialogue, fresh off
24 the Adams List. That response is less than two weeks
25 old. So to me, that's an indication that there is not

1 yet a mill reactivation process in place, just saying
2 we are going to -- we will accelerate once we receive
3 the permit and the mill application is targeted for
4 late 2019, first quarter 2020.

5 So the mill is, I think, a fundamental part
6 of operation of the Mount Taylor Mine, as it was back
7 in the '80s, and the demonstrable progress on
8 reactivating the mill is as fundamental to the mine
9 being able to operate, in my opinion, as the mine
10 site.

11 So demonstrating that the mill application
12 process is accelerating, is meeting milestones, is
13 capable of leading to reactivation, does it have long
14 pauses, I think that that's also reasonable and
15 appropriate and necessary for the Secretary to
16 demonstrate that mine activation is occurring and
17 proceeding at pace.

18 I have included as Exhibit 5 a brief article
19 called "Pathway to Uranium Mill License - An Industry
20 Perspective," by Dr. Kuhn and a colleague from one of
21 the NRC's National Mining Association's Uranium
22 Recovery Workshops because it provides a brief summary
23 of the uranium mill licensing sequence and it also
24 identifies a four- to five-year time frame as "rapid
25 progress."

1 On filing an Application, it does not
2 acknowledge the NRC requirement for compliance with the
3 National Environmental Policy Act, which, for uranium
4 mills, typically requires an Environmental Impact
5 Statement, which would be in addition to the process
6 that he describes, but because that process, as
7 described, has a year or two of baseline data
8 gathering, in addition to very complex filing
9 guidelines, it requires years to prepare, as well, and
10 so if there is not progress on the reactivation of the
11 mill license, then there is not likely to be a place to
12 mill the ore that would be produced, in my view, and so
13 it also is a part of the process of progress towards
14 reactivation.

15 I did hear Mr. Lister say that having a mill
16 is part of the plan and it's been part of the plan
17 since the mere 35 years I have known him. So it would
18 be surprising if it was any other way, but I think that
19 being able to demonstrate progress with milestones that
20 are reportable and demonstrable is necessary for mine
21 reactivation to be demonstrated.

22 There are certainly a complex set of
23 activities in the preparation which is necessary for
24 mine reactivation and the license of a mill to process
25 the ore. Having a multi-factor schedule with

1 milestones and reporting on the progress of those
2 milestones is a type of -- is a reasonable business
3 practice to anticipate Rio Grande Resources using it.

4 So being able to demonstrate the sequence of
5 progress shouldn't be a supplemental burden, but is, I
6 think, fundamental to there being actual mine
7 reactivation, rather than just talking about it and
8 planning it, but still having cessation be the mode of
9 operation at the site.

10 So I believe that completes my statement. I
11 appreciate the opportunity to present this material and
12 certainly would be glad to address any questions.

13 MS. ORTH: All right. Thank you, Mr.
14 Robinson.

15 Mr. Butzier, do you have questions?

16 MR. BUTZIER: Madam Hearing Officer, we are
17 consulting on that right now, if that's okay.

18 MS. ORTH: All right.

19 MR. AUSHERMAN: Madam Hearing Officer, can we
20 take a couple minutes?

21 MS. ORTH: We can. Let's take a five-minute
22 break.

23 (Recess taken from 3:21 to 3:35 p.m.)

24 MS. ORTH: All right. We are coming back
25 after a break. Mr. Ausherman, do you have questions of

1 Mr. Robinson?

2 MR. AUSHERMAN: Madam Hearing Officer, we
3 have no questions for Mr. Robinson.

4 MS. ORTH: All right. Is there anyone who
5 wants to ask questions of Mr. Robinson based on his
6 testimony? Anyone at all? No. All right. Well,
7 thank you very much, Mr. Robinson.

8 MR. ROBINSON: Thank you, Madam Hearing
9 Officer.

10 MS. ORTH: Mr. Jantz, is there anything
11 further for MASE or Amigos Bravos?

12 MR. JANTZ: No, Madam Hearing Officer. We
13 are done.

14 MS. ORTH: All right. Thank you. And I have
15 a request from Ms. Greenwald to go next. Janet? There
16 we are. Janet, if you go up to the podium, I think
17 that is the best place to speak from.

18 JANET GREENWALD

19 after having been first duly sworn under oath,
20 testified as follows:

21 DIRECT TESTIMONY

22 MS. GREENWALD: My name is Janet Greenwald,
23 and I am Co-coordinator of Citizens for Alternatives to
24 Radioactive Dumping, a mostly volunteer, statewide
25 organization. I know several families are -- I know of

1 and know several families in both Laguna and Acoma
2 Pueblos, and I just wanted to say the Mayor of Grants
3 talked about how when we choose our occupations, we
4 weigh the risks, and, therefore, no compensation,
5 additional compensation, is needed to us, but of the
6 families I know, the miners were never told about the
7 risks of uranium mining.

8 I know one family where the grandmother and
9 the father, who were uranium miners, both died of
10 cancer, and the children became ill shortly after
11 birth. So I know that the representative from Acoma,
12 in her presentation, said that the future aquifer of
13 the Acoma Pueblo is being threatened by uranium mining,
14 past and perhaps future.

15 The people of Acoma and Laguna have been
16 beleaguered by uranium mining. They have suffered
17 greatly, and now there is this prospect of new uranium
18 mining. There are a number of communities in our
19 nation that have been beleaguered this way, mostly
20 communities who are resource light.

21 And so our State and federal government have
22 taken steps to protect those communities through
23 environmental justice mandates. I have heard nothing
24 today to lead me to believe that the Applicant is
25 considering those mandates when, obviously, this is an

1 environmental justice issue.

2 I urge the New Mexico Environment Department
3 to require this analysis from the Applicant. It seems
4 to me as important as any other part of putting
5 together a dangerous project. I have been involved
6 with nuclear projects now since I was 20, about 40
7 years, and I don't know of a nuclear project without
8 problems, usually problems of contamination, and it's
9 very difficult to believe that this project would
10 somehow be the only project ever concerning
11 radionuclides that would have no problems. So I urge
12 NMED and the Mining Division to require an
13 environmental justice analysis of this situation.

14 Another issue that does not have any
15 regulatory backing is that the regulations for
16 radionuclides and in drinking water are based on the
17 reference man, young to middle age, Caucasian male.
18 Years of research since these tangents were promulgated
19 in the 1970s have shown us that these standards are not
20 protective of the fetus or the young child.

21 I refer to the article "Healthy From the
22 Start," which has other references on the website,
23 ieer.org. There are studies being conducted now that
24 I'm afraid will show us that the fetus in uranium
25 country has not been protected, even though there are

1 no regulations regarding this inability of the fetus to
2 handle the amount of radionuclide contamination that
3 middle age Caucasian white men can handle. I urge
4 compassion for the unborn on the part of State
5 agencies.

6 Thank you for this opportunity to speak.
7 Thank you very much.

8 MS. ORTH: Thank you, Ms. Greenwald. Is
9 there anyone else who would like to offer public
10 comment? Sir?

11 EDWIN DICKENS

12 after having been first duly sworn under oath,
13 testified as follows:

14 DIRECT TESTIMONY

15 MR. DICKENS: I worked in the uranium mines
16 here for a little over ten years, my dad worked in them
17 for 22-and-a-half, my brother worked in them for a
18 couple of years, my brother and I are still alive.
19 Unfortunately, my dad died a few years ago, just like a
20 lot of the older guys, but I was State Mine Instructor
21 for six-and-a-half years, I have a mining engineer
22 degree, I was a mine shift boss there.

23 As the years went along, the regulations
24 changed and the mining industry got safer as the
25 industry went along, and when I was Mine Inspector, one

1 of the mines that I inspected was the Mount Taylor
2 Mine, and they had a very good safety record. There
3 were never any violations there.

4 And if they were to reopen tomorrow, I might
5 consider going back and feel I am still young enough to
6 do it, not physically mining, but to be a boss or
7 safety. I don't have much more to say other than
8 Grants would like to have the jobs.

9 I am a City Councilman for Grants also, and I
10 am one of the ones that voted for the resolution to
11 bring mining back to Grants, and this whole state needs
12 jobs, whether a lot of people believe it or not, and
13 it's just like the old days of hard rock mining, you
14 know, they polluted the water, killed fish, killed
15 wildlife, they learned from their mistakes, and they
16 are not killing stuff now.

17 The original uranium industry, things were
18 bad, but as things went along, they learned from their
19 mistakes, and things got better. Just like the wheel,
20 you know, they started off on a rolling rock to a
21 rolling slab of rock to a wooden wheel to now the
22 modern radial tires.

23 You can't do everything at the very
24 beginning. You have to learn from your mistakes and go
25 along. And unfortunately, things happened in the past,

1 and I don't believe they are going to happen in the
2 future.

3 That's pretty much all I have got to say
4 because I have got to be somewhere. I'd like to talk
5 more, but I have got to be somewhere.

6 MS. ORTH: Thank you, Mr. Dickens. I think I
7 saw another hand over here. Sir?

8 TONY HOOD

9 after having been first duly sworn under oath,
10 testified as follows:

11 DIRECT TESTIMONY

12 MR. HOOD: I am from Church Rock, New
13 Mexico. I am from the Red Water Pond Community
14 Association, five miles northeast of Church Rock, and
15 we live between two abandoned uranium mines that were
16 operated by Kerr-McGee and United Nuclear Corporation,
17 and they have disturbed the atmosphere, the
18 hydrosphere, the lithosphere, and most of all,
19 biosphere, and they have violated the natures of law --
20 nature's law.

21 They have come and destroyed that
22 environment. In the Dine way, you make an offering to
23 all those entities, the animals, the plants, the
24 mountains. You ask for permission to take. You make
25 an offering and you state a purpose, and then you use

1 it wisely and give back.

2 So far, I have not seen any of that. These
3 corporations, they come in here, they just take and
4 take and take with no regard to human life. Life is
5 sacred. It's not expendable.

6 And it's true, we refer to Mount Taylor as
7 sacred. We call it the "South Mountain." And it's
8 associated with the blue sky at noon. It represents
9 blue sky youth, and we have other sacred mountains with
10 the Navajo Nation.

11 We do have our own laws, natural laws. So I
12 worked in the uranium mine for 11 years for Kerr-McGee,
13 and I have seen miners that passed on. My dad was
14 working in the mine, he is gone now. My mom is gone,
15 too. We live right close to the proximity of the
16 mine.

17 So as a grassroots representative, we say,
18 "No Uranium, No Nukes." So that's what I just wanted
19 to say, that part, and the first use of nuclear energy
20 was for genocide, and nobody has apologized for that.
21 I have not seen anybody apologize to the people of
22 Nagasaki and Japan.

23 So today, the uranium is still working
24 negatively. It's affecting the people, the land, the
25 water, the air. So from Church Rock to where I live --

1 I live in a holy place. When the sun first comes up,
2 it hits the mountain tops. Those are the holy places.
3 And you can see in these pictures, there are coves that
4 have Blue Spruce way in the back, we have natural
5 springs, we have canyons. All of this is sacred, which
6 the mining industry does not understand.

7 So for my part, I say no way. Thank you.

8 MS. ORTH: Thank you very much. Sir?

9 JONATHAN PERRY

10 after having been first duly sworn under oath,
11 testified as follows:

12 DIRECT EXAMINATION

13 MR. PERRY: I am Jonathan Perry. I am a
14 member of the 23rd Navajo Nation Council. I reside in
15 Crownpoint, New Mexico. In terms of today, this is my
16 third stop. I sit on the Eastern Agency Council. I am
17 a member of the Eastern Lands Commission, I also am a
18 member of the Navajo Nation Sacred Sites Committee.

19 I understand earlier today that there were
20 some representatives from the Navajo Nation in terms of
21 the President's office. From our side, we are
22 questioning these operations, these proposals, these
23 plans.

24 As stated before, we do recognize fundamental
25 law, and in doing so, natural law was one of the

1 components. We recognize Navajo Nation as a
2 sovereignty and we operate on the
3 government-to-government relations.

4 We ask for the respect to be consulted, to be
5 involved in these discussions as they continue to
6 proceed. As stated, this is a sacred site, Mount
7 Taylor. It's a sacred area, the entire mountain, not
8 just one area, not just one designation, the entire
9 mountain.

10 We recognize this, and in terms of our
11 religious rights, our cultural rights, our rights as
12 indigenous people, we ask to be involved. We ask that
13 our beliefs, that our life, be respected. We are a
14 nation, a tribal nation, that builds upon life.

15 As stated earlier, when these operations
16 began in the mid 1940s, and the main purpose, nuclear
17 weapons that were used across the world. We, as a
18 Navajo people, Dine, holy people, holy service people,
19 have a value to life, and we are opposed to any
20 destruction of life.

21 And in terms of long-term impact, we
22 understand the issue with the economy, we understand
23 that we need jobs, but we need safe jobs. We need
24 careers that young people can continue to build on
25 where we don't have to worry if our water is going to

1 be good in 50 years, whether or not our air quality is
2 going to be in a good area.

3 All of us, no matter who we are, what
4 pathways we come from, deserve a healthy, long life, a
5 good life. These types of boom and bust types of lands
6 for economic development only endanger us in the long
7 term. We have a wide variety of options that we can
8 consider in terms of careers for our young people.

9 We ask that all other avenues be explored,
10 community development, resource management properly
11 done, and sustain us through the future. I ask that we
12 be very careful in the decisions we make and look at
13 the entire picture, not just focus on one area.

14 With that, I'd like to thank you for my
15 comments.

16 MS. ORTH: Thank you very much. Is there
17 anyone else who would like to offer comment? Sir?

18 LYTTLE TZOSIE
19 after having been first duly sworn under oath,
20 testified as follows:

21 DIRECT TESTIMONY

22 MR. TZOSIE: All right. I am a Dine from
23 Navajo Nation, and I disagree with like whatever --
24 like everything. Like this mountain is our sacred
25 mountain, our sacred site. Like I don't see -- I don't

1 know, I just don't envision drilling happening in that
2 mountain.

3 I mean, hypothetically speaking, what if we
4 like go to like Catholic beliefs or Christian beliefs
5 and we go over there and we dig up on those church
6 grounds? I mean, how would you guys feel about that?
7 That hurts.

8 And I don't know, we hold really deep
9 spiritual significance to our mountains, and myself and
10 a few of my other friends, we came out here, we didn't
11 have no money, but we are from the Reservation, we
12 heard about this meeting coming, like happening, so we
13 came out here, no cash, just hitched it. Yes.

14 Because we care. We care about our land, our
15 people, and are totally against fracking uranium, all
16 fracking, uranium, all that. Man, I just lost my train
17 of thought. But yes, we -- I don't know, I just -- I
18 was a part of the walk like just two months ago, I
19 guess, this walk took place, and like a group of young
20 Dine individuals went on this quest from mountain to
21 mountain taking like offerings, and I don't know, just
22 strong beliefs and prayers to each mountain.

23 And hearing about this, like you guys are, I
24 don't know, like you guys are just, I don't know, just
25 -- how do you say it -- you guys are just questioning

1 like, "Oh, should we open this mine," per se, like, "We
2 will give them so much money out of it."

3 You guys are blinded, blinded by money.
4 Money is a sickness, and I don't see any money like
5 helping the Navajo Nation. There is none, not where I
6 live, and like walking through all the tracking areas,
7 all the oil wells, oh, man, it was gross. Like I
8 literally have like grime from all the oil.

9 Anyway, yes, I am against it. That's why I
10 came all the way out here. Hopefully, you guys will
11 listen to me, but yes, I think that's it.

12 MS. ORTH: Okay. Thank you, Mr. Tzosie. Is
13 there anyone else who would like to offer comment?
14 Sir, if you would.

15 LANE CLEVELAND

16 after having been first duly sworn under oath,
17 testified as follows:

18 DIRECT TESTIMONY

19 MR. CLEVELAND: So I came here with my
20 friends. We came here -- we hitchhiked here. We heard
21 about this just the last minute. No funds. We are not
22 backing up a name here. We are here for an idea, about
23 an idea, whatever.

24 One of the things that stuck with me
25 throughout today since I heard it, it seems like time

1 -- the time it takes to evaluate land for mining takes
2 a long time, like almost 20 years or whatever for its
3 full conduction to be started, and what struck me is
4 that in those 20 years when everything is extracted,
5 you all only take like two years to close it up.

6 What's that about? I can see where your
7 priorities are at. And it's offputting to know that --
8 it's really scary that we would have to go outside and
9 be afraid of what's outside when everything we eat as
10 people is outside for us, they are already like
11 available, and I don't want to be mean, but us, as
12 youth, we are going to have to live with your decision
13 longer than you are going to, and it's terrifying.

14 I don't know why you put money in front of
15 us. You all are here just extracting from the mines
16 when there are like facilities available for
17 alternatives. Why can't we have that measure? Why
18 don't we have a say in our future as far as our land
19 goes?

20 Why are our prayers put in second place? Why
21 are your profits first? Is that how it works?
22 Apparently, that's how America has been working this
23 time as far as this continent goes, and it's sad to see
24 that fight continues with us, but we are here, we are
25 not backing anything but our prayers. You all have

1 your money, that's limited, we can see that, that's why
2 you are here trying to get more of it. Our prayers are
3 infinite.

4 MS. ORTH: Thank you, Mr. Cleveland. Is
5 there anyone else who would like to offer comment?
6 Ma'am?

7 ANN AYZE

8 after having been first duly sworn under oath,
9 testified as follows:

10 DIRECT TESTIMONY

11 MS. AYZE: I don't have anything written
12 down. So you guys will know that I am truly speaking
13 from the heart. I wasn't planning to speak today, but
14 I feel that I must. I am with a group that translates
15 to Walk for Existence.

16 So our group has been walking since January,
17 and we walked over 1400 miles to our six sacred
18 mountains. We have seen the desolation of the oil
19 mines, the coal mines, and the uranium mines, and we
20 felt it. I am Dine, which translates to the people and
21 our way of life.

22 We believe that water is life and what
23 happens to the land happens to the people. These
24 mountains, this is our identity, and this is everything
25 that we have. It also hurt earlier to hear the Mayor

1 talk about that there are no skins here.

2 My people aren't here because they don't have
3 any hope. Our own tribal leaders are trying to turn
4 over our land for these mines. That's why my people
5 have no hope, and that's why the poverty, the suicide
6 levels are really high, the dropout rate is really
7 high. Many of my people don't have an education. So
8 they can't come here because they don't have the money,
9 they don't have the education, they don't have the
10 verbal linguistics to be able to stand up.

11 So that's why I am here. We just spent the
12 last year carrying prayers to these mountains to be
13 able to stop these uranium mines. We have to draw the
14 line here because if we don't draw the line here, then
15 it's just going to keep on, more mines are going to
16 keep on opening.

17 So that's why we need to stop this now.
18 There is no safe way to open up a uranium mine. When
19 it comes down to it, uranium is just not safe, and
20 there are so many fiscal reasons to back that up, but I
21 do feel that I need to cover that.

22 So I thank you for listening to my words, and
23 that's my closing statement.

24 MS. ORTH: Thank you very much. Is there
25 anyone else who would like to offer comment? Ma'am?

1 And then you.

2 LAURA JARAMILLO

3 after having been first duly sworn under oath,
4 testified as follows:

5 DIRECT TESTIMONY

6 MS. JARAMILLO: I grew up here in Grants, I
7 lived here most of my life. My dad worked for
8 Kerr-McGee. He was an electronics logger. I remember
9 as a child playing close to where he was working. He
10 took his children to work with him occasionally.

11 I remember playing near the mines, near the
12 yellow cake pits where he was probing. He was an
13 electronic prober. He handled uranium directly with
14 his hands. They put the probes in the ground, pulled
15 them out to gauge where the mines were at and where the
16 uranium was at.

17 My dad is now 81 years old. Does he have
18 some health issues? Yes, he does, but because he is 81
19 and because he smoked. I, over the years, have seen no
20 direct evidence with my family or any others that it's
21 truly related -- their health issues are truly related
22 to uranium exposure.

23 If it is uranium that's causing these health
24 issues, then we are all in danger just by living in
25 this area. As we walk the grounds, uranium is

1 permeating in the air. And so maybe we just all need
2 to move away if we truly want to be safe from uranium.

3 Many things cause hazards. We are in an area
4 where there is a lot of sun exposure. Should we move
5 away and should we not do anything outdoors? Should we
6 cover up all the time because we are being exposed to
7 all kinds of hazards, dangers, toxins, all the time and
8 that's part of life?

9 I do believe that we have safe ways to mine
10 uranium today, just as we have safe ways to travel in
11 our vehicles. We have seat belts now, which we didn't
12 have moons ago. So we know how to do many things much
13 safer. We know that most anything you eat and drink,
14 there is a hazard for.

15 You know, fats -- you know, we were told
16 years ago, "Don't eat eggs." Now, all of a sudden,
17 "You better eat a lot of eggs to get the protein." So
18 things are changing. We are learning. We are becoming
19 more sophisticated.

20 I do believe that there are safe ways to mine
21 uranium, and I don't believe -- it's not profit. I
22 don't believe it's about money, it's about energy.
23 It's about that our world is becoming overpopulated and
24 that, you know, eventually, we are going to run out of
25 coal, we are going to run out of wind sources,

1 whatever, but we need alternative sources of energy if
2 we are going to continue to exist on this planet. And
3 so we need to explore all of those options in safe,
4 environmentally friendly ways.

5 And as far as the mountain goes, that
6 mountain is precious to me and my family. We are up
7 there more -- we go up there almost on a weekly basis,
8 and I will tell you what, we are up there more than any
9 person I have heard talk here today.

10 So don't tell me about how precious this
11 mountain is to you because I have never seen one of you
12 up there, not one of you. My family is up there all
13 the time. Another thing, my father-in-law is 92 years
14 old. He was a miner. Is he having health issues? You
15 bet. But not related to mining.

16 My husband was a miner. Is he having some
17 health issues? Yes. He is almost 60. We all are. I
18 am, too, and I wasn't a miner, but I have been exposed
19 to it. I certainly have. Just as anybody who lives in
20 this community has, whether or not we mined or not. So
21 I am in support of safe mining, and I do believe that
22 we are going to have to look at that if we are going to
23 continue to sustain our population over the years.

24 Thank you.

25 MS. ORTH: Thank you, Ms. Jaramillo. Sir?

1 DON BEGAY

2 after having been first duly sworn under oath,
3 testified as follows:

4 DIRECT TESTIMONY

5 MR. BEGAY: I come here before you today as a
6 young Dine male, but I have heard a lot of interesting
7 testimony today from both sides of the story, and I was
8 a part of this walk that they were talking about. We
9 did see the legacy of uranium mining on our land.

10 I remember walking through the Cameron area
11 where there are over 300 abandoned open pit uranium
12 mines yet to be cleaned up in the area, breathing toxic
13 waste into the air and seeping into the groundwater. I
14 remember walking in to a canyon, it's an open pit, not
15 even nothing it was there, not seeing signs, no warning
16 whatsoever, and feeling all the hair on my arms stand
17 straight up, my eyes begin to burn, and a tingle in my
18 fingers.

19 If you want to tell me uranium is safe and
20 that it can be cleaned up, I'd like you -- I'd like to
21 formally invite you to take a trip out to Cameron,
22 Arizona, and to drink the groundwater there, to
23 experience what the people have to live with on a
24 day-to-day basis, and then I want you to think about
25 that picture in the back, the mountain there, and think

1 about that animal and that animal there, the buffalo.

2 If there were really buffalo here, I have
3 never seen them, and that's a direct result from
4 industry and colonialism moving into the area. These
5 things are gone. Projects like these seek to destroy
6 in the name of profit what you see behind you and what
7 you see out there.

8 And with that, I'd like to close. Thank you
9 for your time, and thank you for the opportunity to
10 make comments.

11 MS. ORTH: Thank you, Mr. Begay. Did I see
12 another hand? Ma'am?

13 SISTER ROSEMARIE CECCHINI
14 after having been first duly sworn under oath,
15 testified as follows:

16 DIRECT TESTIMONY

17 SISTER ROSEMARIE CECCHINI: Thank you very
18 much, Madam Hearing Officer, for this opportunity, and
19 I, too, have learned much from the testimony from both
20 sides' perspective, and I am here standing as a
21 representative, I am submitting these comments on
22 behalf of Concerned People of Faith.

23 People in faith communities in New Mexico,
24 including Grants, Milan, Bluewater Valley, San Rafael,
25 San Mateo, Laguna, and Acoma Pueblos, and as has been

1 reiterated many times here, for the past four decades,
2 people in these communities have suffered adverse
3 health and environmental impacts from abandoned uranium
4 mine sites, radioactive waste piles, and festering
5 water pools that continue to spread radioactive toxic
6 contamination further into the surrounding
7 environment.

8 And our many concerns regarding the proposed
9 Rio Grande Resources Mount Taylor Mine are further
10 heightened by hearing Pope Francis' urgent appeal in
11 his recent message, care for our common home, and I
12 quote, "The urgent challenge to protect our common home
13 includes a concern to bring the whole human family
14 together, to seek a sustainable and integral
15 development for we know that things can change. I
16 urgently appeal then for a new dialogue about how we
17 are shaping the future of our planet. Climate change
18 is a global problem with grave implications,
19 environmental, social, cultural, economic, political,
20 and for the distribution of limited goods. It
21 represents one of the principal challenges facing all
22 humanity in our day," and underscoring this challenge
23 these days, there are 140 world leaders and 190
24 national delegations which have gathered at the UN
25 Climate Change Conference in Paris to address critical

1 challenges of climate change and to take bold action to
2 limit the greenhouse gas emissions and mitigate the
3 consequences of global warming trends worldwide.

4 So from this perspective, we here in New
5 Mexico are deeply concerned about the deliberations on
6 whether Rio Grande Resources Mount Taylor Mine can move
7 from standby to active status, and we are concerned
8 that this consideration is being carried out in an
9 isolated vacuum, without serious consideration of the
10 impending impacts from climate change in our state of
11 New Mexico with science-based predictions of increasing
12 droughts of longer duration, as well as decreasing
13 snowfall annually.

14 And another grave concern is the legacy, as
15 already mentioned, of the unremediated abandoned mines
16 in New Mexico, such as this Rio Grande Resources Mount
17 Taylor Mine and the threats posed, as evident in the
18 disastrous Gold King Mine toxic spill.

19 The Bureau of Land Management records show
20 that half of more than 13,000 abandoned mines in New
21 Mexico have contaminated waste rock piles, pits
22 festering water that need to be analyzed for
23 environmental dangers.

24 So at that State level, we see the need to
25 get into and take responsibility for the cleanup of our

1 common home. So there is a need to create jobs and
2 there is ample opportunity to create jobs to assess the
3 environmental impacts of these abandoned mines and
4 clean them up rather than leaving the burden on local
5 communities and taxpayers.

6 And I was very heartened to hear of the plea
7 for new forms of energy. We know that New Mexico is
8 sometimes called the "Saudia Arabia of solar energy,"
9 and we are seeing new solar farms projects cropping up
10 throughout New Mexico fortunately, but there are far
11 more in other parts of the United States.

12 So we have an untapped resource here that I
13 hope we can all creatively look toward because we all
14 want to sustain development. We all want quality of
15 life for all people in our communities. So as
16 concerned New Mexico citizens, then we call upon the
17 New Mexico Mining and Minerals Division to really give
18 adequate consideration of the larger picture of the
19 challenges from climate change and how it will impact
20 all of us, whether we like it or not.

21 Thank you very much for this opportunity.

22 MS. ORTH: Thank you, Sister. Is there
23 anyone else who would like to offer comment this
24 afternoon? Ms. Gordon?

25

1 SUSAN GORDON

2 after having been first duly sworn under oath,
3 testified as follows:

4 DIRECT TESTIMONY

5 MS. GORDON: My name is Susan Gordon. I am
6 the Coordinator for the Multicultural Alliance for a
7 Safe Environment, and I wanted to address just two
8 issues. One is the economic benefits of jobs that are
9 needed in this area, and it's our position that the
10 most rapid way to bring jobs to Grants and to the
11 Grants Mining District is to start a robust cleanup
12 program for the abandoned uranium mines.

13 That's going to happen -- that has to happen
14 regardless of whether the Mount Taylor Mine restarts,
15 and we think that the Mount Taylor Mine is a perfect
16 example of a zombie mine, one that hasn't been
17 operating and has been avoiding cleanup and
18 reclamation.

19 So it seems like this particular restart goes
20 to an active permit that is really about avoiding doing
21 that cleanup for another 20 years or something and
22 playing the New Mexico Mining Minerals permitting
23 process.

24 So the issues that Paul was bringing up in
25 terms of what are the conditions that would be attached

1 to a restart, what is the time frame, how are they
2 going to prove that they are actually going to mine,
3 and the issues of the continued standby permits and how
4 do those play together so that there is a time limit
5 where the Mount Taylor Mine has to be cleaned up.

6 It can't just continue to contaminate the
7 groundwater and San Mateo and the surrounding
8 communities. So if you want to bring jobs, you are
9 serious about bringing jobs to the area, clean it up,
10 and that's the best place and the quickest place to
11 start.

12 Thank you.

13 MS. ORTH: Thank you, Ms. Gordon. Anyone
14 else who would like to offer comment? Ma'am?

15 LEONA MORGAN

16 after having been first duly sworn under oath,
17 testified as follows:

18 DIRECT TESTIMONY

19 MS. MORGAN: Well, I just wanted to reiterate
20 some of the things that have already been said today in
21 regard to the mountain as a sacred site. I am Dine,
22 and I am working with other Dine folks, we have a group
23 called "Dine No Nukes," and we are against new
24 development of uranium mining operations and other
25 nuclear facilities.

1 So there are a few reasons we are opposed to
2 the project, and I'd like to ask you to deny the permit
3 as it is requested to go back on to active status.
4 With that said, I know they are still trying to remain
5 on standby status.

6 So I have a few comments that are kind of
7 mixed up here that I hope you can sort out. The
8 company has been on standby longer than they have been
9 in active status, and I don't see what benefit there is
10 to the State if they are not producing, and as we have
11 heard from Mr. Robinson's report, they don't stand to
12 be producing anytime soon, and if they do, there is
13 really no profit.

14 So there is no economic gain either for jobs
15 or to the state of New Mexico. All we are looking at
16 is prolonged exposure to the communities here who are
17 suffering, and anyone who has access to the Internet
18 can look up ionizing radiation effects to human health,
19 they are definitely impacted from uranium mining
20 operations. That is a fact.

21 So if uranium is mined here, there are a
22 couple other facilities that I know the State has to
23 consider. And so looking at this project as an
24 underground conventional mine, I think you need to also
25 consider Roca Honda and the current tracking, because

1 when you look at the amount of water that's needed for
2 all of these operations to operate, it's just not
3 possible.

4 So I ask you to not look at this permit in a
5 vacuum. The State needs to look at all of the pending
6 permits and current projects going on and consider the
7 amount of water that we need not just for Grants and
8 Milan, but for the local communities for the future.

9 So what I am talking about is water
10 security. The State needs to consider long-term
11 solutions for water security, and this project is a
12 threat to New Mexico water security. Without a mill,
13 Rio Grande Resources has nowhere to take the uranium.

14 And so that is another reason for the State
15 to deny the permit. Right now, the only mill in
16 operation cannot make more uranium. They are already
17 planning to take uranium from Roca Honda Mine and they
18 cannot even do that.

19 So how can the only mine -- I'm sorry, the
20 only mill in the country have the capacity for new
21 conventional mining? They don't. And so I think the
22 State needs to consider that the project as it is is
23 just simply -- it's just not going to work.

24 And so with the other comments that were made
25 today, I think, you know, I am really proud of my

1 little brothers and sisters here for speaking up,
2 because the mountain as a sacred entity was considered
3 a traditional cultural property, and even though Mount
4 Taylor Mine, however much it's within the boundaries of
5 the TCP, it needs to be considered as such.

6 It is a cultural property and it has gone
7 through a State process. And so any damage to the
8 mountain, the integrity as a whole will be
9 compromised. And so that goes directly against the
10 cultural property.

11 So I ask all of you here today to consider
12 this project as a bad decision for New Mexico, not just
13 for our water, but economically and for the health of
14 the people. And then for us as indigenous people, it
15 violates our First Amendment right to practice -- for
16 the freedom of us to practice our spirituality.

17 And just to comment, as Native people, when
18 we do ceremonies on the mountain, we don't do them in
19 public. And as a Native American person, I never go to
20 the mountain as respect for that special entity. I was
21 taught that we don't go there to hike, we don't go
22 there to recreate, and we sure as hell don't go there
23 to dig up uranium for bombs and nuclear energy.

24 And so you wouldn't see Native people up
25 there. It's not appropriate for us to go gallivanting

1 around the mountain. It's a very special place where
2 it's so valuable and so sacred that we are taught not
3 even to go there.

4 And so to mine and to dig and to contaminate
5 the water, the earth, and, also, the air, that will
6 surely not only affect the people who do practice our
7 traditional ways up there, because I have used the
8 mountain for ceremonial purposes, but like I said, I
9 don't go to the mountain to hike because that's not
10 what a sacred site is for.

11 And so I think when you listen to these
12 people speaking about going to the sacred places, it's
13 not for a public display. And so I think you need to
14 understand that because there is a lack of human
15 presence up there, that does not indicate a lack of
16 respect and value and importance of that mountain to
17 thousands of people. Indigenous inhabitants of this
18 area.

19 So thank you.

20 MS. ORTH: Thank you, Ms. Morgan. Is there
21 anyone else who would like to offer comment this
22 afternoon? Oh, sir?

23

24

25

1 ED BECENTI

2 after having been first duly sworn under oath,
3 testified as follows:

4 DIRECT TESTIMONY

5 MR. BECENTI: Again, my name is Ed Becenti.
6 I am Dine Navajo. You guys call us people out here. I
7 am 61 years old today. I have lived my life on the
8 Navajo Nation all these years. I have gone to school,
9 high school, over here with a lot of the 19 pueblo
10 people, my brothers and sisters.

11 So I have an idea of what they are going
12 through, Laguna, Acoma, Zuni, but being part of the
13 largest nation, the largest land-based tribe in
14 America, the Navajo Nation, we take in Arizona, New
15 Mexico, Utah.

16 In regard to uranium, we have a bad legacy
17 with the help of our people, the loss of our culture,
18 even the loss of our language. It is so hard for us to
19 interpret our way of life, our beliefs, our cultural
20 values, our spirituality, because if we were here to
21 conduct our comments in our native tongue, the Navajo
22 language, you people wouldn't understand what we were
23 trying to say. You would have to have interpreters
24 sitting trying to interpret what we are saying about
25 the mountain, the animals, the water, the trees, the

1 way we live, the way our ancestors, our elders,
2 sustained themselves all these years.

3 There was a word you guys used earlier,
4 "grandfathered." Similar to the way we grew up, we
5 have been grandfathered into this tradition, a way of
6 life, our culture. So language is a factor. When we
7 try to speak in English, like I'm trying to do here, it
8 doesn't make much sense, but if we said what I am
9 saying in Navajo, then you guys would be trying to
10 figure us out, "What are they talking about? What are
11 they trying to say?" So vice versa.

12 When you guys come here asking for permission
13 or approval to wake up this monster again, to destroy
14 more lives, while some of you profit, I agree that
15 Grants and maybe a lot of other border towns need jobs,
16 I feel for them, I feel for all the people in Grants
17 who don't have a job, who have families, have kids,
18 they need income to survive, but it's not happening,
19 but why do we have to just resort to our national
20 resources?

21 We have a lot of young people that have gone
22 to school; for instance, Grants High School, are they
23 teaching the young kids, the students, are they just
24 teaching about uranium, that the only way Grants is
25 going to survive as a town is based on uranium?

1 There has got to be some other way of
2 creating jobs even for the Navajo people. We are still
3 struggling. Some of our tribal leaders do not
4 recognize us constituents when it comes down to natural
5 resources, even water. It's almost like it's given
6 away for free to all these corporations.

7 Forty years, we still have no electricity, no
8 running water. Not that we really need it, but it's
9 become a way of life among our young people. All these
10 textbooks from high schools, the curriculum, it's all
11 based on non-Navajo, non-indigenous beliefs,
12 teachings.

13 There is nothing about us. There is nothing
14 about our system. There is nothing about our cultural
15 values. There is nothing about the way our ancestors
16 grew up. All we are learning is about our brothers,
17 the Spanish people, our brothers, the white people, our
18 brothers and sisters, the Japanese, French people, but
19 there is nothing about us.

20 And we are struggling trying to find a place
21 in society trying to survive. I have nothing against
22 what you are -- if you are into profit-making to create
23 jobs, I will not stop you, but for this area, this
24 portion here, this place is surrounded by indigenous
25 people, Native people, that have a way of life, that

1 have been here for a long time.

2 There was a gentleman here earlier, he said
3 Utah is flourishing, they have jobs, they are doing
4 this and all that, but he forgets they don't have
5 people like us in Utah tribes like us up there. If we
6 were in Utah, sure, we would be raising our hands.

7 Why do you see all these grassroots -- all
8 these environmental organizations popping up here and
9 there? If uranium was a good industry, we wouldn't be
10 here. We wouldn't be at hearing. Why do you think
11 there is MASE, there is this group here, No Nukes, why
12 are they here?

13 They are here for a reason. They want to be
14 heard. So, you know, earlier there was that free,
15 prior, informed consent. So I advise you people here
16 to go visit us, visit the neighbors of Grants, sit down
17 with them, the pros, cons.

18 They have ideas, they have thoughts, they
19 have minds just like you. You have five fingers, we
20 have five fingers, too. Globally around the world, on
21 television, on the Internet, all you see is people
22 fighting each other, killing each other, because they
23 can't get along.

24 I hope this does not spread into our
25 communities because of uranium. We need to respect one

1 another's views, opinions. You can have documents. In
2 the indigenous ways, we were taught natural laws, just
3 like the water, where it comes from. If there is no
4 water, there is no life. You can't fill infrastructure
5 if there is no water.

6 And with that, I will close. Thank you.

7 MS. ORTH: Thank you, Mr. Becenti. Other
8 comments this afternoon? If there is no other comment
9 to be given, we will adjourn.

10 Let me remind everyone that written comment
11 is welcome to the Mining and Minerals Division. The
12 contact information is on the bottom of the fax sheet
13 that's available here from Mr. Clark at the small
14 table. You'll see the e-mails down here on the bottom
15 of the second page. You can send your written comment
16 until January 4th, 2016.

17 With that, thank you all very much for
18 participating, and have a safe journey home. Thank
19 you.

20 (Proceedings concluded at 4:38 p.m.)

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1 STATE OF NEW MEXICO)

2)

3 COUNTY OF BERNALILLO)

4 I, DENISE KOPAN, the undersigned Court
5 Reporter, HEREBY CERTIFY that the foregoing hearing was
6 recorded by me by machine shorthand; that I later
7 caused my notes to be transcribed under my personal
8 supervision; and that the foregoing is a true and
9 accurate record, to the best of my ability, of said
10 proceedings.

11 I FURTHER CERTIFY that I am not a relative or
12 employee of any of the parties or attorneys involved in
13 this matter and that I have no personal interest in the
14 final disposition of this matter.

15 DATED this _____ day of _____, 2015.

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DENISE KOPAN, NM CSR #124
License Expiration: 12/31/15

#	14-1455 [1] - 105:16	17:16	131:11, 132:4, 136:9,	4.3 [1] - 45:13
#124 [1] - 179:20	14-foot [3] - 25:19,	1983 [3] - 32:5,	136:10, 136:14,	4.9 [4] - 132:22,
	26:2, 26:4	87:18, 118:23	136:19, 141:17,	133:4, 133:12
\$	140 [1] - 165:23	1984 [1] - 125:4	179:15	40 [4] - 45:20, 124:4,
	140-some [1] - 79:20	1985 [2] - 15:19,	2015-2020 [1] -	136:4, 147:6
	1400 [1] - 158:17	17:22	110:19	40-year [2] - 84:18,
	1405 [1] - 2:16	1990 [4] - 18:3,	2016 [7] - 7:6, 62:11,	91:7
	145 [1] - 4:11	18:11, 114:12, 126:20	63:20, 68:14, 141:19,	44 [2] - 74:8, 74:20
	148 [1] - 4:13	1990s [2] - 84:17,	178:16	45 [1] - 17:19
	15-1506 [1] - 106:20	110:15	2019 [3] - 73:16,	46 [1] - 59:20
	15.3 [1] - 133:7	1991 [6] - 15:25,	141:22, 142:4	48 [7] - 11:18, 31:24,
	150 [1] - 4:15	18:11, 18:12, 18:24,	2020 [7] - 69:5,	66:3, 66:10, 66:13,
	152 [1] - 4:17	19:13, 126:15	73:14, 73:16, 73:18,	66:16, 127:9
	154 [1] - 4:19	1993 [1] - 32:24	90:21, 141:22, 142:4	48-month [3] - 65:7,
	156 [1] - 4:21	1994 [5] - 32:14,	2024 [1] - 136:22	66:12, 67:9
	158 [1] - 4:23	57:23, 58:12, 58:14,	2035 [4] - 136:6,	4:38 [1] - 178:20
	16 [1] - 22:22	114:6	136:12, 137:1, 137:4	4th [5] - 1:17, 7:6,
	160 [1] - 4:25	1995 [1] - 87:18	21 [5] - 35:11, 133:6,	11:21, 12:7, 178:16
	1600 [1] - 65:19	1999 [1] - 91:7	133:12, 133:13	
,	163 [1] - 5:3	1:00 [1] - 108:10	22-and-a-half [1] -	5
	164 [1] - 5:5		148:17	
	168 [1] - 5:7	2	23 [1] - 133:12	5 [3] - 2:16, 132:23,
	169 [1] - 5:9	2 [2] - 56:9, 132:18	23.3 [1] - 133:11	142:18
	17 [2] - 22:22, 32:7	20 [13] - 2:4, 84:12,	23rd [1] - 152:14	5.1 [1] - 34:25
	17-and-a-half [1] -	97:22, 106:23,	24 [1] - 132:4	50 [3] - 111:3,
	51:15	131:16, 132:21,	24-foot [3] - 25:20,	130:24, 154:1
	174 [1] - 5:11	132:24, 133:21,	26:5, 41:23	500-horsepower [1]
	178 [1] - 5:12	137:23, 147:6, 157:2,	24-inch [1] - 28:10	- 66:21
	18 [4] - 51:15, 63:8,	157:4, 168:21	25 [3] - 42:5, 42:19,	505 [4] - 2:5, 2:11,
	140:25	200 [1] - 27:21	87:12	2:17, 2:23
	18,000 [1] - 133:18	2001 [1] - 2:22	26 [1] - 97:22	515 [1] - 1:20
	180 [5] - 127:23,	2002 [1] - 131:2	28101 [1] - 35:11	53 [1] - 3:9
	128:1, 138:15, 140:7,	2005 [4] - 34:1,	2:00 [1] - 108:9	55 [1] - 109:2
	140:8	58:22, 116:8, 136:10	2:05 [1] - 108:10	
	180-day [1] - 138:16	2006 [1] - 125:16	2:33 [1] - 123:6	6
	1805 [1] - 123:24	2007 [2] - 122:11,	2:36 [1] - 123:6	
	19 [2] - 111:21, 174:9	131:17	3	6 [2] - 3:2, 111:22
	19.10.7.701.A [1] -	2008 [2] - 136:19,	3 [3] - 111:21, 133:3,	6.8 [1] - 52:11
	127:23	140:20	133:4	60 [1] - 162:17
	19.10.9.905 [1] - 6:10	2009 [2] - 111:8,	3,000 [1] - 24:5	60,000 [3] - 80:18,
	190 [1] - 165:23	119:3	30 [5] - 3:7, 19:4,	80:21, 112:2
	1940s [1] - 153:16	2010 [6] - 34:6,	42:5, 73:9, 106:22	60-mil [1] - 45:25
	1950 [1] - 97:6	57:25, 58:23, 111:8,	30-some [1] - 42:1	605 [1] - 16:8
	1950s [1] - 110:14	113:8, 140:20	300 [1] - 163:11	61 [2] - 40:15, 174:7
	1964 [2] - 22:10,	2011 [2] - 131:18,	32 [1] - 59:20	695-8944 [1] - 2:5
	22:22	140:21	3200 [1] - 65:19	
	1967 [2] - 16:21, 22:6	2012 [3] - 114:7,	35 [1] - 143:17	7
	1969 [1] - 14:20	131:4, 140:21	36 [1] - 133:18	
	1970s [1] - 147:19	2012-5019 [1] -	3:21 [1] - 144:23	7.2 [1] - 52:7
	1972 [1] - 16:12	109:12	3:35 [1] - 144:23	
	1974 [1] - 114:5	2013 [5] - 23:3,	4	8
	1975 [2] - 17:2, 17:6	34:13, 59:18, 113:15,	4 [2] - 140:22, 141:17	80 [2] - 110:24, 134:6
	1977 [1] - 32:9	125:25	4,000 [4] - 79:15,	81 [3] - 3:10, 160:17,
	1978 [2] - 14:25,	2014 [5] - 34:18,	79:18, 79:25, 140:13	160:18
	17:10	105:17, 132:22,		842-5864 [1] - 2:23
	1979 [1] - 17:11	134:23, 134:25		848-1832 [1] - 2:11
	1981 [2] - 15:5,	2015 [12] - 1:18,		
	124:12	60:10, 60:16, 130:22,		
	1982 [2] - 15:13,			

<div>86 [1] - 3:12</div> <div>87102 [1] - 2:22</div> <div>87107 [1] - 123:25</div> <div>87501 [1] - 2:10</div> <div>87505 [1] - 2:17</div> <div>87544 [1] - 2:4</div> <div>89 [1] - 3:14</div>	<div>170:17</div> <div>accessible [1] - 127:16</div> <div>accidental [1] - 115:21</div> <div>accommodate [2] - 31:11, 38:16</div> <div>accomplished [1] - 82:3</div> <div>according [5] - 41:14, 118:21, 128:2, 129:15, 134:4</div> <div>account [1] - 93:24</div> <div>accounting [1] - 24:18</div> <div>accurate [2] - 137:2, 179:9</div> <div>achieve [1] - 22:5</div> <div>acknowledge [2] - 82:23, 143:2</div> <div>acknowledges [2] - 92:10, 93:8</div> <div>Acoma [30] - 2:19, 9:2, 9:3, 82:24, 84:14, 88:23, 89:10, 89:11, 89:18, 90:2, 90:18, 91:8, 91:9, 92:2, 92:3, 92:5, 92:13, 92:20, 94:6, 94:11, 94:13, 99:19, 108:22, 121:23, 146:1, 146:11, 146:13, 146:15, 164:25, 174:12</div> <div>Acoma's [1] - 89:24</div> <div>acquainted [1] - 32:21</div> <div>acquired [8] - 16:16, 16:25, 19:5, 126:15, 131:5, 135:11, 135:13, 135:20</div> <div>acquisition [4] - 16:11, 16:24, 17:3, 71:7</div> <div>acres [4] - 79:15, 79:18, 79:20, 79:25</div> <div>Act [19] - 32:2, 32:5, 32:20, 32:22, 33:4, 33:8, 33:11, 33:21, 40:3, 52:5, 83:10, 83:12, 83:25, 118:23, 119:2, 119:3, 125:7, 126:23, 143:3</div> <div>acting [1] - 140:11</div> <div>action [3] - 83:8, 140:8, 166:1</div> <div>actions [6] - 101:15, 103:24, 126:16, 138:15, 139:20, 140:3</div> <div>activate [1] - 140:10</div>	<div>activating [1] - 38:19</div> <div>activation [4] - 47:3, 127:12, 139:21, 142:16</div> <div>active [34] - 6:5, 13:10, 19:12, 20:22, 23:1, 30:23, 39:19, 39:24, 40:18, 44:2, 50:2, 51:1, 52:8, 56:19, 57:2, 69:2, 71:1, 72:2, 76:24, 83:10, 84:2, 87:9, 123:1, 125:24, 126:4, 126:9, 139:23, 141:17, 141:18, 141:21, 166:7, 168:20, 170:3, 170:9</div> <div>activism [1] - 98:3</div> <div>activities [35] - 15:11, 19:11, 19:18, 19:22, 20:14, 20:24, 21:3, 21:24, 32:19, 40:6, 51:13, 55:2, 55:5, 55:8, 55:12, 61:23, 63:1, 63:16, 63:23, 63:24, 64:7, 70:8, 71:3, 71:11, 71:18, 84:3, 91:23, 127:10, 137:24, 137:25, 139:1, 139:3, 139:11, 139:22, 143:23</div> <div>activity [11] - 26:12, 35:23, 62:21, 62:22, 67:16, 90:7, 90:8, 101:22, 138:10, 139:5, 140:6</div> <div>actual [8] - 22:22, 34:5, 47:10, 51:3, 136:8, 136:9, 136:13, 144:6</div> <div>Adam [1] - 87:2</div> <div>Adams [1] - 141:24</div> <div>add [10] - 10:24, 11:1, 19:7, 29:4, 35:19, 37:25, 48:2, 66:2, 90:2, 122:7</div> <div>added [5] - 16:17, 19:16, 27:23, 48:2, 141:6</div> <div>adding [1] - 50:5</div> <div>addition [4] - 95:16, 124:15, 143:5, 143:8</div> <div>additional [7] - 19:17, 44:13, 76:9, 78:20, 78:22, 116:14, 146:5</div> <div>Additionally [1] - 87:25</div> <div>Address [2] - 90:21,</div>	<div>110:20</div> <div>address [11] - 7:6, 28:8, 87:20, 93:21, 102:18, 113:24, 123:4, 127:1, 144:12, 165:25, 168:7</div> <div>addressed [2] - 94:13, 125:14</div> <div>adequate [3] - 93:21, 137:21, 167:18</div> <div>adequately [1] - 113:2</div> <div>adhere [1] - 27:16</div> <div>adjourn [1] - 178:9</div> <div>admin [1] - 26:9</div> <div>Administration [2] - 129:15, 132:10</div> <div>administration [1] - 25:22</div> <div>Administration's [1] - 133:1</div> <div>Administrative [2] - 6:10, 111:21</div> <div>adopted [1] - 117:1</div> <div>advance [2] - 20:22, 130:17</div> <div>adverse [1] - 165:2</div> <div>advisable [1] - 33:20</div> <div>advise [1] - 177:15</div> <div>Advisory [2] - 32:4, 33:2</div> <div>advocated [3] - 37:11, 37:12, 46:1</div> <div>aerial [1] - 111:8</div> <div>Affairs [2] - 102:21, 119:7</div> <div>affect [3] - 102:23, 131:24, 173:6</div> <div>affected [4] - 60:19, 91:23, 99:8, 101:16</div> <div>affecting [1] - 151:24</div> <div>affects [1] - 96:5</div> <div>affiliated [1] - 102:9</div> <div>afield [1] - 11:10</div> <div>afraid [2] - 147:24, 157:9</div> <div>afternoon [4] - 86:12, 167:24, 173:22, 178:8</div> <div>age [2] - 147:17, 148:3</div> <div>Agencies [1] - 40:21</div> <div>agencies [4] - 83:3, 122:14, 124:23, 148:5</div> <div>agency [3] - 61:11, 92:10, 92:21</div> <div>Agency [4] - 10:19, 93:8, 136:3, 152:16</div> <div>aging [1] - 110:8</div> <div>ago [15] - 11:18,</div>	<div>20:7, 22:5, 33:17, 34:13, 35:4, 56:23, 84:13, 106:22, 140:12, 141:16, 148:19, 155:18, 161:12, 161:16</div> <div>agree [1] - 175:14</div> <div>agreed [1] - 40:23</div> <div>agreement [1] - 74:18</div> <div>ahead [6] - 14:7, 38:6, 43:19, 43:23, 104:18, 123:21</div> <div>air [13] - 26:2, 112:17, 112:22, 113:1, 113:21, 114:17, 115:23, 151:25, 154:1, 161:1, 163:13, 173:5</div> <div>Alamos [3] - 2:4, 116:10, 116:17</div> <div>ALAN [3] - 3:6, 3:8, 30:16</div> <div>Alan [6] - 7:17, 7:19, 13:6, 13:15, 30:21</div> <div>Albert [1] - 86:24</div> <div>Albuquerque [3] - 2:22, 97:23, 123:24</div> <div>alive [1] - 148:18</div> <div>Alliance [8] - 2:13, 8:1, 8:4, 108:24, 117:1, 123:12, 125:22, 168:6</div> <div>allow [5] - 25:25, 28:6, 28:21, 94:4, 129:7</div> <div>allowed [4] - 18:12, 18:16, 55:17, 58:17</div> <div>allowing [4] - 90:6, 97:20, 100:25, 101:1</div> <div>allows [2] - 33:23, 66:24</div> <div>alluvium [3] - 111:2, 111:5, 111:7</div> <div>almost [9] - 27:22, 46:2, 52:5, 71:13, 91:21, 157:2, 162:7, 162:17, 176:5</div> <div>alternative [1] - 162:1</div> <div>Alternative [1] - 9:15</div> <div>alternatives [1] - 157:17</div> <div>Alternatives [1] - 145:23</div> <div>Alvin [1] - 86:24</div> <div>amazes [1] - 107:12</div> <div>ambiguous [1] - 68:11</div> <div>Ambrosia [1] - 24:7</div>
9				
<div>9,000 [1] - 133:22</div> <div>9.7 [1] - 134:3</div> <div>90 [1] - 6:24</div> <div>900,000 [1] - 134:25</div> <div>92 [1] - 162:13</div> <div>95 [1] - 3:16</div> <div>97 [1] - 3:18</div> <div>989-9022 [1] - 2:17</div>				
A				
<div>a.m [2] - 1:21, 53:1</div> <div>abandon [1] - 41:9</div> <div>abandoned [9] - 41:13, 114:19, 150:15, 163:11, 165:3, 166:15, 166:20, 167:3, 168:12</div> <div>abatement [2] - 56:9, 56:14</div> <div>abided [1] - 120:13</div> <div>ability [2] - 94:6, 179:9</div> <div>abject [1] - 89:20</div> <div>able [19] - 19:3, 23:20, 30:11, 41:20, 51:5, 59:25, 69:3, 85:24, 86:12, 93:11, 104:17, 118:17, 119:21, 137:3, 142:9, 143:19, 144:4, 159:10, 159:13</div> <div>abolish [1] - 41:15</div> <div>abr@chestnutlaw.com [1] - 2:23</div> <div>absolutely [2] - 22:2, 61:5</div> <div>accelerate [1] - 142:2</div> <div>accelerated [1] - 141:20</div> <div>accelerating [1] - 142:12</div> <div>accept [3] - 6:2, 11:14, 44:17</div> <div>accepted [1] - 138:22</div> <div>access [2] - 127:15,</div>				

<p>ambulance [1] - 26:15</p> <p>Amendment [2] - 35:18, 172:15</p> <p>America [4] - 24:10, 89:14, 157:22, 174:14</p> <p>American [3] - 97:4, 97:8, 172:19</p> <p>Americans [1] - 103:10</p> <p>Amigos [2] - 125:23, 145:11</p> <p>amount [11] - 23:10, 26:25, 29:13, 59:25, 64:2, 119:11, 132:20, 133:24, 148:2, 171:1, 171:7</p> <p>amounts [1] - 114:13</p> <p>ample [1] - 167:2</p> <p>analogy [1] - 120:1</p> <p>analysis [4] - 127:2, 127:6, 147:3, 147:13</p> <p>analytes [1] - 38:3</p> <p>analyzed [1] - 166:22</p> <p>ancestors [2] - 175:1, 176:15</p> <p>AND [1] - 1:1</p> <p>animal [2] - 164:1</p> <p>animals [3] - 55:14, 150:23, 174:25</p> <p>Animas [1] - 115:15</p> <p>ANN [5] - 2:20, 3:13, 4:22, 89:5, 158:7</p> <p>Ann [1] - 9:1</p> <p>annual [1] - 134:22</p> <p>Annual [1] - 73:25</p> <p>annually [2] - 74:1, 166:13</p> <p>another's [1] - 178:1</p> <p>answer [7] - 14:1, 36:11, 66:8, 66:9, 67:18, 70:19, 72:12</p> <p>answered [1] - 85:7</p> <p>answers [1] - 79:12</p> <p>anticipate [6] - 27:20, 57:15, 58:21, 67:9, 141:18, 144:3</p> <p>Anticipated [1] - 10:22</p> <p>anticipated [4] - 27:19, 61:21, 127:3, 128:6</p> <p>anytime [1] - 170:12</p> <p>Anyway [1] - 156:9</p> <p>apologies [1] - 43:24</p> <p>apologize [2] - 105:19, 151:21</p> <p>apologized [1] - 151:20</p> <p>appeal [4] - 34:2,</p>	<p>34:7, 165:10, 165:16</p> <p>appealed [1] - 34:2</p> <p>Appendix [2] - 110:22, 110:23</p> <p>Applicant [4] - 2:6, 7:13, 146:24, 147:3</p> <p>Application [39] - 6:4, 7:5, 20:8, 23:3, 31:8, 33:7, 34:1, 34:12, 34:17, 34:20, 34:21, 35:1, 41:19, 42:13, 46:16, 56:18, 57:23, 58:13, 65:11, 72:18, 72:19, 73:14, 73:18, 74:15, 113:14, 125:24, 126:6, 126:10, 126:11, 126:21, 127:7, 127:10, 128:16, 135:19, 137:25, 138:19, 140:16, 143:1</p> <p>application [23] - 13:12, 17:9, 17:10, 19:9, 20:6, 22:25, 34:11, 34:14, 36:7, 54:17, 74:11, 94:3, 113:9, 135:15, 140:19, 140:24, 141:2, 141:3, 141:4, 141:9, 141:21, 142:3, 142:11</p> <p>APPLICATION [1] - 1:4</p> <p>Applications [3] - 40:18, 74:2, 135:9</p> <p>applications [2] - 83:6, 83:19</p> <p>applied [2] - 55:16, 83:5</p> <p>apply [2] - 22:18, 54:18</p> <p>applying [1] - 19:20</p> <p>appointed [2] - 6:2, 32:2</p> <p>appreciate [4] - 101:8, 103:1, 120:19, 144:11</p> <p>appreciates [1] - 89:14</p> <p>approach [3] - 28:1, 58:4, 105:8</p> <p>appropriate [10] - 11:2, 12:3, 20:2, 36:22, 52:3, 138:12, 139:7, 139:25, 142:15, 172:25</p> <p>appropriated [1] - 91:11</p> <p>approval [7] - 35:12, 35:13, 35:20, 62:8,</p>	<p>74:13, 127:11, 175:13</p> <p>approved [4] - 35:6, 51:21, 51:22, 62:10</p> <p>April [2] - 34:13, 113:15</p> <p>aquifer [5] - 41:10, 42:16, 42:17, 93:9, 146:12</p> <p>Aquifers [1] - 43:4</p> <p>aquifers [3] - 43:8, 110:1, 111:6</p> <p>Arabia [1] - 167:8</p> <p>arbitrarily [1] - 20:7</p> <p>ARCO [1] - 87:17</p> <p>area [39] - 25:17, 25:18, 26:1, 26:18, 26:23, 27:9, 39:11, 39:15, 48:12, 48:13, 50:17, 56:11, 75:22, 76:3, 79:14, 79:19, 85:18, 91:17, 92:4, 101:19, 103:12, 104:2, 111:11, 122:4, 139:14, 153:7, 153:8, 154:2, 154:13, 160:25, 161:3, 163:10, 163:12, 164:4, 168:9, 169:9, 173:18, 176:23</p> <p>areas [6] - 52:4, 88:1, 102:23, 119:22, 119:23, 156:6</p> <p>argument [1] - 62:10</p> <p>arguments [1] - 12:8</p> <p>arises [1] - 12:12</p> <p>Arizona [4] - 10:1, 122:21, 163:22, 174:14</p> <p>arms [2] - 106:17, 163:16</p> <p>article [2] - 142:18, 147:21</p> <p>articles [1] - 122:12</p> <p>as-is [1] - 52:10</p> <p>aside [1] - 122:18</p> <p>aspect [1] - 137:10</p> <p>aspects [1] - 31:3</p> <p>Assess [2] - 90:21, 110:20</p> <p>assess [1] - 167:2</p> <p>assessed [1] - 110:4</p> <p>assessing [1] - 125:8</p> <p>assessment [4] - 111:8, 124:5, 125:16, 130:18</p> <p>Assessment [2] - 130:12, 132:3</p> <p>Assistant [1] - 9:20</p> <p>associated [4] -</p>	<p>29:1, 93:21, 102:14, 151:8</p> <p>Associates [1] - 114:7</p> <p>Association [1] - 150:14</p> <p>Association's [1] - 142:21</p> <p>assume [10] - 58:7, 58:9, 62:9, 66:12, 67:11, 67:23, 68:1, 73:13, 73:17, 84:25</p> <p>Assuming [1] - 63:19</p> <p>assuming [4] - 13:22, 59:23, 64:1, 68:25</p> <p>assumption [1] - 62:14</p> <p>assurance [4] - 20:20, 31:17, 52:6, 126:5</p> <p>assurances [3] - 93:24, 112:25, 114:1</p> <p>assure [1] - 112:4</p> <p>AT [4] - 2:3, 2:9, 2:16, 2:21</p> <p>atmosphere [2] - 115:7, 150:17</p> <p>Atomics [1] - 129:21</p> <p>attached [1] - 168:25</p> <p>attained [1] - 128:2</p> <p>attempt [4] - 24:25, 25:8, 73:23, 94:9</p> <p>attention [1] - 88:16</p> <p>attorney [2] - 7:24, 8:3</p> <p>ATTORNEY [1] - 2:3</p> <p>ATTORNEYS [3] - 2:9, 2:16, 2:21</p> <p>attorneys [1] - 179:12</p> <p>AUSHERMAN [6] - 2:8, 13:3, 14:8, 105:1, 144:19, 145:2</p> <p>Ausherman [7] - 3:3, 7:14, 12:10, 13:4, 14:15, 104:25, 144:25</p> <p>Australia [1] - 134:11</p> <p>authority [2] - 40:4, 40:5</p> <p>availability [1] - 72:3</p> <p>available [6] - 13:23, 20:21, 132:12, 157:11, 157:16, 178:13</p> <p>avenues [1] - 154:9</p> <p>average [1] - 90:20</p> <p>avoid [2] - 85:1, 140:10</p>	<p>avoiding [2] - 168:17, 168:20</p> <p>award [1] - 24:18</p> <p>awards [1] - 57:7</p> <p>aware [3] - 84:21, 94:6, 132:6</p> <p>awareness [1] - 97:8</p> <p>awhile [2] - 14:22, 22:5</p> <p>AYZE [3] - 4:22, 158:7, 158:11</p>
B				
<p>bachelor's [1] - 31:21</p> <p>back-schedule [1] - 64:3</p> <p>back-scheduled [1] - 63:4</p> <p>back-scheduling [1] - 67:24</p> <p>backfill [2] - 46:19, 78:3</p> <p>background [1] - 127:20</p> <p>backing [3] - 147:15, 156:22, 157:25</p> <p>backlog [1] - 139:18</p> <p>backyards [2] - 114:18, 115:23</p> <p>bad [3] - 149:18, 172:12, 174:16</p> <p>bar [1] - 132:23</p> <p>barely [2] - 24:12</p> <p>Barranca [1] - 2:4</p> <p>barrier [1] - 39:9</p> <p>bars [1] - 50:20</p> <p>base [2] - 48:17, 96:5</p> <p>Based [2] - 62:12, 62:14</p> <p>based [19] - 21:5, 59:23, 62:1, 65:25, 67:25, 86:5, 98:21, 99:13, 99:14, 99:17, 113:11, 127:23, 137:12, 145:5, 147:16, 166:11, 174:13, 175:25, 176:11</p> <p>baseline [2] - 114:5, 143:7</p> <p>Basin [4] - 85:13, 109:2, 109:13, 114:8</p> <p>basin [8] - 50:6, 83:12, 85:4, 85:10, 93:3, 93:4, 111:3, 111:5</p> <p>basins [4] - 44:16,</p>				

<p>46:5, 48:20, 50:5 basis [7] - 15:15, 54:22, 54:24, 136:12, 140:15, 162:7, 163:24 battery [2] - 104:20, 117:22 BE [1] - 1:17 beams [1] - 42:1 became [3] - 15:20, 16:13, 146:10 BECENTI [3] - 5:10, 174:1, 174:5 Becenti [2] - 174:5, 178:7 become [3] - 42:9, 112:19, 176:9 becomes [1] - 10:16 becoming [2] - 161:18, 161:23 bed [1] - 80:25 bedrock [1] - 111:6 BEFORE [1] - 1:1 began [5] - 14:24, 17:6, 17:12, 87:18, 153:16 Begay [1] - 164:11 BEGAY [3] - 5:2, 163:1, 163:5 begin [15] - 10:9, 10:18, 13:1, 16:5, 53:4, 61:23, 62:3, 69:14, 84:4, 86:13, 125:19, 127:11, 127:19, 139:17, 163:17 beginning [6] - 62:11, 63:20, 68:14, 132:17, 140:6, 149:24 begun [5] - 24:12, 138:14, 138:15, 138:17, 140:23 behalf [8] - 8:6, 89:9, 97:25, 101:7, 121:21, 123:12, 125:22, 164:22 behavior [1] - 87:25 behind [3] - 90:4, 128:14, 164:6 beleaguered [2] - 146:16, 146:19 belief [1] - 113:12 beliefs [6] - 153:13, 155:4, 155:22, 174:19, 176:11 believes [1] - 19:25 below [5] - 128:20, 128:22, 130:24, 135:17, 137:19 below-grade [1] - 135:17</p>	<p>Belt [1] - 116:25 belts [1] - 161:11 beneficial [1] - 85:17 benefit [3] - 85:18, 170:9 benefits [2] - 94:15, 168:8 BERKLEY [3] - 2:20, 3:13, 89:5 Berkley [1] - 9:1 berms [1] - 77:3 BERNALILLO [1] - 179:3 best [9] - 47:8, 51:24, 55:20, 92:21, 121:10, 132:11, 145:17, 169:10, 179:9 bet [3] - 107:7, 107:9, 162:15 better [11] - 43:24, 56:8, 76:16, 79:16, 85:6, 85:20, 96:9, 98:3, 99:4, 149:19, 161:17 between [9] - 17:13, 28:6, 39:10, 85:2, 107:2, 107:11, 135:15, 136:18, 150:15 Beyond [1] - 91:2 beyond [8] - 7:1, 19:22, 20:15, 20:16, 20:25, 74:15, 85:16, 102:3 bid [3] - 24:17, 24:18, 120:19 bids [2] - 138:22 big [3] - 24:3, 58:20, 73:10 biggest [2] - 74:12, 97:9 bill [1] - 114:1 billion [2] - 19:4, 110:24 biosphere [1] - 150:19 birth [1] - 146:11 bit [16] - 10:20, 16:18, 21:10, 23:9, 28:16, 31:19, 34:23, 41:3, 50:9, 53:7, 54:9, 60:8, 75:4, 75:6, 124:1, 124:20 black [1] - 129:9 blank [1] - 91:1 blended [1] - 33:16 blinded [2] - 156:3 BLM [2] - 80:11, 80:13 blood [4] - 102:15,</p>	<p>120:2, 120:5, 120:6 blue [5] - 136:13, 136:14, 136:16, 151:8, 151:9 Blue [1] - 152:4 Bluewater [1] - 164:24 blur [1] - 41:22 Board [3] - 22:10, 22:14 board [1] - 22:11 bodies [2] - 51:5, 124:16 body [2] - 43:3, 51:6 bold [1] - 166:1 bombs [1] - 172:23 Book [1] - 136:1 boom [3] - 113:3, 114:12, 154:5 border [4] - 95:12, 95:13, 100:4, 175:15 boss [2] - 148:22, 149:6 bothers [1] - 107:23 bottom [7] - 29:7, 34:24, 45:18, 75:22, 129:7, 178:12, 178:14 bought [4] - 15:25, 18:20, 22:24, 71:15 boundaries [1] - 172:4 Bowekaty [2] - 103:3, 119:20 BOWEKATY [3] - 3:19, 101:4, 101:7 box [1] - 133:5 Brad [2] - 8:19, 8:21 Bravos [2] - 125:23, 145:11 break [18] - 6:24, 6:25, 8:15, 52:23, 52:25, 53:3, 86:10, 94:19, 104:21, 105:7, 108:8, 108:11, 121:9, 123:4, 123:7, 123:8, 144:22, 144:25 breaking [3] - 20:24, 23:12, 81:25 breathing [1] - 163:12 brief [13] - 13:8, 13:16, 14:16, 14:17, 30:25, 31:13, 32:15, 83:16, 121:21, 131:16, 141:23, 142:18, 142:22 briefly [4] - 25:2, 31:20, 37:3, 44:11 bright [1] - 39:9 bring [14] - 23:20,</p>	<p>34:11, 36:8, 39:19, 43:17, 49:7, 51:1, 54:15, 79:4, 96:8, 149:11, 165:13, 168:10, 169:8 bringing [2] - 168:24, 169:9 broad [1] - 21:21 brother [2] - 148:17, 148:18 brothers [5] - 172:1, 174:10, 176:16, 176:17, 176:18 brought [7] - 19:6, 20:6, 27:6, 77:5, 77:15, 78:4, 83:1 bubble [2] - 59:4, 59:6 buffalo [2] - 164:1, 164:2 build [4] - 47:2, 96:7, 96:8, 153:24 building [6] - 25:22, 26:9, 26:12, 26:13, 26:16, 106:25 buildings [1] - 27:5 builds [1] - 153:14 buildup [1] - 115:6 built [3] - 26:22, 46:22, 48:21 bullets [1] - 31:7 burden [2] - 144:5, 167:4 Bureau [2] - 35:17, 166:19 burn [1] - 163:17 business [3] - 18:5, 18:8, 144:2 businessman [1] - 20:20 bust [2] - 113:3, 154:5 BUTLER [4] - 3:17, 97:15, 97:19, 98:10 Butler [1] - 101:2 Butte [1] - 125:15 BUTZIER [10] - 2:7, 7:10, 9:24, 10:25, 12:15, 12:24, 68:7, 68:10, 86:8, 144:16 Butzier [10] - 7:9, 7:11, 7:22, 10:23, 12:10, 12:14, 13:1, 68:9, 86:7, 144:15 buy [1] - 33:14 BY [1] - 123:20 bypass [2] - 29:6, 44:25</p>	<p>C</p> <p>C1002RE [3] - 1:5, 6:7, 113:14 Cabinet [1] - 116:3 cable [2] - 18:14, 71:15 cake [2] - 140:14, 160:12 calendar [1] - 51:4 Cameron [2] - 163:10, 163:21 campus [2] - 97:5, 97:8 Canada [2] - 24:9, 134:10 Canadian [3] - 129:15, 129:18, 132:10 canceling [1] - 46:24 cancer [1] - 146:10 cannot [7] - 36:12, 69:24, 82:14, 92:4, 99:17, 171:16, 171:18 canyon [1] - 163:14 Canyon [2] - 114:14, 135:8 canyons [1] - 152:5 cap [1] - 77:8 capable [5] - 90:14, 128:10, 128:11, 142:13 capacities [1] - 15:2 capacity [26] - 15:21, 128:23, 133:7, 133:8, 133:9, 133:14, 133:15, 133:19, 133:23, 134:1, 134:4, 134:15, 134:18, 134:24, 136:15, 136:19, 136:20, 136:22, 136:25, 137:5, 137:11, 137:12, 137:21, 140:15, 171:20 capital [1] - 119:15 capitalization [1] - 73:11 capped [1] - 48:5 capture [1] - 45:23 captured [1] - 48:19 car [1] - 133:14 Carbon [1] - 115:7 carbon [1] - 115:11 care [8] - 17:19, 56:3, 90:7, 99:24, 137:3, 155:14, 165:11 careers [2] - 153:24, 154:8</p>
---	--	---	---	--

<p>careful [1] - 154:12</p> <p>CARLTON [2] - 3:19, 101:4</p> <p>carried [1] - 166:8</p> <p>carrying [1] - 159:12</p> <p>cars [1] - 106:25</p> <p>cartoon [1] - 45:17</p> <p>case [6] - 13:1, 51:8, 56:13, 87:16, 113:19, 129:24</p> <p>cash [1] - 155:13</p> <p>catch [3] - 48:19, 50:5, 54:7</p> <p>categorize [1] - 39:8</p> <p>Catholic [1] - 155:4</p> <p>Caucasian [2] - 147:17, 148:3</p> <p>caused [2] - 87:13, 179:7</p> <p>causing [1] - 160:23</p> <p>cautious [1] - 103:21</p> <p>ccs@modrall.com [1] - 2:12</p> <p>ceased [1] - 13:20</p> <p>CECCHINI [3] - 5:4, 164:13, 164:17</p> <p>cell [23] - 10:10, 28:7, 29:21, 29:24, 30:1, 37:8, 38:16, 46:6, 47:3, 47:17, 47:20, 47:23, 48:4, 48:6, 49:3, 49:18, 50:14, 50:24, 77:3, 77:5, 77:11, 139:2</p> <p>cells [1] - 44:15</p> <p>cement [1] - 42:5</p> <p>Center [4] - 7:25, 123:14, 123:24, 124:4</p> <p>CENTER [1] - 2:15</p> <p>center [1] - 8:3</p> <p>century [2] - 110:10, 111:7</p> <p>ceremonial [1] - 173:8</p> <p>ceremonies [2] - 101:23, 172:18</p> <p>ceremony [1] - 101:22</p> <p>certain [9] - 12:18, 23:10, 26:25, 27:7, 29:13, 59:25, 95:22, 99:15</p> <p>certainly [17] - 20:15, 20:16, 21:24, 23:14, 24:23, 26:24, 52:24, 61:8, 73:10, 74:8, 131:13, 137:10, 138:7, 138:8, 143:22, 144:12, 162:19</p> <p>Certainly [3] - 21:13,</p>	<p>59:4, 125:12</p> <p>certainty [1] - 113:5</p> <p>CERTIFY [2] - 179:5, 179:11</p> <p>cessation [9] - 126:24, 127:22, 128:1, 128:4, 138:16, 140:9, 140:10, 144:8</p> <p>chain [1] - 116:21</p> <p>challenge [2] - 165:12, 165:22</p> <p>challenged [2] - 34:6, 125:7</p> <p>challenges [6] - 23:15, 74:7, 101:12, 165:21, 166:1, 167:19</p> <p>chance [1] - 128:12</p> <p>change [9] - 6:4, 26:10, 113:18, 126:8, 165:15, 165:17, 166:1, 166:10, 167:19</p> <p>Change [1] - 165:25</p> <p>CHANGE [1] - 1:4</p> <p>changed [5] - 31:10, 58:14, 58:16, 110:15, 148:24</p> <p>changes [8] - 31:7, 31:9, 36:17, 39:21, 44:7, 46:19, 114:23, 126:7</p> <p>changing [1] - 161:18</p> <p>Chapter [1] - 111:21</p> <p>characteristics [1] - 50:3</p> <p>characterization [1] - 111:15</p> <p>Characterization [1] - 78:17</p> <p>characterized [1] - 29:14</p> <p>charged [1] - 117:25</p> <p>chart [1] - 132:19</p> <p>chartered [1] - 97:5</p> <p>cherish [1] - 119:24</p> <p>CHESTNUT [1] - 2:21</p> <p>Chevron [7] - 15:13, 15:19, 15:21, 16:1, 17:22, 18:3, 18:17</p> <p>Chevron/Gulf [1] - 17:21</p> <p>chicken [1] - 84:1</p> <p>chicken-and-egg [1] - 84:1</p> <p>child [2] - 147:20, 160:9</p> <p>children [5] - 103:18, 103:22, 103:23, 146:10, 160:10</p>	<p>China [2] - 60:10, 60:18</p> <p>choose [2] - 103:23, 146:3</p> <p>Christian [1] - 155:4</p> <p>CHRISTINA [1] - 2:8</p> <p>Christina [1] - 7:20</p> <p>chronically [1] - 98:12</p> <p>chronology [1] - 6:20</p> <p>church [1] - 155:5</p> <p>Church [3] - 150:12, 150:14, 151:25</p> <p>Cibola [1] - 1:19</p> <p>cited [1] - 132:4</p> <p>cites [1] - 88:24</p> <p>citizen [1] - 118:11</p> <p>citizens [2] - 9:11, 167:16</p> <p>Citizens [2] - 9:15, 145:23</p> <p>city [2] - 100:6, 101:11</p> <p>City [8] - 9:11, 84:10, 84:14, 84:17, 84:23, 91:6, 124:17, 149:9</p> <p>claimed [1] - 113:7</p> <p>claiming [1] - 104:10</p> <p>claims [6] - 80:4, 80:6, 80:7, 80:9, 98:20, 113:10</p> <p>clarification [4] - 11:3, 11:20, 41:4, 68:8</p> <p>Clark [4] - 7:7, 8:8, 8:10, 178:13</p> <p>clay [6] - 46:12, 47:3, 48:5, 49:5, 77:8, 110:8</p> <p>clay-lined [2] - 47:3, 110:8</p> <p>clean [14] - 38:10, 42:17, 45:8, 45:10, 48:13, 49:1, 81:3, 87:23, 115:22, 117:8, 139:1, 167:4, 169:9</p> <p>Clean [1] - 125:6</p> <p>cleaned [5] - 26:21, 77:18, 163:12, 163:20, 169:5</p> <p>cleaning [2] - 27:3, 28:17</p> <p>Cleanup [1] - 111:19</p> <p>cleanup [14] - 87:14, 90:15, 93:11, 99:4, 99:9, 99:10, 111:15, 114:2, 116:9, 116:12, 166:25, 168:11, 168:17, 168:21</p>	<p>clear [1] - 12:16</p> <p>CLEVELAND [3] - 4:20, 156:15, 156:19</p> <p>Cleveland [1] - 158:4</p> <p>Climate [2] - 165:17, 165:25</p> <p>climate [3] - 166:1, 166:10, 167:19</p> <p>close [8] - 52:14, 108:5, 129:25, 151:15, 157:5, 160:9, 164:8, 178:6</p> <p>closely [1] - 32:1</p> <p>Closeout [1] - 41:1</p> <p>closeout [9] - 31:9, 31:14, 31:16, 31:17, 52:9, 61:17, 113:25, 126:4, 139:25</p> <p>closeout/closure [1] - 40:2</p> <p>closer [4] - 6:8, 93:17, 95:23</p> <p>closeup [1] - 45:14</p> <p>closing [1] - 159:23</p> <p>Closing [1] - 5:12</p> <p>closure [27] - 32:12, 39:22, 40:1, 41:1, 41:23, 46:25, 47:10, 47:21, 47:23, 48:3, 48:25, 49:15, 49:17, 50:15, 51:2, 51:4, 51:13, 51:16, 51:19, 51:21, 52:10, 87:17, 92:22, 93:1, 93:5, 93:20, 139:25</p> <p>closure/closeout [2] - 40:2, 40:25</p> <p>clothes [2] - 26:11</p> <p>Club [4] - 95:7, 97:3, 100:2, 106:8</p> <p>Co [1] - 145:23</p> <p>Co-coordinator [1] - 145:23</p> <p>Coal [1] - 135:16</p> <p>coal [5] - 107:3, 107:4, 113:4, 158:19, 161:25</p> <p>Coalition [2] - 98:1, 108:23</p> <p>code [1] - 43:18</p> <p>Code [2] - 6:10, 111:21</p> <p>codes [1] - 27:7</p> <p>COLEMAN [1] - 8:13</p> <p>Coleman [2] - 8:13, 8:14</p> <p>Collaboration [1] - 119:3</p> <p>collar [1] - 42:2</p> <p>colleague [1] -</p>	<p>142:20</p> <p>collects [1] - 29:19</p> <p>college [1] - 23:20</p> <p>colonial [1] - 100:5</p> <p>colonialism [1] - 164:4</p> <p>Colorado [4] - 74:8, 74:18, 133:23, 135:10</p> <p>column [2] - 39:23, 39:24</p> <p>columns [1] - 61:15</p> <p>combination [1] - 115:7</p> <p>combinations [1] - 47:7</p> <p>coming [7] - 13:9, 14:22, 19:24, 26:5, 78:14, 144:24, 155:12</p> <p>commensurate [1] - 90:9</p> <p>comment [35] - 6:3, 6:13, 11:6, 11:9, 53:8, 53:13, 86:10, 88:11, 88:13, 88:14, 88:18, 88:23, 88:24, 89:2, 94:18, 94:20, 97:21, 104:23, 108:12, 109:1, 114:9, 121:13, 126:3, 148:10, 154:17, 156:13, 158:5, 159:25, 167:23, 169:14, 172:17, 173:21, 178:8, 178:10, 178:15</p> <p>commenter [1] - 118:3</p> <p>comments [13] - 11:14, 89:10, 89:15, 101:9, 103:1, 117:12, 154:15, 164:10, 164:21, 170:6, 171:24, 174:21, 178:8</p> <p>Commission [2] - 1:20, 152:17</p> <p>commit [1] - 111:25</p> <p>commitment [1] - 17:7</p> <p>committed [1] - 136:15</p> <p>Committee [3] - 32:4, 33:2, 152:18</p> <p>commodity [2] - 125:17, 128:21</p> <p>common [4] - 39:13, 165:11, 165:12, 167:1</p> <p>communities [31] - 82:7, 82:8, 87:23, 90:3, 91:18, 91:22, 95:9, 95:24, 96:14, 96:18, 98:18, 98:20,</p>
--	---	--	---	--

<p>98:25, 99:21, 99:25, 106:12, 112:8, 112:15, 114:21, 115:22, 146:18, 146:20, 146:22, 164:23, 165:2, 167:5, 167:15, 169:8, 170:16, 171:8, 177:25</p> <p>community [11] - 85:18, 85:24, 89:13, 95:23, 96:7, 97:7, 97:11, 101:12, 154:10, 162:20</p> <p>Community [1] - 150:13</p> <p>commuters [1] - 115:3</p> <p>companies [7] - 14:23, 98:17, 113:5, 129:18, 134:10, 134:12</p> <p>company [14] - 59:2, 61:6, 70:14, 85:1, 100:19, 107:24, 111:24, 129:7, 129:24, 132:5, 134:13, 140:23, 170:8</p> <p>Company [2] - 90:16, 129:4</p> <p>compare [1] - 132:9</p> <p>comparison [3] - 130:3, 130:20, 132:11</p> <p>compassion [1] - 148:4</p> <p>compensation [2] - 146:4, 146:5</p> <p>complete [2] - 39:25, 44:25</p> <p>completed [1] - 111:7</p> <p>completely [1] - 49:16</p> <p>completes [1] - 144:10</p> <p>completion [2] - 111:25, 116:11</p> <p>complex [3] - 139:11, 143:8, 143:22</p> <p>compliance [3] - 52:13, 78:18, 143:2</p> <p>complicated [4] - 68:21, 68:23, 70:2, 70:19</p> <p>comply [1] - 129:18</p> <p>components [1] - 153:1</p> <p>composed [3] - 44:18, 109:2, 121:22</p> <p>compound [2] - 44:18, 45:16</p>	<p>comprehensive [2] - 36:10, 40:20</p> <p>compressor [1] - 24:14</p> <p>compromised [1] - 172:9</p> <p>computer [1] - 121:6</p> <p>concentrate [1] - 38:4</p> <p>concentrating [1] - 37:9</p> <p>concept [1] - 122:7</p> <p>conceptions [1] - 102:17</p> <p>concern [10] - 95:21, 96:15, 98:23, 100:2, 102:8, 102:12, 102:18, 118:15, 165:13, 166:14</p> <p>concerned [7] - 83:2, 87:14, 88:5, 92:2, 166:5, 166:7, 167:16</p> <p>Concerned [1] - 164:22</p> <p>concerning [1] - 147:10</p> <p>concerns [14] - 90:18, 94:10, 94:12, 94:13, 95:13, 96:12, 98:16, 101:18, 102:25, 115:24, 116:2, 118:18, 122:21, 165:8</p> <p>conclude [2] - 30:9, 31:13</p> <p>concluded [2] - 55:21, 178:20</p> <p>concludes [1] - 88:8</p> <p>conclusion [3] - 30:9, 115:13, 137:16</p> <p>conclusions [2] - 31:16, 51:17</p> <p>concrete [1] - 42:4</p> <p>concurrently [1] - 72:14</p> <p>condition [4] - 62:17, 138:6, 139:16, 139:17</p> <p>conditions [14] - 21:5, 21:7, 49:7, 71:1, 110:16, 124:19, 126:8, 126:14, 128:17, 128:20, 128:24, 132:14, 137:17, 168:25</p> <p>conduct [4] - 20:23, 47:4, 139:11, 174:21</p> <p>conducted [6] - 6:8, 6:9, 48:20, 127:6, 138:1, 147:23</p> <p>conducting [1] -</p>	<p>127:25</p> <p>conduction [1] - 157:3</p> <p>Conference [1] - 165:25</p> <p>confident [1] - 74:14</p> <p>configuration [1] - 46:9</p> <p>confirm [2] - 17:14, 116:18</p> <p>conflict [1] - 85:1</p> <p>conjectural [1] - 93:7</p> <p>connecting [1] - 69:8</p> <p>connections [1] - 70:8</p> <p>cons [1] - 177:17</p> <p>consent [3] - 122:9, 122:13, 177:15</p> <p>Consent [1] - 116:9</p> <p>consequences [3] - 95:18, 109:16, 166:3</p> <p>conservatively [1] - 67:6</p> <p>conserves [1] - 117:9</p> <p>consider [16] - 63:15, 91:13, 92:12, 96:13, 101:25, 102:2, 102:3, 120:21, 149:5, 154:8, 170:23, 170:25, 171:6, 171:10, 171:22, 172:11</p> <p>consideration [12] - 7:4, 85:14, 92:8, 92:18, 92:23, 93:19, 94:5, 124:18, 125:18, 166:8, 166:9, 167:18</p> <p>considerations [1] - 93:23</p> <p>considered [3] - 85:11, 172:2, 172:5</p> <p>considering [3] - 82:19, 99:2, 146:25</p> <p>considers [1] - 102:13</p> <p>consistent [4] - 49:19, 52:2, 68:12, 92:19</p> <p>consolidated [1] - 78:7</p> <p>constituents [2] - 56:12, 176:4</p> <p>constitute [1] - 77:3</p> <p>constitutes [1] - 130:5</p> <p>constraints [2] - 53:11, 86:11</p> <p>construct [5] - 30:1, 46:6, 47:16, 48:23,</p>	<p>49:5</p> <p>constructed [6] - 29:22, 37:8, 44:14, 48:4, 77:10, 140:12</p> <p>construction [5] - 15:9, 24:16, 24:17, 57:7, 75:17</p> <p>consult [3] - 118:19, 119:4, 122:14</p> <p>consultant [1] - 13:16</p> <p>consultation [5] - 82:7, 119:8, 120:15, 122:6, 122:23</p> <p>consulted [5] - 51:18, 83:14, 102:9, 122:19, 153:4</p> <p>consulting [4] - 30:21, 32:6, 32:9, 144:17</p> <p>consuming [1] - 36:21</p> <p>contact [3] - 8:18, 10:15, 178:12</p> <p>contain [8] - 37:17, 43:3, 43:5, 77:16, 77:17, 88:1, 93:12, 112:23</p> <p>containment [1] - 77:11</p> <p>contains [1] - 42:21</p> <p>contaminants [6] - 38:6, 42:21, 109:23, 112:13, 115:14, 116:14</p> <p>contaminate [2] - 169:6, 173:4</p> <p>contaminated [11] - 37:10, 37:17, 44:15, 46:4, 50:12, 77:4, 77:17, 77:19, 103:12, 115:23, 166:21</p> <p>contamination [20] - 50:22, 78:14, 78:21, 78:23, 79:2, 79:5, 90:14, 90:24, 90:25, 91:2, 93:10, 110:17, 111:12, 113:22, 113:25, 114:2, 122:1, 147:8, 148:2, 165:6</p> <p>continent [2] - 104:6, 157:23</p> <p>contingencies [2] - 92:24, 93:25</p> <p>contingency [1] - 93:7</p> <p>continual [1] - 112:21</p> <p>continually [1] - 89:12</p>	<p>continuation [1] - 137:16</p> <p>continue [22] - 42:23, 87:20, 94:12, 94:14, 102:5, 102:6, 102:9, 109:22, 110:7, 112:12, 113:18, 114:10, 114:13, 114:17, 114:20, 114:23, 153:5, 153:24, 162:2, 162:23, 165:5, 169:6</p> <p>Continued [2] - 4:1, 5:1</p> <p>continued [3] - 96:3, 132:13, 169:3</p> <p>continues [1] - 157:24</p> <p>Continuing [1] - 10:21</p> <p>continuing [4] - 96:1, 110:17, 112:7, 138:17</p> <p>contract [2] - 57:7, 130:23</p> <p>contracting [2] - 140:1, 140:2</p> <p>contractor [1] - 14:25</p> <p>contractors [1] - 15:3</p> <p>contracts [4] - 17:23, 59:12, 70:23, 138:22</p> <p>contradiction [4] - 100:18, 100:22, 100:23, 100:24</p> <p>contrast [1] - 74:5</p> <p>contribute [2] - 115:6, 115:11</p> <p>contributions [1] - 90:8</p> <p>control [8] - 15:11, 44:21, 44:22, 49:6, 49:21, 50:6, 50:16, 74:16</p> <p>controlled [1] - 49:7</p> <p>controls [3] - 38:24, 46:14, 50:19</p> <p>convened [1] - 126:1</p> <p>conventional [4] - 114:10, 141:7, 170:24, 171:21</p> <p>conversation [2] - 7:1, 85:23</p> <p>convert [1] - 49:18</p> <p>converting [1] - 127:1</p> <p>Cooperation [1] - 136:3</p> <p>coordinate [1] -</p>
--	---	---	--	--

<p>63:14 coordinator [1] - 145:23 Coordinator [3] - 8:5, 9:15, 168:6 copper [1] - 71:15 copy [4] - 10:14, 58:4, 89:3, 133:2 corner [2] - 27:10, 48:9 corporate [3] - 18:3, 22:11, 87:25 corporation [1] - 111:24 Corporation [4] - 7:13, 14:21, 89:17, 150:16 CORPORATION'S [1] - 1:4 corporations [4] - 96:17, 98:17, 151:3, 176:6 correct [16] - 6:18, 18:1, 53:25, 54:6, 55:10, 59:15, 60:1, 69:10, 70:23, 72:23, 75:8, 75:10, 76:21, 78:9, 84:11, 105:21 Correct [2] - 74:19, 77:13 correctly [1] - 64:1 cost [10] - 31:16, 52:6, 52:9, 82:18, 99:1, 99:6, 128:21, 128:22, 131:21, 137:19 costly [1] - 36:21 costs [1] - 82:20 Council [6] - 9:6, 86:21, 86:24, 101:8, 152:14, 152:16 Councilman [2] - 119:20, 149:9 Counsel [2] - 9:2, 88:10 count [1] - 32:8 counter [1] - 95:18 countless [1] - 74:12 countries [1] - 134:10 country [7] - 104:6, 107:8, 133:10, 134:13, 137:13, 147:25, 171:20 COUNTY [1] - 179:3 County [2] - 1:19, 103:13 county [1] - 101:11 couple [7] - 11:2, 33:17, 35:4, 141:15,</p>	<p>144:20, 148:18, 170:22 course [15] - 12:9, 25:11, 26:1, 26:17, 27:3, 29:2, 35:3, 36:6, 37:18, 55:24, 62:8, 62:15, 71:6, 104:13, 131:23 Court [2] - 10:13, 179:4 courts [1] - 92:10 cover [16] - 30:3, 30:4, 30:24, 32:17, 47:2, 47:5, 47:11, 47:20, 48:5, 48:15, 51:14, 79:9, 96:21, 112:25, 159:21, 161:6 covered [12] - 28:17, 32:16, 36:16, 42:3, 44:11, 47:15, 75:4, 78:16, 80:25, 81:3, 82:22, 110:19 covering [1] - 82:20 covers [3] - 32:10, 32:18, 51:13 coves [1] - 152:3 create [5] - 98:3, 98:19, 167:1, 167:2, 176:22 created [2] - 106:13, 106:14 creating [1] - 176:2 creatively [1] - 167:13 Creek [7] - 109:8, 109:13, 114:8, 114:15, 115:17, 115:18, 125:6 crew [3] - 15:17, 15:18, 17:19 critical [6] - 63:2, 70:7, 70:9, 70:13, 70:21, 165:25 criticized [1] - 116:8 cropping [1] - 167:9 cross [3] - 6:14, 14:3, 53:14 CROSS [2] - 53:17, 81:18 Cross [2] - 3:9, 3:10 cross-examination [1] - 6:14 CROSS-EXAMINATION [2] - 53:17, 81:18 Cross-Examination [2] - 3:9, 3:10 crosses [1] - 36:1 Crow [1] - 125:15 Crownpoint [1] -</p>	<p>152:15 CSR [1] - 179:20 cultural [26] - 23:12, 81:21, 81:24, 81:25, 82:8, 82:13, 82:16, 88:1, 88:4, 90:2, 95:19, 96:5, 97:8, 101:16, 101:18, 102:10, 102:24, 109:5, 153:11, 165:19, 172:3, 172:6, 172:10, 174:19, 176:14 culture [4] - 82:15, 101:20, 174:17, 175:6 cultures [1] - 117:10 culvert [1] - 50:4 culverts [1] - 50:5 current [16] - 19:4, 19:22, 54:11, 54:12, 54:13, 76:7, 76:12, 76:18, 77:12, 78:10, 78:15, 130:23, 132:3, 141:20, 170:25, 171:6 curriculum [2] - 23:20, 176:10 cycle [1] - 115:12 cycles [1] - 125:2</p> <p style="text-align: center;">D</p> <p>dad [5] - 148:16, 148:19, 151:13, 160:7, 160:17 daily [1] - 54:22 Dakota [1] - 43:3 damage [4] - 87:13, 95:19, 99:12, 172:7 danger [4] - 42:11, 110:3, 115:3, 160:24 dangerous [2] - 107:13, 147:5 dangers [3] - 116:7, 161:7, 166:23 darkest [1] - 136:13 data [2] - 79:1, 143:7 date [6] - 11:17, 65:7, 74:15, 116:11, 141:9, 141:10 DATED [1] - 179:15 dates [1] - 62:8 David [2] - 8:9, 8:10 day-to-day [9] - 15:12, 15:16, 25:24, 26:6, 54:20, 54:24, 55:1, 55:11, 163:24 days [9] - 44:3, 106:22, 127:23, 128:1, 138:15, 140:7,</p>	<p>140:8, 149:13, 165:23 de [1] - 112:19 deadlines [1] - 116:11 deal [2] - 33:14, 138:10 debate [1] - 32:23 Decades [1] - 140:11 decades [4] - 51:10, 90:15, 93:11, 165:1 decades-long [1] - 93:11 December [2] - 1:18, 141:17 decide [1] - 103:19 decided [7] - 17:22, 18:10, 22:6, 22:24, 33:19, 34:10, 34:16 decision [11] - 12:21, 16:19, 17:4, 18:4, 22:8, 56:23, 61:1, 61:4, 62:15, 157:12, 172:12 decisions [2] - 133:25, 154:12 Declaration [1] - 116:24 declaration [2] - 117:3, 122:10 decreasing [1] - 166:12 deep [10] - 24:5, 41:6, 41:9, 43:2, 62:3, 71:14, 89:19, 90:2, 130:1, 155:8 deeper [1] - 41:13 deeply [1] - 166:5 define [3] - 70:7, 126:22, 126:24 defined [3] - 127:21, 128:8, 130:16 definitely [3] - 58:20, 90:1, 170:19 definition [1] - 128:9 degradation [1] - 115:9 degree [2] - 31:21, 148:22 delay [1] - 87:23 delegations [1] - 165:24 deliberations [1] - 166:5 delineation [2] - 21:20, 57:10 deliver [1] - 59:11 delivery [1] - 65:7 demand [12] - 59:24, 60:7, 60:8, 133:17, 134:7, 135:23, 136:5,</p>	<p>136:8, 136:20, 136:21, 137:6 demands [5] - 60:11, 60:18, 136:10, 136:11, 136:23 demobilize [1] - 24:20 demonstrable [3] - 138:21, 142:7, 143:20 Demonstrable [1] - 140:4 demonstrate [5] - 57:1, 139:19, 142:16, 143:19, 144:4 demonstrated [3] - 19:2, 137:18, 143:21 demonstrating [1] - 142:11 demonstration [2] - 132:13, 138:13 DENISE [2] - 179:4, 179:20 Denise [1] - 10:13 denotes [1] - 25:7 density [2] - 44:18, 45:21 Denver [1] - 74:1 deny [2] - 170:2, 171:15 Department [17] - 8:8, 8:19, 10:6, 15:8, 35:6, 40:5, 56:10, 87:2, 87:3, 92:13, 92:21, 102:21, 111:14, 115:25, 119:6, 119:7, 147:2 department [3] - 9:7, 64:25, 87:4 departments [1] - 122:14 Departments [1] - 40:19 dependencies [1] - 70:5 depletion [1] - 115:9 deposit [3] - 18:22, 30:2, 73:7 deposited [1] - 139:2 Depot [1] - 64:21 depressed [11] - 126:13, 128:17, 128:19, 128:21, 131:21, 132:14, 134:17, 134:19, 137:17, 137:18, 137:20 depressurize [1] - 26:17 depressurizing [1] - 37:19</p>
---	--	---	---	---

<p>depth ^[1] - 83:17</p> <p>describe ^[7] - 13:12, 24:25, 25:1, 37:14, 66:21, 75:11, 75:17</p> <p>described ^[3] - 43:12, 126:16, 143:7</p> <p>describes ^[1] - 143:6</p> <p>description ^[2] - 31:14, 127:24</p> <p>deserve ^[1] - 154:4</p> <p>deserving ^[1] - 102:1</p> <p>design ^[7] - 30:7, 32:11, 41:22, 46:1, 46:19, 47:10, 140:1</p> <p>designate ^[1] - 91:5</p> <p>designation ^[2] - 39:7, 153:8</p> <p>designed ^[2] - 38:12, 77:14</p> <p>desolation ^[1] - 158:18</p> <p>despite ^[1] - 90:15</p> <p>destroy ^[2] - 164:5, 175:13</p> <p>destroyed ^[2] - 92:5, 150:21</p> <p>destruct ^[1] - 135:12</p> <p>destruction ^[1] - 153:20</p> <p>destructive ^[1] - 104:9</p> <p>detail ^[4] - 25:14, 38:23, 124:20, 125:14</p> <p>detailed ^[2] - 24:11, 124:9</p> <p>details ^[1] - 13:17</p> <p>detect ^[2] - 78:12, 78:14</p> <p>detection ^[1] - 28:6</p> <p>determination ^[2] - 20:10, 139:24</p> <p>determine ^[3] - 92:18, 127:5, 130:14</p> <p>determined ^[4] - 46:20, 51:24, 85:19, 141:11</p> <p>develop ^[3] - 17:9, 22:3, 22:17</p> <p>developed ^[7] - 17:3, 17:13, 17:15, 22:15, 71:5, 111:14, 122:7</p> <p>developing ^[2] - 16:13, 128:11</p> <p>Development ^[2] - 21:22, 136:3</p> <p>development ^[22] - 16:19, 17:5, 17:11, 21:13, 21:17, 21:21, 21:22, 21:23, 22:1, 23:16, 57:9, 71:8,</p>	<p>72:14, 92:5, 101:13, 117:5, 122:22, 154:6, 154:10, 165:15, 167:14, 169:24</p> <p>dewater ^[2] - 69:18, 114:13</p> <p>dewatering ^[11] - 26:18, 57:7, 69:4, 69:13, 85:2, 93:4, 110:8, 110:13, 114:22, 126:18, 127:15</p> <p>Dewatering ^[2] - 83:10, 83:25</p> <p>dialogue ^[2] - 141:23, 165:16</p> <p>diameter ^[4] - 25:19, 25:20, 41:23, 64:25</p> <p>Dickens ^[1] - 150:6</p> <p>DICKENS ^[3] - 4:12, 148:11, 148:15</p> <p>Dictionary ^[1] - 128:10</p> <p>died ^[4] - 104:20, 117:22, 146:9, 148:19</p> <p>diesel ^[1] - 23:24</p> <p>difference ^[3] - 107:2, 107:6, 107:10</p> <p>different ^[8] - 15:2, 19:2, 23:17, 25:8, 30:7, 55:19, 66:22, 71:22</p> <p>difficult ^[6] - 51:14, 87:23, 112:23, 130:6, 137:9, 147:9</p> <p>difficulties ^[1] - 123:5</p> <p>dig ^[3] - 155:5, 172:23, 173:4</p> <p>diligently ^[1] - 51:17</p> <p>dimensions ^[1] - 126:19</p> <p>Dine ^[10] - 150:22, 153:18, 154:22, 155:20, 158:20, 163:6, 169:21, 169:22, 169:23, 174:6</p> <p>dinner ^[1] - 7:1</p> <p>Direct ^[26] - 3:5, 3:7, 3:12, 3:14, 3:16, 3:18, 3:20, 3:22, 3:24, 4:3, 4:5, 4:7, 4:9, 4:11, 4:13, 4:15, 4:17, 4:19, 4:21, 4:23, 4:25, 5:3, 5:5, 5:7, 5:9, 5:11</p> <p>DIRECT ^[25] - 14:13, 30:19, 86:17, 89:8, 95:4, 97:18, 103:8, 105:14, 108:19, 118:9, 121:18,</p>	<p>123:19, 145:21, 148:14, 150:11, 152:12, 154:21, 156:18, 158:10, 160:5, 163:4, 164:16, 168:4, 169:18, 174:4</p> <p>direct ^[4] - 50:6, 100:18, 160:20, 164:3</p> <p>directly ^[4] - 10:15, 41:18, 160:13, 172:9</p> <p>Director ^[9] - 11:13, 87:2, 92:11, 123:23, 127:4, 127:5, 128:17, 135:3, 138:13</p> <p>Director's ^[1] - 7:4</p> <p>dirt ^[1] - 28:21</p> <p>disagree ^[1] - 154:23</p> <p>disaster ^[2] - 110:11, 116:4</p> <p>disastrous ^[2] - 103:25, 166:18</p> <p>discharge ^[17] - 26:22, 28:10, 35:5, 35:10, 35:25, 38:10, 38:11, 40:8, 40:14, 45:7, 45:12, 55:16, 85:8, 111:18, 124:11, 125:3</p> <p>Discharge ^[3] - 35:8, 40:15, 141:14</p> <p>discharged ^[2] - 49:13, 110:25</p> <p>discharges ^[3] - 35:11, 40:9, 114:22</p> <p>discharging ^[1] - 85:12</p> <p>disclosure ^[1] - 129:23</p> <p>discourage ^[1] - 88:12</p> <p>discover ^[1] - 51:5</p> <p>discovery ^[3] - 16:9, 17:2, 116:13</p> <p>discuss ^[2] - 25:14, 135:22</p> <p>discussed ^[3] - 51:18, 83:17, 138:20</p> <p>discussing ^[1] - 103:10</p> <p>discussion ^[2] - 82:24, 126:10</p> <p>discussions ^[2] - 94:14, 153:5</p> <p>disingenuous ^[2] - 98:20, 99:23</p> <p>disk ^[1] - 88:25</p> <p>display ^[1] - 173:13</p> <p>disposal ^[15] - 28:7, 29:24, 37:8, 38:16, 44:15, 46:6, 47:3,</p>	<p>47:17, 47:19, 48:6, 50:14, 50:24, 77:3, 135:17, 139:2</p> <p>disposed ^[2] - 28:7, 30:1</p> <p>disposition ^[1] - 179:14</p> <p>disrespect ^[1] - 99:16</p> <p>disrespected ^[1] - 104:8</p> <p>disruptive ^[1] - 10:11</p> <p>dissertation ^[1] - 128:7</p> <p>distance ^[2] - 41:21, 42:14</p> <p>distribution ^[1] - 165:20</p> <p>District ^[6] - 16:21, 24:7, 110:14, 110:22, 112:12, 168:11</p> <p>district ^[1] - 73:10</p> <p>disturb ^[1] - 109:16</p> <p>disturbance ^[1] - 20:25</p> <p>disturbed ^[3] - 25:4, 79:19, 150:17</p> <p>diversion ^[1] - 29:20</p> <p>divesting ^[1] - 18:17</p> <p>divided ^[1] - 133:12</p> <p>division ^[1] - 87:7</p> <p>DIVISION ^[1] - 1:1</p> <p>Division ^[18] - 7:4, 11:13, 98:23, 100:8, 100:16, 102:20, 111:13, 112:15, 112:24, 113:19, 113:24, 114:3, 115:19, 119:5, 127:5, 147:12, 167:17, 178:11</p> <p>docketed ^[1] - 6:6</p> <p>document ^[5] - 10:18, 11:7, 12:17, 40:20, 58:4</p> <p>documents ^[4] - 36:10, 88:24, 178:1</p> <p>DOE ^[1] - 134:21</p> <p>dollars ^[3] - 60:3, 108:1, 119:15</p> <p>dolphins ^[1] - 104:15</p> <p>Domestic ^[1] - 133:1</p> <p>dominant ^[1] - 131:25</p> <p>DON ^[2] - 5:2, 163:1</p> <p>done ^[29] - 11:12, 18:24, 18:25, 19:15, 19:18, 21:12, 30:5, 37:16, 44:4, 45:2, 47:12, 55:12, 55:24,</p>	<p>57:4, 57:14, 59:18, 61:16, 64:16, 72:13, 78:17, 90:17, 91:14, 91:25, 99:22, 100:5, 139:15, 145:13, 154:11</p> <p>dormant ^[1] - 115:16</p> <p>dot ^[2] - 44:1, 45:8</p> <p>dots ^[1] - 69:9</p> <p>dotted ^[1] - 136:7</p> <p>double ^[2] - 28:5, 42:1</p> <p>double-lined ^[1] - 28:5</p> <p>down ^[25] - 15:14, 18:10, 18:23, 26:4, 26:5, 33:16, 41:24, 42:2, 42:15, 43:2, 45:22, 59:14, 59:17, 59:19, 64:15, 69:13, 89:3, 102:5, 106:4, 107:22, 158:12, 159:19, 176:4, 177:16, 178:14</p> <p>down-blended ^[1] - 33:16</p> <p>down-lending ^[2] - 59:14, 59:17</p> <p>downgraded ^[1] - 58:18</p> <p>download ^[1] - 36:9</p> <p>downstream ^[1] - 114:21</p> <p>downward ^[1] - 28:22</p> <p>DP-1712 ^[2] - 55:16, 124:25</p> <p>DP-200 ^[1] - 125:3</p> <p>DP-61 ^[4] - 35:6, 51:22, 78:18, 141:14</p> <p>DR ^[36] - 30:20, 62:5, 62:7, 62:12, 62:14, 64:5, 64:9, 67:17, 68:2, 69:6, 69:8, 69:11, 69:17, 69:24, 73:21, 74:19, 74:22, 74:25, 75:10, 75:15, 75:20, 76:2, 76:5, 76:13, 76:21, 76:23, 77:8, 77:13, 77:16, 77:21, 77:24, 78:2, 78:9, 78:16, 79:1, 79:16</p> <p>Dr ^[19] - 7:17, 25:13, 28:8, 29:23, 30:4, 30:13, 52:16, 52:18, 56:8, 61:13, 61:22, 62:6, 64:20, 67:13, 71:2, 73:20, 85:7, 138:20, 142:20</p>
--	---	---	--	---

<p>drain ^[1] - 39:16 drainage ^[5] - 45:23, 45:24, 50:3, 50:4, 114:15 drainages ^[2] - 110:25, 115:18 draining ^[3] - 48:16, 48:17, 111:5 drains ^[1] - 48:19 draw ^[4] - 38:12, 69:19, 159:13, 159:14 drawing ^[1] - 41:18 drawn ^[1] - 95:25 drilling ^[5] - 14:23, 16:25, 57:10, 106:25, 155:1 drink ^[3] - 42:20, 161:13, 163:22 drinking ^[4] - 42:17, 43:6, 109:4, 147:16 dropout ^[1] - 159:6 droughts ^[1] - 166:12 dry ^[1] - 79:8 dual ^[1] - 40:11 Due ^[1] - 46:19 due ^[4] - 40:17, 40:18, 89:19, 126:13 duly ^[26] - 14:11, 30:17, 86:15, 89:6, 95:2, 97:16, 101:5, 103:6, 105:12, 108:17, 118:7, 121:16, 123:17, 145:19, 148:12, 150:9, 152:10, 154:19, 156:16, 158:8, 160:3, 163:2, 164:14, 168:2, 169:16, 174:2 Dumping ^[2] - 9:16, 145:24 duration ^[1] - 166:12 during ^[21] - 10:11, 32:23, 33:13, 34:3, 42:24, 44:2, 47:11, 53:23, 55:1, 55:6, 56:16, 59:14, 64:16, 65:1, 110:18, 110:25, 114:11, 118:25, 125:14, 132:21, 139:15 During ^[3] - 18:17, 54:1, 54:3 duties ^[5] - 15:10, 54:8, 54:11, 54:12, 54:13 dying ^[2] - 104:11</p>	<p style="text-align: center;">E</p> <p>e-mails ^[1] - 178:14 early ^[1] - 62:17 earth ^[1] - 173:5 Earth ^[1] - 120:5 easier ^[1] - 46:12 easily ^[1] - 119:16 East ^[1] - 2:10 Eastern ^[2] - 152:16, 152:17 easy ^[3] - 66:20, 109:14, 109:15 eat ^[4] - 157:9, 161:13, 161:16, 161:17 echo ^[1] - 115:24 economic ^[11] - 95:11, 96:9, 101:13, 113:12, 127:3, 128:6, 130:18, 154:6, 165:19, 168:8, 170:14 Economic ^[3] - 130:12, 132:2, 136:2 economically ^[1] - 172:13 economies ^[1] - 107:8 economy ^[1] - 153:22 ecosystem ^[1] - 52:3 ecosystems ^[1] - 117:7 Ed ^[1] - 174:5 ED ^[2] - 5:10, 174:1 education ^[3] - 124:7, 159:7, 159:9 EDWIN ^[2] - 4:12, 148:11 effect ^[2] - 51:16, 96:3 effects ^[2] - 92:15, 170:18 efficient ^[1] - 50:16 efficiently ^[1] - 49:22 effort ^[6] - 22:19, 26:7, 40:22, 44:8, 56:6, 67:4 efforts ^[5] - 16:25, 30:22, 90:15, 91:4, 93:11 egg ^[1] - 84:1 eggs ^[2] - 161:16, 161:17 egregious ^[1] - 102:16 eight ^[11] - 27:11, 27:14, 55:15, 66:4, 133:8, 134:23,</p>	<p>135:24, 135:25, 136:23, 137:6, 140:14 either ^[3] - 73:20, 99:7, 170:14 ejantz@nmlc.org ^[1] - 2:18 El ^[1] - 135:16 elders ^[1] - 175:1 electric ^[1] - 71:15 electrical ^[5] - 15:3, 15:9, 26:14, 27:7, 66:23 electricians ^[1] - 23:25 electricity ^[1] - 176:7 electronic ^[1] - 160:13 electronics ^[1] - 160:8 elevation ^[1] - 75:13 Elimination ^[1] - 35:8 elsewhere ^[1] - 50:13 emanate ^[1] - 109:3 embrace ^[1] - 12:19 Emergency ^[1] - 111:9 emergency ^[1] - 25:23 emissions ^[2] - 115:7, 166:2 EMNRD ^[3] - 8:11, 10:17, 32:4 emphasize ^[5] - 32:17, 36:14, 36:17, 117:13, 122:5 employ ^[1] - 23:17 employed ^[2] - 16:1, 16:2 employee ^[1] - 179:12 employees ^[2] - 8:22, 26:10 employment ^[3] - 91:16, 99:1, 99:5 enable ^[1] - 127:15 enacted ^[1] - 118:24 end ^[14] - 13:25, 15:23, 16:8, 31:15, 41:8, 43:25, 51:3, 51:11, 52:8, 62:4, 62:22, 72:5, 115:23, 136:25 endanger ^[1] - 154:6 endeavor ^[1] - 82:11 ended ^[3] - 15:14, 59:18, 114:12 endorse ^[1] - 117:4 Energy ^[10] - 8:7,</p>	<p>102:19, 129:4, 131:5, 132:25, 134:22, 135:11, 135:13, 135:20, 136:3 energy ^[8] - 117:5, 117:8, 151:19, 161:22, 162:1, 167:7, 167:8, 172:23 engage ^[2] - 82:11, 85:22 engaged ^[2] - 56:9, 72:16 engineer ^[3] - 30:21, 31:23, 148:21 Engineer ^[8] - 41:14, 83:7, 83:15, 83:20, 83:22, 84:4, 94:2, 94:4 Engineer's ^[1] - 83:9 engineering ^[6] - 23:11, 31:22, 57:5, 71:9, 71:20, 71:23 English ^[1] - 175:7 Enjoy ^[1] - 108:5 enriched ^[1] - 33:15 ensure ^[2] - 102:10, 102:22 entails ^[1] - 27:11 enter ^[5] - 26:3, 37:20, 37:21, 116:23, 127:17 entire ^[5] - 73:10, 117:3, 153:7, 153:8, 154:13 entirely ^[1] - 19:15 entities ^[3] - 118:13, 118:14, 150:23 entity ^[4] - 102:1, 102:2, 172:2, 172:20 entry ^[1] - 42:11 Environment ^[19] - 2:13, 8:2, 8:5, 8:19, 35:5, 35:16, 40:5, 56:10, 108:23, 108:24, 111:14, 115:25, 117:2, 119:6, 121:21, 123:13, 125:23, 147:2, 168:7 environment ^[8] - 92:16, 99:12, 103:11, 116:2, 117:17, 122:1, 150:22, 165:7 Environmental ^[9] - 7:25, 87:1, 90:22, 93:8, 110:21, 114:6, 125:13, 143:3, 143:4 ENVIRONMENTAL ^[1] - 2:15 environmental ^[18] - 9:7, 40:7, 52:13,</p>	<p>87:13, 87:20, 95:20, 98:7, 109:19, 124:5, 146:23, 147:1, 147:13, 165:3, 165:19, 166:23, 167:3, 177:8 environmentally ^[2] - 106:21, 162:4 envision ^[1] - 155:1 EPA ^[7] - 35:7, 35:13, 46:2, 90:17, 109:10, 110:13, 111:7 equal ^[1] - 73:8 Equipment ^[1] - 36:21 equipment ^[17] - 18:13, 18:15, 22:7, 23:21, 24:3, 28:2, 29:4, 37:24, 57:6, 64:10, 68:17, 70:17, 71:13, 71:17, 71:23, 119:12 equivalent ^[1] - 112:11 era ^[1] - 72:13 Eric ^[1] - 7:24 ERIC ^[1] - 2:14 eroded ^[1] - 79:11 erosion ^[4] - 46:14, 50:19, 50:21, 109:21 especially ^[5] - 99:1, 99:5, 119:12, 120:5, 122:16 Essentially ^[1] - 6:13 essentially ^[5] - 36:3, 37:9, 37:16, 40:18, 92:13 establish ^[2] - 46:13, 50:7 established ^[1] - 90:16 establishment ^[1] - 52:2 estimate ^[1] - 52:7 estimated ^[2] - 31:14, 52:10 estimates ^[2] - 110:13, 132:7 estimation ^[3] - 58:15, 59:3, 130:17 evaluate ^[3] - 47:5, 113:20, 157:1 evaluation ^[1] - 129:17 evaporated ^[1] - 131:10 evaporation ^[2] - 29:10, 110:9 evening ^[2] - 120:20, 120:21</p>
---	--	--	--	---

<p>event ^[1] - 7:2 events ^[3] - 6:20, 6:22, 97:9 eventually ^[3] - 10:16, 52:14, 161:24 evidence ^[3] - 6:17, 11:12, 160:20 evident ^[1] - 166:17 evil ^[1] - 103:17 exactly ^[3] - 61:24, 64:20, 64:21 Examination ^[3] - 3:9, 3:10, 4:9 EXAMINATION ^[4] - 53:17, 81:18, 123:19, 152:12 examination ^[1] - 6:14 example ^[3] - 104:15, 107:17, 168:16 Examples ^[1] - 29:23 examples ^[4] - 26:16, 27:17, 28:18, 116:16 exceed ^[2] - 38:7, 56:11 exceeding ^[2] - 127:23, 128:1 exceptionally ^[1] - 36:25 excess ^[2] - 38:3, 137:10 excessive ^[1] - 111:12 exchange ^[2] - 35:21, 44:12 Excuse ^[1] - 66:16 excuse ^[2] - 109:15, 129:2 Executive ^[1] - 9:19 Exhibit ^[5] - 132:18, 133:3, 133:4, 140:22, 142:18 exist ^[5] - 47:1, 92:3, 128:24, 134:10, 162:2 Existence ^[1] - 158:15 existence ^[1] - 26:20 existing ^[26] - 6:4, 27:17, 28:19, 29:25, 33:5, 33:7, 33:8, 33:11, 37:22, 46:5, 46:7, 48:1, 49:2, 51:6, 52:11, 54:16, 57:24, 75:23, 79:2, 80:25, 91:4, 109:24, 111:16, 116:12, 126:20, 136:15 Existing ^[1] - 111:19</p>	<p>EXISTING ^[1] - 1:5 exists ^[1] - 92:3 exit ^[1] - 26:3 expand ^[1] - 22:11 expanded ^[2] - 27:18, 37:24 expect ^[14] - 6:25, 34:18, 35:12, 41:20, 43:7, 52:12, 62:3, 62:4, 72:18, 74:9, 74:23, 74:25, 79:5, 141:8 expected ^[6] - 60:10, 60:17, 126:25, 127:15, 141:5, 141:9 expedite ^[2] - 66:7, 66:10 expendable ^[1] - 151:5 expensive ^[2] - 52:12, 64:11 experience ^[7] - 31:25, 73:21, 87:12, 124:2, 124:7, 124:9, 163:23 experienced ^[1] - 79:4 expertise ^[1] - 82:4 Expiration ^[1] - 179:20 expired ^[1] - 33:22 explain ^[6] - 30:11, 41:22, 54:9, 55:7, 56:21, 130:11 exploration ^[8] - 16:9, 16:11, 21:13, 21:14, 21:17, 21:19, 22:1, 71:6 explore ^[2] - 22:18, 162:3 explored ^[1] - 154:9 explorers ^[1] - 16:22 exploring ^[4] - 16:20, 16:21, 16:22, 22:6 exposed ^[2] - 161:6, 162:18 exposure ^[3] - 160:22, 161:4, 170:16 extended ^[1] - 112:9 extensive ^[2] - 20:15, 110:13 extracted ^[1] - 157:4 extracting ^[2] - 120:6, 157:15 extraction ^[2] - 57:11, 71:8 eyes ^[1] - 163:17</p>	<p>F</p> <p>face ^[1] - 23:16 faced ^[2] - 89:20, 93:15 faces ^[1] - 101:12 facilities ^[19] - 25:12, 27:12, 32:12, 36:15, 37:17, 38:25, 43:17, 72:4, 124:13, 124:14, 127:14, 132:16, 134:16, 134:21, 135:7, 137:20, 157:16, 169:25, 170:22 facility ^[13] - 17:20, 27:5, 31:5, 31:8, 37:25, 54:14, 54:15, 125:4, 125:16, 135:10, 135:12, 135:15, 138:5 facing ^[1] - 165:21 fact ^[8] - 6:19, 34:21, 38:19, 93:1, 109:17, 113:5, 117:4, 170:20 facto ^[1] - 112:20 factor ^[3] - 131:13, 143:25, 175:6 factors ^[3] - 93:19, 131:23, 131:25 factory ^[1] - 133:14 fails ^[1] - 92:22 failure ^[1] - 89:21 fair ^[1] - 76:17 fairly ^[1] - 74:14 Faith ^[1] - 164:22 faith ^[1] - 164:23 fall ^[2] - 29:21, 131:12 falling ^[1] - 42:11 families ^[4] - 145:25, 146:1, 146:6, 175:17 family ^[7] - 98:11, 98:13, 146:8, 160:20, 162:6, 162:12, 165:13 far ^[11] - 11:10, 85:7, 102:19, 103:10, 107:8, 125:4, 151:2, 157:18, 157:23, 162:5, 167:10 farming ^[1] - 109:5 farms ^[1] - 167:9 father ^[2] - 146:9, 162:13 father-in-law ^[1] - 162:13 fats ^[1] - 161:15 fax ^[1] - 178:12 Fe ^[2] - 2:10, 2:17</p>	<p>feature ^[1] - 85:9 features ^[1] - 25:11 February ^[3] - 14:25, 131:11, 132:4 federal ^[5] - 37:12, 58:17, 106:13, 122:13, 146:21 federally ^[1] - 89:11 feeding ^[1] - 63:3 feelings ^[1] - 105:22 feet ^[8] - 24:5, 28:17, 42:2, 42:5, 48:16, 55:15, 81:3, 111:3 Felicia ^[1] - 6:1 FELICIA ^[2] - 1:19, 2:3 felicia.l.orth@gmail.com ^[1] - 2:5 fell ^[1] - 131:11 felt ^[1] - 158:20 fence ^[2] - 55:13, 55:14 festering ^[2] - 165:4, 166:22 fetus ^[3] - 147:20, 147:24, 148:1 few ^[16] - 16:11, 16:18, 24:8, 24:24, 31:15, 34:3, 37:14, 52:19, 84:7, 105:25, 108:25, 129:5, 148:19, 155:10, 170:1, 170:6 field ^[3] - 22:7, 115:12, 116:21 fields ^[1] - 56:11 fifth ^[1] - 137:21 fight ^[2] - 119:13, 157:24 fighting ^[1] - 177:22 Figure ^[1] - 132:23 figure ^[5] - 39:2, 45:15, 49:4, 121:11, 175:10 file ^[2] - 36:11, 56:18 filed ^[5] - 23:3, 35:19, 56:22, 126:21, 128:17 filing ^[3] - 56:24, 143:1, 143:8 fill ^[4] - 28:17, 42:6, 42:7, 178:4 final ^[12] - 21:25, 30:7, 35:23, 47:16, 47:20, 48:4, 48:6, 49:17, 79:13, 96:15, 117:14, 179:14 finally ^[9] - 15:4, 34:7, 34:21, 45:5, 48:3, 50:15, 57:11,</p>	<p>71:8, 84:7 Finally ^[1] - 94:6 finance ^[1] - 59:10 financial ^[6] - 31:17, 52:6, 93:23, 112:25, 114:1, 126:5 financially ^[1] - 128:13 fine ^[1] - 14:4 fingers ^[3] - 163:18, 177:19, 177:20 finish ^[1] - 74:6 fire ^[1] - 43:14 Firm ^[1] - 7:12 firm ^[4] - 7:15, 7:20, 118:12, 129:22 First ^[4] - 86:21, 101:10, 105:24, 172:15 first ^[54] - 14:11, 16:5, 20:5, 30:17, 32:1, 33:21, 33:25, 35:11, 53:18, 63:20, 66:9, 67:2, 68:3, 68:4, 71:6, 73:16, 81:19, 86:15, 89:6, 94:24, 95:2, 97:16, 101:5, 103:6, 105:12, 105:18, 106:22, 108:17, 111:23, 118:5, 118:7, 121:14, 121:16, 123:17, 128:25, 141:19, 141:22, 142:4, 145:19, 148:12, 150:9, 151:19, 152:1, 152:10, 154:19, 156:16, 157:21, 158:8, 160:3, 163:2, 164:14, 168:2, 169:16, 174:2 fiscal ^[1] - 159:20 fish ^[2] - 103:15, 149:14 fit ^[2] - 64:4, 70:12 five ^[25] - 18:2, 20:9, 23:2, 33:22, 33:23, 46:10, 52:23, 55:17, 72:19, 72:20, 74:24, 75:1, 77:1, 122:17, 122:20, 127:18, 130:25, 131:2, 131:8, 132:1, 142:24, 144:21, 150:14, 177:19, 177:20 Five ^[3] - 52:25, 90:21, 110:20 five-minute ^[2] - 52:23, 144:21 five-to-one ^[2] -</p>
--	--	---	---	---

<p>46:10, 77:1 five-year [3] - 33:23, 74:24, 142:24 Five-Year [2] - 90:21, 110:20 flash [1] - 42:6 flat [1] - 76:13 flatten [1] - 76:11 flatter [1] - 46:12 float [1] - 49:10 floating [1] - 49:10 flood [2] - 18:13, 18:16 flourishing [1] - 177:3 flow [4] - 27:18, 29:20, 49:7, 104:5 flowable [1] - 42:6 flowed [1] - 42:7 Flynn [2] - 116:3, 116:8 focus [4] - 13:19, 31:2, 31:6, 154:13 Focus [1] - 121:20 fold [1] - 19:6 folks [8] - 53:12, 80:6, 82:11, 85:15, 98:2, 120:17, 120:23, 169:22 follow [5] - 45:8, 51:2, 60:21, 88:7, 120:18 follow-up [1] - 51:2 followed [1] - 111:17 following [3] - 67:17, 108:3, 141:13 Following [1] - 7:2 follows [26] - 14:12, 30:18, 86:16, 89:7, 95:3, 97:17, 101:6, 103:7, 105:13, 108:18, 118:8, 121:17, 123:18, 145:20, 148:13, 150:10, 152:11, 154:20, 156:17, 158:9, 160:4, 163:3, 164:15, 168:3, 169:17, 174:3 foot [2] - 55:14, 114:1 football [1] - 56:11 footprint [2] - 39:13, 115:12 force [3] - 23:16, 71:10, 104:9 foregoing [2] - 179:5, 179:8 Foreman [1] - 15:23 foremost [1] -</p>	<p>101:10 foreseeable [7] - 92:23, 93:2, 93:6, 93:22, 93:25, 109:22, 113:20 Forest [6] - 35:25, 36:1, 80:1, 80:5, 80:9, 106:9 forest [1] - 117:9 forgets [1] - 177:4 Forgive [1] - 97:2 form [7] - 38:17, 38:18, 40:6, 42:9, 77:2, 109:7, 134:23 formally [2] - 92:7, 163:21 formation [4] - 84:22, 85:3, 91:5, 114:14 formed [1] - 33:2 forms [1] - 167:7 formulated [2] - 15:17, 17:12 forth [2] - 46:20, 76:8 fortunately [1] - 167:10 Forty [2] - 66:4, 176:7 Forty-eight [1] - 66:4 forward [3] - 12:12, 41:4, 94:7 foundations [1] - 106:11 four [25] - 9:6, 18:1, 20:9, 33:23, 55:17, 65:2, 66:6, 66:13, 67:6, 67:12, 67:15, 67:23, 67:25, 68:5, 68:14, 68:16, 69:4, 72:19, 72:20, 74:20, 74:23, 127:18, 142:24, 165:1 four-year [7] - 65:2, 67:12, 67:15, 67:23, 67:25, 68:5, 68:16 fracking [3] - 120:2, 155:15, 155:16 frame [10] - 67:12, 67:15, 67:24, 67:25, 68:6, 70:15, 73:19, 74:9, 142:24, 169:1 frames [1] - 61:25 Francis' [1] - 165:10 Francisco [1] - 119:23 free [6] - 48:16, 48:17, 122:8, 122:12, 176:6, 177:14 Free [1] - 116:24 free-draining [2] -</p>	<p>48:16, 48:17 freedom [1] - 172:16 FREELAND [2] - 9:19, 9:25 Freeland [1] - 9:19 French [1] - 176:18 fresh [2] - 26:2, 141:23 fresh-air [1] - 26:2 friend [1] - 100:1 friendly [2] - 106:21, 162:4 friends [2] - 155:10, 156:20 FROM [1] - 1:5 front [3] - 120:25, 124:23, 157:14 Fuels [6] - 129:4, 131:5, 134:22, 135:11, 135:13, 135:20 Fukushima [1] - 131:11 full [3] - 108:14, 133:13, 157:3 fully [1] - 135:17 function [3] - 13:13, 28:13, 30:10 functional [1] - 112:11 functioning [1] - 128:12 functions [2] - 24:25, 126:19 fundamental [4] - 142:5, 142:8, 144:6, 152:24 funds [2] - 119:14, 156:21 FURTHER [1] - 179:11 future [27] - 13:20, 29:17, 30:7, 43:7, 48:18, 77:15, 79:6, 84:22, 85:12, 91:5, 98:3, 103:20, 103:23, 104:17, 109:22, 113:12, 113:17, 127:3, 128:6, 141:5, 146:12, 146:14, 150:2, 154:11, 157:18, 165:17, 171:8</p>	<p>55:18, 110:24 Gallup [3] - 84:14, 97:21, 98:11 game [1] - 106:2 Gamma [1] - 111:9 gas [1] - 166:2 gases [2] - 114:16, 115:6 gate [1] - 26:15 gathered [1] - 165:24 gathering [1] - 143:8 gauge [1] - 160:15 Gaylor [1] - 86:23 general [4] - 35:14, 40:6, 49:24, 97:11 General [3] - 9:2, 15:22, 129:21 generalization [1] - 76:6 generally [1] - 76:6 generated [2] - 77:23, 130:4 generationally [1] - 98:12 generations [4] - 102:5, 102:6, 103:20, 104:17 generator [1] - 24:13 generators [1] - 25:23 genocide [1] - 151:20 gentleman [1] - 177:2 gentlemen [5] - 8:15, 86:6, 86:9, 94:21, 99:15 geogrid [1] - 45:23 geohydrologic [1] - 114:4 Geohydrology [1] - 114:6 geologist [1] - 31:24 geology [2] - 31:21, 31:22 geomembrane [2] - 28:5, 45:22 Gilbert [2] - 121:19, 123:3 GILBERT [3] - 4:6, 121:15, 121:19 given [6] - 67:15, 68:5, 82:13, 89:22, 176:5, 178:9 Given [1] - 11:17 Giver [1] - 104:4 giver [1] - 104:7 glad [2] - 89:4, 144:12 glasses [2] - 94:22,</p>	<p>135:4 global [3] - 135:23, 165:18, 166:3 Global [1] - 136:4 Globally [1] - 177:20 goals [1] - 111:15 gold [2] - 18:8, 94:21 Gold [4] - 110:11, 115:13, 116:3, 166:18 goods [1] - 165:20 GORDON [3] - 5:6, 168:1, 168:5 Gordon [4] - 8:4, 167:24, 168:5, 169:13 government [5] - 106:14, 124:23, 146:21, 153:3 government-to-government [1] - 153:3 GOVERNOR [2] - 9:4, 86:18 Governor [8] - 9:5, 32:25, 53:10, 86:13, 86:19, 88:17, 101:7, 118:24 grade [7] - 16:14, 28:14, 33:15, 48:13, 50:16, 76:18, 135:17 graded [5] - 29:19, 44:16, 45:19, 46:12, 75:24 gradient [1] - 77:1 graduate [1] - 124:6 grandchildren [1] - 137:3 GRANDE [1] - 1:4 Grande [39] - 6:3, 7:12, 10:21, 13:4, 13:9, 13:15, 15:25, 18:20, 30:22, 72:21, 78:22, 81:11, 82:19, 82:24, 87:7, 87:24, 89:16, 92:7, 94:8, 94:15, 111:23, 112:3, 112:25, 113:5, 113:6, 113:10, 113:25, 118:19, 125:24, 126:15, 127:11, 129:20, 132:8, 140:17, 144:3, 165:9, 166:6, 166:16, 171:13 grandfathered [5] - 83:11, 83:25, 118:25, 175:4, 175:5 grandmother [1] - 146:8 grant [1] - 82:8 granted [3] - 34:1, 34:5, 63:19</p>
G				
<p>gain [1] - 170:14 gallivanting [1] - 172:25 gallons [3] - 27:19,</p>				

<p>granting [1] - 73:19</p> <p>Grants [37] - 1:21, 7:2, 9:11, 16:21, 84:11, 84:18, 84:23, 91:6, 91:10, 93:2, 93:9, 93:15, 93:18, 95:12, 95:13, 96:7, 100:3, 100:4, 110:14, 110:22, 112:12, 116:25, 120:24, 146:2, 149:8, 149:9, 149:11, 160:6, 164:24, 168:10, 168:11, 171:7, 175:15, 175:16, 175:22, 175:24, 177:16</p> <p>graphic [1] - 37:4</p> <p>grassroots [3] - 10:1, 151:17, 177:7</p> <p>grateful [1] - 96:11</p> <p>grave [3] - 91:8, 165:18, 166:14</p> <p>gravely [1] - 91:11</p> <p>gray [1] - 76:3</p> <p>gray-shaded [1] - 76:3</p> <p>grazing [3] - 41:12, 42:25, 51:25</p> <p>Great [1] - 78:19</p> <p>great [4] - 104:7, 107:1, 137:3, 138:10</p> <p>greater [1] - 25:14</p> <p>greatly [1] - 146:17</p> <p>green [2] - 43:25, 45:8</p> <p>greenhouse [2] - 115:6, 166:2</p> <p>GREENWALD [4] - 4:10, 9:14, 145:18, 145:22</p> <p>Greenwald [5] - 9:14, 9:17, 145:15, 145:22, 148:8</p> <p>Greg [1] - 87:3</p> <p>grew [5] - 97:21, 103:11, 160:6, 175:4, 176:16</p> <p>grime [1] - 156:8</p> <p>gross [1] - 156:7</p> <p>ground [11] - 15:10, 20:24, 22:7, 23:12, 25:3, 32:18, 81:25, 111:1, 111:9, 122:3, 160:14</p> <p>ground-breaking [2] - 20:24, 81:25</p> <p>grounds [2] - 155:6, 160:25</p> <p>groundwater [16] -</p>	<p>19:3, 40:10, 56:6, 56:12, 85:10, 90:14, 91:2, 110:16, 110:18, 112:22, 113:1, 113:21, 113:24, 163:13, 163:22, 169:7</p> <p>Groundwater [1] - 114:19</p> <p>group [8] - 98:2, 118:19, 121:23, 155:19, 158:14, 158:16, 169:22, 177:11</p> <p>groups [3] - 105:18, 105:25, 106:8</p> <p>growing [2] - 128:11, 134:12</p> <p>growth [1] - 50:18</p> <p>guarantee [1] - 113:16</p> <p>guarantees [1] - 73:24</p> <p>guard [1] - 26:15</p> <p>Guardians [1] - 106:9</p> <p>guess [3] - 11:19, 75:7, 155:19</p> <p>guessing [1] - 62:20</p> <p>Guidance [1] - 111:18</p> <p>Guideline [1] - 129:16</p> <p>guidelines [2] - 130:14, 143:9</p> <p>Gulf [13] - 15:4, 15:6, 15:20, 16:10, 16:12, 16:19, 16:24, 17:3, 17:16, 19:5, 22:5, 22:12, 72:13</p> <p>guys [14] - 106:9, 118:24, 148:20, 155:6, 155:23, 155:24, 155:25, 156:3, 156:10, 158:12, 174:6, 175:3, 175:9, 175:12</p> <p style="text-align: center;">H</p> <p>hair [1] - 163:16</p> <p>half [13] - 20:6, 23:4, 34:12, 56:23, 62:20, 65:24, 74:3, 111:7, 118:20, 119:1, 133:20, 148:21, 166:20</p> <p>hand [9] - 8:9, 8:11, 9:9, 12:21, 42:14, 43:1, 121:12, 150:7,</p>	<p>164:12</p> <p>handed [1] - 55:22</p> <p>handle [3] - 27:18, 148:2, 148:3</p> <p>handled [1] - 160:13</p> <p>handling [1] - 69:20</p> <p>hands [3] - 69:25, 160:14, 177:6</p> <p>happy [2] - 8:23, 11:14</p> <p>hard [9] - 31:19, 42:9, 42:13, 43:22, 64:11, 93:16, 120:8, 149:13, 174:18</p> <p>harden [1] - 50:20</p> <p>harming [1] - 90:8</p> <p>HARRIS [1] - 2:9</p> <p>Harrison [1] - 15:1</p> <p>hash [1] - 12:12</p> <p>hatched [2] - 75:21, 76:3</p> <p>hate [1] - 93:13</p> <p>haul [1] - 115:1</p> <p>hazard [1] - 161:14</p> <p>hazards [2] - 161:3, 161:7</p> <p>HDPE [2] - 45:25, 48:15</p> <p>head [1] - 76:20</p> <p>headframe [2] - 41:24, 41:25</p> <p>headframes [1] - 41:15</p> <p>headwaters [1] - 104:5</p> <p>health [19] - 38:3, 38:7, 42:22, 49:13, 91:18, 92:25, 96:3, 96:4, 109:19, 116:1, 117:16, 160:18, 160:21, 160:23, 162:14, 162:17, 165:3, 170:18, 172:13</p> <p>Health [3] - 10:6, 90:21, 110:20</p> <p>Healthy [1] - 147:21</p> <p>healthy [2] - 42:21, 154:4</p> <p>hear [9] - 6:8, 21:16, 81:23, 104:22, 107:12, 123:9, 143:15, 158:25, 167:6</p> <p>heard [15] - 22:14, 60:14, 68:16, 73:25, 96:2, 99:14, 105:25, 146:23, 155:12, 156:20, 156:25, 162:9, 163:6, 170:11, 177:14</p> <p>hearing [20] - 1:18,</p>	<p>6:7, 6:9, 10:12, 11:3, 12:2, 12:11, 34:14, 60:10, 70:20, 81:8, 87:5, 109:2, 125:23, 126:1, 141:16, 155:23, 165:10, 177:10, 179:5</p> <p>Hearing [25] - 1:19, 2:2, 6:2, 7:11, 7:23, 10:25, 11:16, 12:9, 12:16, 13:3, 14:14, 53:15, 58:3, 68:7, 96:23, 108:20, 117:21, 123:11, 135:3, 144:16, 144:19, 145:2, 145:8, 145:12, 164:18</p> <p>heart [1] - 158:13</p> <p>heartened [1] - 167:6</p> <p>heightened [1] - 165:10</p> <p>held [11] - 11:20, 13:24, 15:6, 16:2, 19:2, 19:5, 59:2, 74:1, 92:11, 111:24, 129:22</p> <p>hell [1] - 172:22</p> <p>help [5] - 38:17, 39:8, 49:21, 50:20, 174:17</p> <p>helped [1] - 131:12</p> <p>helpful [2] - 63:17, 75:3</p> <p>helping [1] - 156:5</p> <p>HEREBY [1] - 179:5</p> <p>HICKS [5] - 3:23, 105:4, 105:8, 105:11, 105:15</p> <p>Hicks [2] - 105:7, 108:7</p> <p>High [2] - 1:20, 175:22</p> <p>high [11] - 16:14, 44:18, 45:21, 59:20, 136:11, 136:21, 137:4, 159:6, 159:7, 174:9, 176:10</p> <p>high-density [2] - 44:18, 45:21</p> <p>high-grade [1] - 16:14</p> <p>higher [3] - 47:19, 90:20, 132:3</p> <p>highest [1] - 111:11</p> <p>highlight [1] - 117:4</p> <p>highlighted [1] - 116:2</p> <p>highly [1] - 33:15</p> <p>Highway [1] - 16:8</p> <p>highways [1] - 115:1</p> <p>hike [2] - 172:21,</p>	<p>173:9</p> <p>himself [1] - 123:15</p> <p>hire [2] - 14:20, 82:4</p> <p>historical [1] - 98:21</p> <p>history [15] - 13:8, 13:16, 14:17, 16:4, 30:11, 30:12, 31:1, 32:22, 95:13, 98:21, 100:4, 101:19, 101:24, 134:9</p> <p>hit [1] - 74:3</p> <p>hitched [1] - 155:13</p> <p>hitchhiked [1] - 156:20</p> <p>hits [1] - 152:2</p> <p>hoist [1] - 25:21</p> <p>Hoists [1] - 64:24</p> <p>hoists [7] - 24:6, 24:8, 36:25, 64:10, 64:15, 65:1, 65:25</p> <p>hold [4] - 46:3, 75:5, 102:7, 155:8</p> <p>holding [2] - 34:19, 69:21</p> <p>holdings [1] - 100:20</p> <p>holds [1] - 29:16</p> <p>holes [1] - 16:11</p> <p>holy [4] - 152:1, 152:2, 153:18</p> <p>home [5] - 14:22, 165:11, 165:12, 167:1, 178:18</p> <p>Home [1] - 64:21</p> <p>Homestake [3] - 90:16, 93:10, 125:3</p> <p>Honda [9] - 129:5, 129:25, 130:22, 131:3, 131:4, 132:9, 135:13, 170:25, 171:17</p> <p>honor [1] - 102:6</p> <p>HOOD [3] - 4:14, 150:8, 150:12</p> <p>hope [10] - 30:10, 47:15, 66:7, 66:10, 85:22, 159:3, 159:5, 167:13, 170:7, 177:24</p> <p>Hope [1] - 100:1</p> <p>hopefully [3] - 81:9, 84:2, 90:11</p> <p>Hopefully [3] - 23:19, 71:21, 156:10</p> <p>hopes [1] - 94:13</p> <p>horizontally [1] - 75:21</p> <p>hospitals [1] - 91:24</p> <p>hour [3] - 1:21, 104:21, 108:8</p> <p>hours [3] - 6:23, 6:24, 11:18</p>
---	--	--	---	--

<p>house [2] - 25:21, 26:10</p> <p>housing [1] - 59:4</p> <p>huge [1] - 73:7</p> <p>human [9] - 38:3, 38:7, 42:22, 49:13, 99:7, 151:4, 165:13, 170:18, 173:14</p> <p>humanity [1] - 165:22</p> <p>hundreds [1] - 115:2</p> <p>hurt [2] - 105:21, 158:25</p> <p>hurts [1] - 155:7</p> <p>husband [1] - 162:16</p> <p>hydraulic [4] - 23:25, 44:21, 49:6, 49:21</p> <p>hydrogeology [1] - 31:22</p> <p>hydrologic [1] - 110:15</p> <p>hydrology [2] - 85:5, 114:24</p> <p>hydrosphere [1] - 150:18</p> <p>hypothetical [1] - 58:7</p> <p>Hypothetically [1] - 62:13</p> <p>hypothetically [3] - 63:6, 67:14, 155:3</p>	<p>49:25</p> <p>imagine [1] - 11:9</p> <p>immediately [1] - 57:13</p> <p>Impact [1] - 143:4</p> <p>impact [5] - 70:16, 88:6, 113:1, 153:21, 167:19</p> <p>impacted [1] - 170:19</p> <p>Impacts [2] - 90:22, 110:21</p> <p>impacts [7] - 87:22, 110:4, 114:4, 125:9, 165:3, 166:10, 167:3</p> <p>impending [1] - 166:10</p> <p>impermeable [1] - 109:25</p> <p>implement [1] - 33:3</p> <p>implementation [1] - 140:2</p> <p>implementing [2] - 50:10, 140:4</p> <p>implications [1] - 165:18</p> <p>imply [1] - 68:13</p> <p>importance [2] - 91:8, 173:16</p> <p>important [12] - 25:11, 29:12, 61:3, 61:9, 79:7, 88:1, 102:4, 125:18, 134:18, 137:10, 139:19, 147:4</p> <p>importantly [1] - 70:24</p> <p>impounded [1] - 27:14</p> <p>impoundment [1] - 37:16</p> <p>impoverished [3] - 98:12, 98:13</p> <p>improve [5] - 38:24, 50:2, 55:24, 91:14, 91:19</p> <p>improved [1] - 139:15</p> <p>improvements [2] - 31:11, 112:1</p> <p>IN [1] - 1:4</p> <p>in-depth [1] - 83:17</p> <p>in-situ [3] - 133:8, 134:3, 135:1</p> <p>inability [1] - 148:1</p> <p>inactive [5] - 17:17, 19:14, 20:3, 87:11, 112:9</p> <p>inadvertent [1] - 42:10</p>	<p>inception [1] - 22:21</p> <p>Incessant [1] - 115:5</p> <p>inclined [1] - 11:10</p> <p>include [9] - 22:12, 50:4, 56:5, 58:7, 77:11, 82:6, 93:5, 126:18, 127:13</p> <p>included [8] - 15:10, 46:17, 124:8, 124:17, 125:7, 125:10, 140:21, 142:18</p> <p>includes [3] - 25:18, 130:20, 165:13</p> <p>including [7] - 15:22, 18:14, 96:18, 104:2, 126:4, 134:9, 164:24</p> <p>income [1] - 175:18</p> <p>inconsistent [1] - 21:2</p> <p>incorrect [3] - 69:6, 69:7, 69:9</p> <p>increase [1] - 60:18</p> <p>increased [3] - 55:13, 55:15, 96:16</p> <p>increasing [3] - 43:9, 60:11, 166:11</p> <p>independently [2] - 92:12, 113:20</p> <p>India [2] - 60:10, 60:18</p> <p>Indian [3] - 89:12, 102:21, 119:7</p> <p>indicate [2] - 140:18, 173:15</p> <p>indicated [1] - 12:7</p> <p>indicates [1] - 140:23</p> <p>indicating [1] - 60:23</p> <p>indication [2] - 137:8, 141:25</p> <p>indigenous [13] - 95:9, 95:24, 96:14, 99:12, 100:6, 103:17, 122:8, 122:15, 153:12, 172:14, 176:11, 176:24, 178:2</p> <p>Indigenous [1] - 173:17</p> <p>individuals [3] - 22:17, 121:23, 155:20</p> <p>industry [21] - 14:16, 14:20, 32:3, 89:21, 90:9, 91:14, 91:16, 91:22, 104:9, 106:20, 113:4, 117:8, 128:18, 128:24, 137:14, 148:24, 148:25, 149:17, 152:6, 164:4, 177:9</p> <p>Industry [1] - 142:19</p>	<p>infiltrated [1] - 111:1</p> <p>infinite [1] - 158:3</p> <p>inflict [1] - 114:23</p> <p>inflow [1] - 44:22</p> <p>influx [2] - 110:17, 116:4</p> <p>inform [1] - 11:12</p> <p>Information [4] - 123:14, 123:23, 124:4, 132:25</p> <p>information [11] - 59:24, 118:17, 118:21, 118:23, 126:7, 129:1, 129:2, 132:6, 132:9, 134:23, 178:12</p> <p>informed [3] - 122:9, 122:13, 177:15</p> <p>infrastructure [2] - 119:14, 178:4</p> <p>inhabitants [1] - 173:17</p> <p>inhabited [1] - 89:12</p> <p>initial [2] - 56:16, 66:8</p> <p>initiated [2] - 135:14, 139:21</p> <p>inject [1] - 137:9</p> <p>inquiring [1] - 70:14</p> <p>inquiry [2] - 124:17, 141:13</p> <p>Inquiry [1] - 125:13</p> <p>inside [1] - 38:14</p> <p>insist [1] - 115:22</p> <p>inspected [1] - 149:1</p> <p>Inspector [1] - 148:25</p> <p>install [3] - 24:20, 49:6, 50:19</p> <p>installation [2] - 24:16, 38:9</p> <p>installed [3] - 44:19, 44:24, 45:6</p> <p>installing [1] - 28:2</p> <p>instance [3] - 39:10, 65:6, 175:22</p> <p>instead [1] - 106:4</p> <p>Institute [1] - 114:6</p> <p>institution [2] - 100:9, 100:16</p> <p>Instructor [1] - 148:20</p> <p>integral [1] - 165:14</p> <p>integrate [1] - 25:2</p> <p>integration [2] - 28:22, 40:23</p> <p>integrity [1] - 172:8</p> <p>intend [2] - 29:17, 51:1</p> <p>intended [1] - 56:18</p>	<p>intent [2] - 90:6, 105:22</p> <p>Intent [2] - 140:17, 141:7</p> <p>intention [1] - 68:13</p> <p>interactions [1] - 70:4</p> <p>interactive [1] - 63:14</p> <p>interbasin [1] - 85:7</p> <p>intercept [1] - 29:20</p> <p>interest [3] - 106:8, 122:22, 179:13</p> <p>interesting [2] - 128:7, 163:6</p> <p>interests [4] - 100:20, 100:21, 105:18, 105:24</p> <p>internal [1] - 130:5</p> <p>internally [1] - 59:1</p> <p>international [2] - 129:16, 137:15</p> <p>Internet [2] - 170:17, 177:21</p> <p>interpose [1] - 68:8</p> <p>interpret [2] - 174:19, 174:24</p> <p>interpreters [1] - 174:23</p> <p>interruption [1] - 45:3</p> <p>interval [1] - 34:4</p> <p>introduce [5] - 7:14, 13:13, 25:1, 25:2, 123:14</p> <p>introduced [4] - 8:12, 8:24, 9:13, 54:4</p> <p>introduces [1] - 13:18</p> <p>introducing [1] - 10:8</p> <p>introduction [2] - 13:11, 53:24</p> <p>introductions [1] - 7:8</p> <p>invest [5] - 59:5, 98:19, 108:1, 117:8</p> <p>investigation [3] - 109:10, 116:13, 116:15</p> <p>Investigation [1] - 109:12</p> <p>investing [1] - 60:3</p> <p>investments [3] - 60:5, 100:19, 113:11</p> <p>invitation [1] - 11:8</p> <p>invitations [1] - 11:8</p> <p>invite [3] - 104:23, 118:17, 163:21</p> <p>invited [1] - 125:12</p>
<p>I</p>				
<p>idea [3] - 156:22, 156:23, 174:11</p> <p>ideas [1] - 177:18</p> <p>identified [9] - 82:14, 84:22, 109:18, 128:9, 129:3, 131:4, 138:11, 139:8, 140:5</p> <p>identifies [3] - 127:9, 137:25, 142:24</p> <p>identify [3] - 12:20, 101:23, 126:1</p> <p>identity [2] - 96:5, 158:24</p> <p>ieer.org [1] - 147:23</p> <p>ignorance [1] - 97:2</p> <p>ignoring [1] - 93:1</p> <p>ill [1] - 146:10</p> <p>illustrate [2] - 25:8, 128:19</p> <p>illustrated [2] - 45:16, 132:16</p> <p>illustrates [1] - 25:21</p> <p>illustrations [1] - 41:17</p> <p>image [2] - 49:4,</p>				

<p>inviting ^[1] - 88:14</p> <p>involve ^[2] - 24:21, 24:23</p> <p>involved ^[10] - 15:16, 32:1, 35:2, 71:16, 80:12, 84:14, 147:5, 153:5, 153:12, 179:12</p> <p>involvement ^[1] - 14:16</p> <p>ion ^[3] - 35:20, 44:12, 55:19</p> <p>ionizing ^[1] - 170:18</p> <p>irregularities ^[2] - 76:8, 76:15</p> <p>irreversible ^[1] - 114:23</p> <p>irrigation ^[1] - 91:24</p> <p>isolated ^[1] - 166:9</p> <p>issuance ^[1] - 139:23</p> <p>issue ^[8] - 83:15, 83:22, 95:9, 95:10, 120:11, 147:1, 147:14, 153:22</p> <p>issued ^[2] - 138:22, 138:23</p> <p>issues ^[18] - 29:1, 87:20, 89:20, 91:3, 92:9, 92:12, 98:6, 98:7, 106:13, 124:21, 160:18, 160:21, 160:24, 162:14, 162:17, 168:8, 168:24, 169:3</p> <p>IT ^[1] - 1:17</p> <p>items ^[4] - 63:22, 64:10, 65:5, 70:3</p> <p>ITS ^[1] - 1:5</p> <p>itself ^[5] - 25:10, 25:21, 57:7, 57:8, 113:4</p> <p>IX ^[4] - 27:17, 35:20, 37:22, 44:12</p>	<p>54:7, 54:19, 54:25, 55:4, 55:10, 56:5, 56:15, 57:18, 58:3, 58:9, 58:12, 58:25, 59:13, 59:17, 59:23, 60:7, 60:16, 61:3, 61:8, 61:20, 62:6, 62:9, 62:13, 63:17, 64:6, 64:12, 64:23, 65:8, 65:10, 65:13, 65:17, 65:23, 66:4, 66:6, 66:12, 66:18, 67:1, 67:5, 67:11, 67:21, 68:3, 68:22, 68:25, 69:7, 69:10, 69:16, 69:23, 70:20, 71:24, 72:9, 72:21, 72:24, 73:2, 73:6, 73:13, 74:17, 74:20, 74:23, 75:2, 75:11, 75:16, 75:25, 76:4, 76:11, 76:17, 76:22, 77:7, 77:10, 77:14, 77:20, 77:22, 78:1, 78:5, 78:10, 78:19, 79:12, 79:17, 79:19, 79:22, 79:25, 80:8, 80:11, 80:14, 80:17, 80:21, 81:4, 81:6, 81:10, 81:14, 96:23, 96:25, 97:12, 117:21, 118:2, 121:6, 121:10, 123:11, 123:20, 145:12</p> <p>Jantz ^[17] - 3:9, 4:9, 7:22, 7:24, 11:7, 12:6, 14:2, 52:16, 53:4, 53:14, 68:11, 81:15, 96:24, 104:22, 117:20, 123:10, 145:10</p> <p>Jantz' ^[1] - 68:18</p> <p>January ^[7] - 7:6, 11:21, 12:7, 14:25, 18:11, 158:16, 178:16</p> <p>Japan ^[1] - 151:22</p> <p>Japanese ^[1] - 176:18</p> <p>Jaramillo ^[1] - 162:25</p> <p>JARAMILLO ^[3] - 4:24, 160:2, 160:6</p> <p>job ^[8] - 15:22, 53:20, 53:23, 106:12, 107:15, 107:16, 107:21, 175:17</p> <p>jobs ^[20] - 96:8, 98:19, 106:2, 106:6, 107:19, 149:8, 149:12, 153:23,</p>	<p>167:1, 167:2, 168:8, 168:10, 169:8, 169:9, 170:14, 175:15, 176:2, 176:23, 177:3</p> <p>Joe ^[20] - 7:16, 7:18, 13:6, 31:2, 32:16, 33:12, 33:19, 36:16, 36:20, 37:5, 37:18, 37:23, 41:7, 43:11, 44:10, 69:11, 79:16, 140:25, 141:12</p> <p>JOE ^[3] - 3:4, 3:8, 14:10</p> <p>join ^[2] - 52:18, 86:12</p> <p>joint ^[1] - 129:24</p> <p>Joint ^[1] - 111:18</p> <p>jointly ^[1] - 111:14</p> <p>Jojola ^[1] - 87:3</p> <p>Jonathan ^[1] - 152:13</p> <p>JONATHAN ^[2] - 4:16, 152:9</p> <p>Jose ^[3] - 85:13, 109:2, 110:4</p> <p>journey ^[1] - 178:18</p> <p>jpark@nmelc.org ^[1] - 2:18</p> <p>Juan ^[1] - 115:15</p> <p>judging ^[1] - 137:2</p> <p>jumping ^[1] - 55:14</p> <p>June ^[1] - 18:11</p> <p>jurisdiction ^[3] - 40:12, 92:9, 125:6</p> <p>justice ^[3] - 146:23, 147:1, 147:13</p>	<p>kind ^[13] - 39:6, 40:11, 42:13, 43:11, 49:25, 50:25, 62:7, 68:22, 75:21, 84:1, 122:23, 129:23, 170:6</p> <p>kinds ^[1] - 161:7</p> <p>King ^[6] - 32:25, 110:11, 115:13, 116:3, 118:24, 166:18</p> <p>KIVA ^[3] - 95:7, 97:3, 100:1</p> <p>knowing ^[1] - 99:11</p> <p>known ^[5] - 16:13, 51:4, 116:18, 129:16, 143:17</p> <p>knows ^[3] - 79:16, 107:16, 107:22</p> <p>Kopan ^[2] - 10:13, 10:15</p> <p>KOPAN ^[2] - 179:4, 179:20</p> <p>Kuhn ^[22] - 7:18, 7:19, 13:6, 13:15, 25:13, 28:8, 29:23, 30:4, 30:13, 30:21, 52:16, 52:18, 56:8, 61:22, 62:6, 64:21, 67:13, 71:2, 73:20, 85:7, 138:20, 142:20</p> <p>KUHN ^[39] - 3:6, 3:8, 30:16, 30:20, 62:5, 62:7, 62:12, 62:14, 64:5, 64:9, 67:17, 68:2, 69:6, 69:8, 69:11, 69:17, 69:24, 73:21, 74:19, 74:22, 74:25, 75:10, 75:15, 75:20, 76:2, 76:5, 76:13, 76:21, 76:23, 77:8, 77:13, 77:16, 77:21, 77:24, 78:2, 78:9, 78:16, 79:1, 79:16</p> <p>Kuhn's ^[1] - 61:13</p>	<p>lagoons ^[1] - 114:20</p> <p>Laguna ^[13] - 9:5, 53:10, 84:15, 86:19, 87:1, 87:17, 88:2, 95:6, 121:23, 146:1, 146:15, 164:25, 174:12</p> <p>Laguna/Acoma ^[2] - 108:23, 121:20</p> <p>laid ^[3] - 45:22, 51:11, 51:12</p> <p>Lake ^[3] - 24:7, 101:17, 120:11</p> <p>Land ^[1] - 166:19</p> <p>land ^[27] - 36:1, 41:12, 42:25, 49:20, 51:24, 52:1, 59:3, 71:7, 79:22, 80:1, 80:3, 80:4, 80:9, 80:11, 80:13, 82:8, 107:25, 151:24, 155:14, 157:1, 157:18, 158:23, 159:4, 163:9, 174:13</p> <p>land-based ^[1] - 174:13</p> <p>land-use ^[1] - 42:25</p> <p>landfill ^[1] - 36:2</p> <p>landowners ^[1] - 22:17</p> <p>lands ^[3] - 96:17, 117:6, 154:5</p> <p>Lands ^[1] - 152:17</p> <p>landscapes ^[1] - 117:6</p> <p>LANE ^[2] - 4:20, 156:15</p> <p>language ^[3] - 174:18, 174:22, 175:6</p> <p>large ^[8] - 21:12, 36:25, 58:19, 64:11, 80:5, 92:17, 115:11, 115:14</p> <p>largely ^[2] - 33:13, 45:17</p> <p>larger ^[2] - 24:6, 167:18</p> <p>largest ^[3] - 16:14, 174:13</p> <p>LARRY ^[1] - 2:8</p> <p>Larry ^[3] - 7:14, 7:16, 13:4</p> <p>last ^[13] - 42:19, 65:2, 73:16, 87:12, 122:6, 130:24, 131:2, 131:16, 132:21, 132:24, 156:21, 159:12</p> <p>late ^[2] - 141:22, 142:4</p>
<p>J</p>		<p>K</p>	<p>L</p>	
<p>Jackpile ^[1] - 87:16</p> <p>JAIMIE ^[1] - 2:15</p> <p>Jaimie ^[1] - 8:2</p> <p>Janet ^[4] - 9:14, 145:15, 145:16, 145:22</p> <p>JANET ^[2] - 4:10, 145:18</p> <p>JANTZ ^[112] - 2:14, 7:23, 11:16, 11:23, 12:1, 12:9, 14:4, 52:19, 52:22, 53:15, 53:18, 53:23, 54:3,</p>	<p>Jantz' ^[1] - 68:18</p> <p>January ^[7] - 7:6, 11:21, 12:7, 14:25, 18:11, 158:16, 178:16</p> <p>Japan ^[1] - 151:22</p> <p>Japanese ^[1] - 176:18</p> <p>Jaramillo ^[1] - 162:25</p> <p>JARAMILLO ^[3] - 4:24, 160:2, 160:6</p> <p>job ^[8] - 15:22, 53:20, 53:23, 106:12, 107:15, 107:16, 107:21, 175:17</p> <p>jobs ^[20] - 96:8, 98:19, 106:2, 106:6, 107:19, 149:8, 149:12, 153:23,</p>	<p>Kathy ^[1] - 10:13</p> <p>Kazakhstan ^[1] - 134:12</p> <p>keep ^[5] - 39:5, 79:7, 79:10, 159:15, 159:16</p> <p>keeps ^[1] - 120:6</p> <p>kept ^[1] - 41:11</p> <p>Kerr ^[4] - 14:21, 150:16, 151:12, 160:8</p> <p>Kerr-McGee ^[4] - 14:21, 150:16, 151:12, 160:8</p> <p>kid ^[1] - 103:14</p> <p>kids ^[2] - 175:17, 175:23</p> <p>kill ^[2] - 106:12, 119:18</p> <p>killed ^[2] - 149:14</p> <p>killing ^[3] - 120:4, 149:16, 177:22</p>	<p>Laboratory ^[1] - 116:10</p> <p>Laboratory's ^[1] - 116:12</p> <p>Labs ^[1] - 116:18</p> <p>lack ^[4] - 71:25, 115:9, 173:14, 173:15</p> <p>LaFaye ^[5] - 3:21, 9:10, 103:5, 103:9, 104:19</p> <p>LAFAYE ^[1] - 9:10</p> <p>LAFSE ^[1] - 122:25</p>	

<p>latest [2] - 32:7, 73:24</p> <p>Laura [2] - 108:14, 108:21</p> <p>LAURA [4] - 4:2, 4:24, 108:16, 160:2</p> <p>Law [2] - 7:12, 7:25</p> <p>LAW [6] - 2:3, 2:9, 2:15, 2:16, 2:21, 2:21</p> <p>law [14] - 7:15, 8:3, 32:25, 33:1, 33:23, 108:3, 108:4, 120:13, 150:19, 150:20, 152:25, 162:13</p> <p>lawmakers [1] - 117:7</p> <p>laws [5] - 120:14, 120:18, 151:11, 178:2</p> <p>lawyer [1] - 99:18</p> <p>layer [4] - 42:1, 45:22, 45:23</p> <p>Lead [1] - 66:5</p> <p>lead [15] - 21:9, 22:4, 36:23, 57:5, 64:9, 65:4, 65:22, 65:25, 66:9, 66:14, 67:10, 71:12, 71:15, 71:16, 146:24</p> <p>leaders [3] - 159:3, 165:23, 176:3</p> <p>leadership [1] - 118:16</p> <p>leading [1] - 142:13</p> <p>leads [1] - 95:22</p> <p>leak [1] - 28:6</p> <p>leakage [2] - 78:20, 109:25</p> <p>leaks [1] - 78:12</p> <p>learn [2] - 126:2, 149:24</p> <p>learned [4] - 90:11, 149:15, 149:18, 164:19</p> <p>learning [2] - 161:18, 176:16</p> <p>lease [1] - 80:7</p> <p>leasing [1] - 17:3</p> <p>least [2] - 27:21, 72:20</p> <p>leave [2] - 103:19, 130:10</p> <p>leaves [1] - 116:21</p> <p>leaving [3] - 29:8, 106:5, 167:4</p> <p>led [1] - 116:13</p> <p>left [13] - 17:18, 28:16, 39:23, 42:14, 48:9, 50:22, 107:17, 130:4, 131:1, 133:16, 134:22, 136:8, 139:16</p>	<p>left-hand [1] - 42:14</p> <p>legacy [7] - 89:19, 103:19, 106:13, 112:11, 163:9, 166:14, 174:16</p> <p>legal [1] - 12:8</p> <p>legislative [1] - 32:23</p> <p>lend [1] - 113:4</p> <p>lending [2] - 59:14, 59:17</p> <p>lengthy [2] - 20:11, 120:12</p> <p>LEONA [2] - 5:8, 169:15</p> <p>less [5] - 11:18, 56:11, 75:1, 91:19, 141:24</p> <p>lessen [1] - 112:1</p> <p>Letter [2] - 140:17, 141:7</p> <p>letter [3] - 108:3, 125:25, 140:22</p> <p>level [12] - 27:20, 37:11, 37:12, 42:3, 50:1, 65:19, 69:19, 76:18, 124:6, 132:24, 166:24</p> <p>levels [7] - 43:5, 43:9, 66:22, 69:13, 90:18, 111:2, 159:6</p> <p>License [2] - 142:19, 179:20</p> <p>license [11] - 35:18, 55:16, 73:17, 73:20, 74:6, 74:7, 135:1, 140:16, 143:11, 143:24</p> <p>licensed [14] - 31:23, 112:18, 132:15, 133:6, 133:8, 133:9, 133:19, 133:23, 134:16, 134:21, 135:6, 135:8, 135:10, 137:20</p> <p>licenses [1] - 31:4</p> <p>licensing [5] - 32:18, 125:15, 135:15, 140:24, 142:23</p> <p>Lieutenant [2] - 86:22</p> <p>Life [2] - 104:4, 151:4</p> <p>life [38] - 31:15, 36:3, 36:6, 39:25, 41:8, 51:3, 51:7, 51:9, 51:10, 51:11, 52:4, 91:14, 91:19, 98:15, 99:7, 102:3, 102:14, 104:4, 104:7, 104:18,</p>	<p>151:4, 153:13, 153:14, 153:19, 153:20, 154:4, 154:5, 158:21, 158:22, 160:7, 161:8, 167:15, 174:7, 174:19, 175:6, 176:9, 176:25, 178:4</p> <p>light [2] - 114:7, 146:20</p> <p>lightest [1] - 136:16</p> <p>lightly [3] - 22:8, 75:21, 76:3</p> <p>lightweight [1] - 42:4</p> <p>likelihood [1] - 93:14</p> <p>likely [4] - 22:9, 24:9, 38:4, 143:11</p> <p>limit [9] - 11:9, 67:15, 67:23, 68:6, 68:10, 68:13, 68:18, 166:2, 169:4</p> <p>limitation [1] - 139:24</p> <p>limited [5] - 12:18, 34:15, 94:8, 158:1, 165:20</p> <p>line [14] - 39:9, 54:16, 60:23, 95:25, 102:17, 129:13, 134:2, 136:7, 136:9, 136:13, 136:14, 136:16, 159:14</p> <p>lined [17] - 28:5, 28:9, 28:11, 37:7, 37:14, 38:11, 38:22, 47:3, 48:21, 48:24, 62:21, 62:24, 63:6, 75:19, 77:5, 77:6, 110:8</p> <p>liner [15] - 28:20, 28:21, 38:12, 38:23, 44:17, 45:6, 45:24, 45:25, 46:13, 48:15, 48:24, 49:5, 76:19, 81:2</p> <p>lines [2] - 41:21, 56:2</p> <p>linguistics [1] - 159:10</p> <p>lining [5] - 37:14, 38:13, 44:18, 45:16, 46:2</p> <p>link [1] - 116:20</p> <p>liquids [1] - 37:17</p> <p>list [7] - 63:21, 63:22, 63:23, 64:6, 67:13, 68:4, 141:9</p> <p>List [1] - 141:24</p> <p>list [1] - 141:4</p> <p>listed [2] - 30:24, 141:9</p> <p>listen [3] - 105:6,</p>	<p>156:11, 173:11</p> <p>listening [1] - 159:22</p> <p>LISTER [69] - 3:4, 3:8, 14:10, 14:14, 53:22, 54:1, 54:6, 54:11, 54:23, 55:3, 55:8, 55:11, 56:7, 56:22, 58:1, 58:11, 58:16, 59:1, 59:16, 59:19, 60:2, 60:14, 60:20, 61:5, 64:20, 64:24, 65:9, 65:12, 65:15, 65:18, 66:2, 66:5, 66:7, 66:16, 66:20, 67:3, 67:8, 70:24, 72:8, 72:11, 72:23, 73:1, 73:4, 73:7, 79:18, 79:21, 79:24, 80:2, 80:10, 80:13, 80:20, 80:23, 81:5, 81:7, 81:13, 81:23, 82:4, 82:10, 82:17, 82:21, 83:8, 83:16, 83:21, 83:24, 84:12, 84:19, 84:24, 85:5, 85:14</p> <p>Lister [23] - 7:16, 7:18, 13:6, 13:18, 14:8, 30:15, 31:2, 32:16, 33:12, 33:19, 52:17, 53:19, 58:5, 64:13, 64:14, 67:25, 68:15, 69:11, 81:20, 140:25, 141:12, 143:15</p> <p>lists [3] - 35:1, 134:20, 135:4</p> <p>litany [1] - 50:25</p> <p>literally [2] - 104:11, 156:8</p> <p>lithosphere [1] - 150:18</p> <p>live [11] - 90:5, 90:25, 106:2, 150:15, 151:15, 151:25, 152:1, 156:6, 157:12, 163:23, 175:1</p> <p>lived [3] - 97:22, 160:7, 174:7</p> <p>lives [2] - 162:19, 175:14</p> <p>livestock [1] - 109:5</p> <p>living [5] - 42:19, 102:1, 102:2, 128:10, 160:24</p> <p>load [1] - 29:5</p> <p>local [5] - 23:19, 82:7, 82:11, 167:4, 171:8</p> <p>located [8] - 16:7,</p>	<p>24:8, 27:10, 28:25, 29:12, 65:2, 65:19, 111:20</p> <p>location [3] - 25:23, 48:6, 85:9</p> <p>locations [1] - 77:19</p> <p>logger [1] - 160:8</p> <p>long-lead [1] - 64:9</p> <p>long-term [8] - 59:11, 95:18, 99:4, 113:20, 132:14, 137:17, 153:21, 171:10</p> <p>longer-term [1] - 59:9</p> <p>longest [6] - 63:2, 63:24, 64:2, 64:8, 65:25, 66:14</p> <p>look [22] - 24:21, 25:18, 30:7, 39:6, 49:24, 49:25, 59:6, 64:19, 73:1, 73:8, 75:20, 76:2, 76:5, 92:17, 100:3, 154:12, 162:22, 167:13, 170:18, 171:1, 171:4, 171:5</p> <p>looked [3] - 27:1, 65:1, 65:6</p> <p>looking [8] - 59:9, 65:5, 82:25, 90:4, 98:24, 101:13, 170:15, 170:23</p> <p>Looking [1] - 128:25</p> <p>lookout [1] - 42:16</p> <p>looks [2] - 89:18, 100:9</p> <p>loom [1] - 110:12</p> <p>Los [3] - 2:4, 116:10, 116:17</p> <p>loss [2] - 174:17, 174:18</p> <p>losses [1] - 129:11</p> <p>lost [3] - 76:1, 100:11, 155:16</p> <p>LOUIS [1] - 10:5</p> <p>Louis [2] - 10:5, 103:12</p> <p>low [8] - 59:20, 128:22, 132:15, 133:15, 134:15, 136:11, 136:24, 137:4</p> <p>low-scenario [1] - 136:11</p> <p>Lowe's [1] - 36:23</p> <p>lower [4] - 47:25, 75:20, 131:15, 132:19</p> <p>lpaushman@modrall.com [1] - 2:12</p> <p>Lucas [1] - 114:14</p>
--	--	---	--	--

<p>Luisa ^[1] - 2:16 lunch ^[15] - 6:25, 53:12, 86:11, 88:19, 88:20, 94:19, 94:20, 103:4, 104:21, 105:2, 105:6, 105:7, 108:6, 108:8, 108:11 Lunch ^[1] - 108:10 LYTLE ^[2] - 4:18, 154:18</p> <p>M</p> <p>ma'am ^[1] - 123:2 Ma'am ^[8] - 8:25, 9:13, 94:21, 103:4, 158:6, 159:25, 164:12, 169:14 machine ^[1] - 179:6 machinists ^[1] - 24:1 Madam ^[21] - 7:10, 7:23, 10:25, 11:16, 12:9, 12:15, 13:3, 14:14, 53:15, 58:3, 68:7, 96:23, 108:20, 117:21, 123:11, 144:16, 144:19, 145:2, 145:8, 145:12, 164:18 MAHOOTY ^[3] - 4:4, 118:6, 118:10 Mahooty ^[2] - 118:10, 121:3 mails ^[1] - 178:14 main ^[4] - 101:17, 107:23, 131:22, 153:16 maintain ^[9] - 17:18, 17:20, 19:10, 19:18, 46:14, 54:14, 54:15, 54:16, 55:24 maintained ^[1] - 36:6 maintaining ^[3] - 19:19, 20:16, 138:5 maintenance ^[3] - 15:9, 15:10, 43:14 major ^[1] - 71:17 male ^[2] - 147:17, 163:6 man ^[3] - 107:15, 147:17, 156:7 Man ^[1] - 155:16 Management ^[1] - 166:19 management ^[2] - 124:14, 154:10 manager ^[7] - 7:16, 53:20, 53:24, 54:5, 54:8, 54:13</p>	<p>Manager ^[3] - 13:7, 15:24, 16:2 mandated ^[1] - 130:13 mandates ^[2] - 146:23, 146:25 manner ^[1] - 138:15 manpower ^[1] - 24:19 manufacturers ^[1] - 70:14 mapped ^[1] - 48:9 Mapper ^[1] - 111:9 Marcy ^[1] - 2:10 Marines ^[1] - 107:18 mark ^[1] - 74:3 Mark ^[1] - 9:19 marked ^[1] - 77:25 market ^[35] - 15:13, 17:17, 19:25, 20:13, 33:13, 56:19, 56:25, 57:16, 57:18, 58:21, 58:22, 59:3, 59:4, 59:13, 59:18, 59:22, 60:22, 60:24, 61:3, 113:7, 124:19, 125:17, 126:7, 126:10, 126:13, 128:20, 130:22, 131:18, 131:20, 132:4, 132:14, 133:25, 134:19, 137:9, 137:17 markets ^[2] - 125:11, 129:18 marks ^[1] - 131:2 MARTIN ^[2] - 3:23, 105:11 Martin ^[1] - 86:24 MASE ^[2] - 145:11, 177:11 MASE's ^[1] - 8:6 massive ^[3] - 111:2, 111:4, 114:13 master's ^[1] - 31:21 masters ^[1] - 113:6 Mateo ^[12] - 16:7, 16:23, 87:11, 109:8, 109:13, 111:11, 114:8, 115:17, 125:6, 135:17, 164:25, 169:7 material ^[10] - 28:19, 35:18, 76:9, 77:2, 77:9, 79:9, 103:22, 109:21, 132:25, 144:11 materials ^[7] - 25:25, 26:6, 33:15, 48:14, 77:18, 116:9, 124:10 MATTER ^[1] - 1:4</p>	<p>matter ^[7] - 1:18, 6:3, 32:22, 125:14, 154:3, 179:13, 179:14 matters ^[2] - 94:5, 109:1 maximum ^[1] - 27:18 Mayor ^[6] - 105:1, 105:7, 108:7, 120:24, 146:2, 158:25 MAYOR ^[3] - 105:4, 105:8, 105:15 McGee ^[4] - 14:21, 150:16, 151:12, 160:8 mean ^[11] - 31:9, 54:22, 57:2, 57:18, 64:18, 72:24, 120:14, 138:8, 155:3, 155:6, 157:11 meaning ^[1] - 128:14 means ^[9] - 16:12, 20:12, 41:2, 41:3, 50:19, 61:24, 68:13, 91:25, 141:11 meant ^[5] - 47:22, 55:7, 56:21, 97:7, 138:3 meantime ^[1] - 34:10 measure ^[3] - 130:5, 134:18, 157:17 measures ^[3] - 78:19, 78:21, 87:19 mechanics ^[3] - 23:24, 23:25 mechanism ^[1] - 79:3 mediation ^[1] - 56:6 medium ^[1] - 136:14 meet ^[5] - 27:15, 40:9, 130:18, 136:23, 137:14 meeting ^[4] - 70:9, 74:1, 142:12, 155:12 Meeting ^[1] - 1:20 meetings ^[1] - 120:12 meets ^[2] - 49:13, 51:20 Melody ^[1] - 95:5 MELODY ^[2] - 3:15, 95:1 member ^[6] - 32:2, 108:22, 118:11, 152:14, 152:17, 152:18 members ^[6] - 9:6, 32:3, 82:15, 86:21, 86:25, 98:13 Members ^[1] - 86:24 Memorandum ^[1] - 82:22</p>	<p>memory ^[1] - 57:20 men ^[2] - 22:6, 148:3 mentioned ^[9] - 19:14, 45:5, 55:4, 64:14, 86:20, 124:25, 138:12, 140:16, 166:15 mentioning ^[1] - 134:23 mercy ^[1] - 71:22 mere ^[2] - 93:14, 143:17 merged ^[1] - 135:21 merger ^[2] - 15:19, 17:21 Merriam ^[1] - 128:9 Merriam-Webster ^[1] - 128:9 Mesa ^[3] - 72:25, 133:10, 135:5 message ^[1] - 165:11 met ^[2] - 94:8, 134:7 metal ^[2] - 115:14, 116:22 methods ^[2] - 124:5, 135:18 MEXICO ^[3] - 1:1, 2:15, 179:1 Mexico ^[68] - 1:21, 2:4, 2:10, 2:17, 2:22, 6:10, 7:25, 8:19, 10:1, 10:5, 16:20, 28:25, 33:6, 35:5, 35:16, 40:5, 56:10, 87:6, 90:6, 92:10, 95:8, 97:21, 97:23, 97:24, 98:4, 98:11, 98:22, 100:7, 100:11, 100:15, 101:11, 102:21, 104:3, 107:2, 107:11, 111:14, 111:20, 114:5, 115:25, 116:25, 117:14, 117:16, 118:12, 119:5, 119:6, 122:18, 122:21, 123:24, 124:6, 124:14, 141:15, 147:2, 150:13, 152:15, 164:23, 166:5, 166:11, 166:16, 166:21, 167:7, 167:10, 167:16, 167:17, 168:22, 170:15, 171:12, 172:12, 174:15 Meyer ^[4] - 95:5, 96:22, 97:1, 97:14</p>	<p>MEYER ^[5] - 3:15, 95:1, 95:5, 97:4, 97:13 Michael ^[2] - 8:13, 8:14 MICHAEL ^[2] - 3:17, 97:15 Michelle ^[1] - 9:10 MICHELLE ^[2] - 3:21, 103:5 microphone ^[2] - 117:22, 121:1 microphones ^[1] - 120:10 mid ^[2] - 65:19, 153:16 middle ^[5] - 43:1, 47:18, 48:11, 147:17, 148:3 might ^[17] - 8:18, 10:19, 21:7, 31:19, 34:21, 40:9, 68:6, 71:1, 81:10, 81:11, 105:19, 106:9, 121:10, 129:24, 135:3, 149:4 Miguel ^[2] - 114:15, 115:18 mil ^[1] - 45:20 Milan ^[2] - 164:24, 171:8 mile ^[1] - 16:7 miles ^[5] - 45:13, 115:2, 129:5, 150:14, 158:17 milestones ^[6] - 138:23, 140:4, 142:12, 143:19, 144:1, 144:2 mill ^[40] - 17:9, 28:15, 72:9, 72:13, 72:22, 73:11, 73:17, 74:2, 74:11, 81:9, 81:11, 115:2, 115:10, 130:2, 131:6, 133:9, 135:15, 140:16, 140:18, 140:24, 141:2, 141:4, 141:19, 141:21, 142:1, 142:3, 142:5, 142:8, 142:11, 142:23, 143:11, 143:12, 143:15, 143:24, 171:12, 171:15, 171:20 Mill ^[6] - 74:6, 93:10, 124:12, 135:5, 141:2, 142:19 milled ^[3] - 72:6, 81:10, 81:11 millennia ^[1] - 109:7</p>
--	---	---	--	--

<p>millimeter ^[1] - 45:21 Milling ^[2] - 90:23, 110:21 milling ^[2] - 72:3, 115:8 million ^[12] - 16:12, 52:7, 52:11, 132:22, 133:5, 133:7, 133:9, 133:11, 133:19, 134:3, 134:24, 140:14 millions ^[3] - 60:3, 108:1 mills ^[4] - 32:8, 109:17, 135:5, 143:4 minds ^[1] - 177:19 Mine ^[61] - 7:17, 13:6, 13:7, 13:9, 14:24, 15:8, 15:22, 15:23, 15:24, 16:2, 16:5, 17:2, 23:16, 30:23, 32:14, 33:10, 35:2, 83:10, 83:25, 87:10, 87:15, 87:16, 89:16, 92:6, 109:9, 110:2, 110:11, 112:9, 113:13, 113:14, 113:17, 114:9, 115:13, 115:16, 115:21, 116:3, 116:6, 125:1, 125:2, 126:4, 129:25, 135:14, 135:16, 138:2, 140:12, 141:14, 142:6, 148:20, 148:25, 149:2, 165:9, 166:6, 166:17, 166:18, 168:14, 168:15, 169:5, 171:17, 172:4 MINE ^[1] - 1:5 mine ^[186] - 6:4, 13:10, 13:11, 13:17, 13:20, 14:18, 15:14, 17:17, 17:22, 17:25, 18:12, 18:16, 18:25, 19:12, 19:21, 20:13, 21:11, 21:12, 22:23, 24:2, 24:5, 24:15, 24:21, 25:7, 25:8, 25:9, 25:12, 25:16, 26:3, 26:9, 26:11, 28:13, 28:14, 30:12, 31:1, 31:3, 31:8, 31:12, 33:7, 33:11, 33:20, 34:11, 35:9, 36:3, 36:8, 36:9, 36:15, 36:18, 36:22, 37:20, 37:21, 38:5, 38:20, 39:1, 39:7, 39:14, 39:19, 39:24,</p>	<p>39:25, 40:6, 40:7, 40:13, 40:16, 41:5, 41:7, 41:8, 41:12, 41:16, 42:19, 44:6, 45:4, 45:6, 45:8, 45:11, 45:13, 46:19, 49:12, 49:20, 50:2, 51:1, 51:3, 51:5, 51:10, 51:11, 52:8, 52:10, 52:14, 53:20, 53:24, 54:4, 54:8, 54:12, 54:13, 54:14, 54:21, 54:23, 55:1, 55:5, 55:18, 56:17, 57:9, 57:10, 57:17, 57:24, 57:25, 60:25, 64:25, 69:2, 69:19, 70:10, 71:5, 72:12, 72:14, 83:10, 85:3, 87:8, 87:18, 87:24, 88:3, 89:4, 89:18, 94:7, 99:8, 99:10, 106:21, 109:22, 110:5, 110:7, 110:9, 110:18, 110:24, 111:4, 111:16, 111:17, 112:10, 113:11, 113:17, 113:18, 114:2, 114:10, 114:12, 114:16, 114:22, 115:5, 115:10, 116:5, 116:19, 119:20, 124:12, 125:8, 125:9, 126:11, 126:14, 126:18, 126:19, 126:20, 127:12, 127:13, 127:17, 130:1, 138:8, 141:3, 141:17, 141:18, 142:8, 142:9, 142:16, 143:20, 143:24, 144:6, 148:22, 151:12, 151:14, 151:16, 156:1, 159:18, 161:9, 161:20, 165:4, 168:16, 169:2, 170:24, 171:19, 173:4 mined ^[4] - 17:14, 18:22, 162:20, 170:21 miner ^[4] - 107:21, 162:14, 162:16, 162:18 Mineral ^[2] - 16:21, 116:25 mineral ^[2] - 16:25, 129:17 mineralization ^[2] - 29:15, 80:24</p>	<p>mineralized ^[1] - 80:24 Minerals ^[24] - 7:4, 8:8, 11:13, 15:5, 15:6, 22:12, 87:6, 98:23, 100:8, 100:15, 102:19, 111:13, 112:15, 112:24, 113:19, 113:24, 114:3, 115:19, 119:5, 127:4, 135:14, 167:17, 168:22, 178:11 MINERALS ^[1] - 1:1 miners ^[3] - 146:6, 146:9, 151:13 mines ^[34] - 24:4, 32:8, 33:5, 33:9, 95:22, 95:23, 96:1, 109:17, 112:8, 112:12, 116:16, 125:5, 133:8, 134:8, 135:1, 148:15, 149:1, 150:15, 157:15, 158:19, 159:4, 159:13, 159:15, 160:11, 160:15, 163:12, 166:15, 166:20, 167:3, 168:12 minimal ^[1] - 88:4 minimum ^[4] - 67:6, 69:3, 131:3, 131:4 MINING ^[1] - 1:1 mining ^[64] - 6:11, 6:21, 14:23, 17:12, 17:24, 18:5, 18:10, 18:18, 21:18, 26:7, 32:18, 42:24, 42:25, 44:2, 44:4, 52:1, 77:15, 87:13, 89:19, 89:21, 89:25, 90:9, 90:11, 91:13, 91:21, 95:9, 95:11, 96:16, 99:9, 101:15, 107:13, 107:14, 108:2, 113:5, 113:8, 113:22, 114:12, 115:8, 117:16, 118:18, 119:13, 126:12, 126:24, 127:22, 127:25, 139:22, 146:7, 146:13, 146:16, 146:18, 148:21, 148:24, 149:6, 149:11, 149:13, 152:6, 157:1, 162:15, 162:21, 163:9, 169:24, 170:19, 171:21 Mining ^[40] - 7:4,</p>	<p>11:13, 32:2, 32:5, 32:20, 32:22, 33:4, 33:8, 40:3, 52:5, 87:6, 90:16, 90:22, 98:23, 100:7, 100:15, 102:19, 110:14, 110:21, 110:22, 111:13, 111:20, 112:12, 112:14, 112:24, 113:19, 113:23, 114:3, 115:19, 117:15, 118:23, 119:5, 126:23, 127:4, 142:21, 147:12, 167:17, 168:11, 168:22, 178:11 minor ^[1] - 27:6 Minority ^[1] - 135:16 minute ^[8] - 21:9, 22:4, 22:23, 27:19, 52:23, 55:18, 144:21, 156:21 minutes ^[4] - 6:24, 16:18, 52:25, 144:20 misperception ^[1] - 68:19 misplaced ^[1] - 34:4 mission ^[1] - 115:24 mistakes ^[4] - 90:12, 149:15, 149:19, 149:24 mitigate ^[3] - 23:15, 115:21, 166:2 mixed ^[1] - 170:7 mixes ^[1] - 114:14 mixture ^[1] - 42:5 MMD ^[1] - 51:19 MMD's ^[1] - 41:1 mo/se ^[2] - 38:1, 44:13 mobilize ^[1] - 24:19 mode ^[2] - 19:8, 144:8 modern ^[3] - 37:24, 106:20, 149:22 MODRALL ^[1] - 2:9 Modrall ^[3] - 7:11, 7:15, 7:20 moly ^[1] - 27:13 moly-selenium ^[1] - 27:13 moly/selenium ^[1] - 38:1 molybdenum ^[2] - 27:23, 43:9 molybdenum- selenium ^[1] - 27:23 mom ^[1] - 151:14 moment ^[1] - 26:24</p>	<p>money ^[19] - 17:8, 20:19, 20:20, 20:22, 22:20, 59:5, 60:3, 60:4, 100:19, 107:25, 119:11, 155:11, 156:2, 156:3, 156:4, 157:14, 158:1, 159:8, 161:22 Money ^[1] - 156:4 monitor ^[1] - 47:10 monitoring ^[1] - 112:21 Monsanto ^[1] - 103:12 monster ^[1] - 175:13 month ^[2] - 128:4, 131:11 months ^[14] - 35:4, 51:15, 63:9, 66:3, 66:4, 66:10, 66:13, 66:16, 74:8, 74:20, 131:20, 155:18 moons ^[1] - 161:12 Morgan ^[1] - 173:20 MORGAN ^[3] - 5:8, 169:15, 169:19 morning ^[2] - 6:1, 106:3 Morrison ^[4] - 84:21, 85:3, 91:5, 114:13 Most ^[4] - 26:4, 27:5, 71:17, 80:2 most ^[20] - 16:25, 18:18, 41:9, 44:6, 44:7, 44:8, 71:18, 71:25, 80:3, 91:16, 91:23, 105:20, 109:17, 112:23, 134:12, 140:21, 150:18, 160:7, 161:13, 168:10 mostly ^[3] - 16:10, 145:24, 146:19 mother ^[2] - 119:18, 119:19 Mother ^[1] - 120:5 MOU ^[1] - 82:25 Mount ^[70] - 7:17, 13:7, 13:8, 14:24, 16:4, 17:1, 17:24, 18:5, 18:18, 23:16, 24:4, 30:23, 32:13, 32:19, 33:9, 35:2, 40:14, 65:3, 73:7, 87:8, 87:10, 87:15, 89:16, 90:4, 92:6, 101:17, 101:24, 101:25, 102:14, 103:11, 104:1, 104:16, 109:3, 109:8,</p>
--	---	---	---	---

<p>109:18, 110:2, 112:8, 113:13, 113:17, 114:9, 115:16, 115:20, 116:5, 119:17, 120:5, 122:18, 122:22, 124:11, 125:2, 126:3, 129:5, 129:25, 135:16, 138:1, 138:2, 140:12, 141:2, 141:13, 142:6, 149:1, 151:6, 153:6, 165:9, 166:6, 166:16, 168:14, 168:15, 169:5, 172:3</p> <p>mountain ^[26] - 90:1, 102:15, 104:1, 152:2, 153:7, 153:9, 154:24, 154:25, 155:2, 155:20, 155:21, 155:22, 162:5, 162:6, 162:11, 163:25, 169:21, 172:2, 172:8, 172:18, 172:20, 173:1, 173:8, 173:9, 173:16, 174:25</p> <p>Mountain ^[1] - 151:7</p> <p>mountains ^[7] - 104:4, 150:24, 151:9, 155:9, 158:18, 158:24, 159:12</p> <p>mounting ^[1] - 104:12</p> <p>move ^[8] - 46:4, 46:7, 53:10, 87:8, 92:4, 161:2, 161:4, 166:6</p> <p>moved ^[2] - 43:19, 97:24</p> <p>movement ^[1] - 28:22</p> <p>moving ^[2] - 93:17, 164:4</p> <p>Moving ^[1] - 137:24</p> <p>MR ^[210] - 2:7, 2:8, 2:14, 7:10, 7:23, 8:13, 8:20, 9:19, 9:24, 9:25, 10:25, 11:16, 11:23, 12:1, 12:9, 12:15, 12:24, 13:3, 14:4, 14:8, 14:14, 52:19, 52:22, 53:15, 53:18, 53:22, 53:23, 54:1, 54:3, 54:6, 54:7, 54:11, 54:19, 54:23, 54:25, 55:3, 55:4, 55:8, 55:10, 55:11, 56:5, 56:7, 56:15, 56:22, 57:18, 58:1, 58:3, 58:9, 58:11,</p>	<p>58:12, 58:16, 58:25, 59:1, 59:13, 59:16, 59:17, 59:19, 59:23, 60:2, 60:7, 60:14, 60:16, 60:20, 61:3, 61:5, 61:8, 61:20, 62:6, 62:9, 62:13, 63:17, 64:6, 64:12, 64:20, 64:23, 64:24, 65:8, 65:9, 65:10, 65:12, 65:13, 65:15, 65:17, 65:18, 65:23, 66:2, 66:4, 66:5, 66:6, 66:7, 66:12, 66:16, 66:18, 66:20, 67:1, 67:3, 67:5, 67:8, 67:11, 67:21, 68:3, 68:7, 68:10, 68:22, 68:25, 69:7, 69:10, 69:16, 69:23, 70:20, 70:24, 71:24, 72:8, 72:9, 72:11, 72:21, 72:23, 72:24, 73:1, 73:2, 73:4, 73:6, 73:7, 73:13, 74:17, 74:20, 74:23, 75:2, 75:11, 75:16, 75:25, 76:4, 76:11, 76:17, 76:22, 77:7, 77:10, 77:14, 77:20, 77:22, 78:1, 78:5, 78:10, 78:19, 79:12, 79:17, 79:18, 79:19, 79:21, 79:22, 79:24, 79:25, 80:2, 80:8, 80:10, 80:11, 80:13, 80:14, 80:17, 80:20, 80:21, 80:23, 81:4, 81:5, 81:6, 81:7, 81:10, 81:13, 81:14, 81:23, 82:4, 82:10, 82:17, 82:21, 83:8, 83:16, 83:21, 83:24, 84:12, 84:19, 84:24, 85:5, 85:14, 86:8, 96:23, 96:25, 97:12, 97:19, 98:10, 101:7, 105:1, 117:21, 118:2, 121:6, 121:10, 121:19, 123:11, 123:20, 144:16, 144:19, 145:2, 145:8, 145:12, 148:15, 150:12, 152:13, 154:22, 156:19, 163:5, 174:5</p> <p>MS ^[115] - 2:3, 2:8, 2:15, 2:20, 6:1, 7:21, 8:7, 8:14, 8:21, 9:1, 9:8, 9:10, 9:12, 9:14, 9:17, 9:22, 10:3, 10:5, 10:7, 11:5, 11:22,</p>	<p>11:25, 12:4, 12:13, 12:22, 12:25, 14:2, 14:6, 30:15, 52:16, 52:21, 52:24, 53:2, 58:6, 61:19, 68:9, 68:20, 68:24, 80:16, 81:15, 81:17, 81:19, 82:2, 82:6, 82:13, 82:18, 82:23, 83:14, 83:18, 83:22, 84:7, 84:16, 84:21, 84:25, 85:11, 86:1, 86:3, 86:9, 88:10, 88:22, 89:1, 89:2, 89:9, 94:17, 95:5, 96:22, 96:24, 97:4, 97:13, 97:14, 98:9, 101:2, 103:3, 103:9, 104:19, 105:3, 105:5, 105:10, 108:7, 108:11, 108:20, 117:19, 117:24, 118:3, 118:10, 121:3, 121:8, 121:12, 123:3, 123:7, 144:13, 144:18, 144:21, 144:24, 145:4, 145:10, 145:14, 145:22, 148:8, 150:6, 152:8, 154:16, 156:12, 158:4, 158:11, 159:24, 160:6, 162:25, 164:11, 167:22, 168:5, 169:13, 169:19, 173:20, 178:7</p> <p>MSHA ^[1] - 23:23</p> <p>multi ^[2] - 35:14, 143:25</p> <p>multi-factor ^[1] - 143:25</p> <p>multi-sector ^[1] - 35:14</p> <p>multicultural ^[1] - 117:6</p> <p>Multicultural ^[8] - 2:13, 8:1, 8:4, 108:24, 117:1, 123:12, 125:22, 168:6</p> <p>multiple ^[1] - 63:14</p> <p>municipal ^[2] - 85:2, 91:6</p> <p>must ^[10] - 90:7, 91:13, 92:14, 92:17, 103:4, 103:20, 129:18, 138:1, 158:14</p>	<p>129:16, 130:14</p> <p>Nagasaki ^[1] - 151:22</p> <p>name ^[19] - 6:1, 6:18, 7:24, 9:4, 9:10, 30:20, 94:24, 95:5, 108:14, 108:21, 118:5, 118:10, 121:14, 123:22, 145:22, 156:22, 164:6, 168:5, 174:5</p> <p>named ^[1] - 101:24</p> <p>names ^[1] - 99:17</p> <p>Nation ^[12] - 9:20, 96:19, 97:25, 151:10, 152:14, 152:18, 152:20, 153:1, 154:23, 156:5, 174:8, 174:14</p> <p>nation ^[5] - 91:21, 146:19, 153:14, 174:13</p> <p>National ^[5] - 35:7, 116:10, 116:17, 142:21, 143:3</p> <p>national ^[3] - 90:20, 165:24, 175:19</p> <p>Nations ^[1] - 122:8</p> <p>Native ^[8] - 97:4, 97:7, 103:9, 120:22, 172:17, 172:19, 172:24, 176:25</p> <p>native ^[1] - 174:21</p> <p>natural ^[8] - 91:18, 92:15, 117:7, 151:11, 152:4, 152:25, 176:4, 178:2</p> <p>Natural ^[2] - 8:8, 87:1</p> <p>nature ^[2] - 113:3, 139:10</p> <p>nature's ^[1] - 150:20</p> <p>natures ^[1] - 150:19</p> <p>Navajo ^[18] - 9:20, 10:1, 96:19, 151:10, 152:14, 152:18, 152:20, 153:1, 153:18, 154:23, 156:5, 174:6, 174:8, 174:14, 174:21, 175:9, 176:2, 176:11</p> <p>NE ^[1] - 2:22</p> <p>near ^[7] - 87:10, 95:9, 96:18, 113:17, 141:5, 160:11</p> <p>nearby ^[2] - 87:22, 115:3</p> <p>necessarily ^[1] - 31:1</p> <p>necessary ^[14] -</p>	<p>12:1, 22:2, 24:1, 24:20, 39:8, 92:24, 129:3, 130:3, 130:7, 139:10, 139:12, 142:15, 143:20, 143:23</p> <p>necessity ^[1] - 122:23</p> <p>need ^[45] - 7:7, 11:5, 12:12, 19:22, 27:6, 43:12, 46:21, 63:13, 64:1, 71:25, 72:6, 93:3, 94:23, 103:22, 106:2, 108:14, 112:20, 113:19, 117:23, 120:18, 122:5, 122:13, 122:19, 130:2, 132:8, 135:4, 153:23, 159:17, 159:21, 161:1, 162:1, 162:3, 166:22, 166:24, 167:1, 170:24, 171:7, 173:13, 175:15, 175:18, 176:8, 177:25</p> <p>needed ^[14] - 34:22, 35:23, 38:25, 43:17, 46:14, 46:25, 47:14, 49:23, 61:10, 119:9, 134:2, 146:5, 168:9, 171:1</p> <p>needs ^[16] - 45:1, 55:25, 56:1, 85:2, 93:22, 95:25, 96:13, 100:17, 100:24, 137:13, 140:11, 149:11, 171:5, 171:10, 171:22, 172:5</p> <p>negative ^[1] - 129:11</p> <p>negatively ^[1] - 151:24</p> <p>negotiating ^[1] - 87:17</p> <p>negotiation ^[1] - 32:23</p> <p>neighbors ^[1] - 177:16</p> <p>nervous ^[1] - 98:8</p> <p>never ^[10] - 46:21, 57:15, 78:3, 90:24, 131:19, 146:6, 149:3, 162:11, 164:3, 172:19</p> <p>Nevertheless ^[1] - 113:16</p> <p>NEW ^[3] - 1:1, 2:15, 179:1</p> <p>new ^[23] - 19:20, 33:9, 37:25, 38:13, 48:15, 48:24, 49:5, 49:6, 50:5, 51:5,</p>
		N		
		N143-101 ^[2] -		

<p>54:18, 67:19, 78:24, 111:16, 134:2, 137:9, 146:17, 165:16, 167:7, 167:9, 169:23, 171:20</p> <p>New [67] - 1:21, 2:4, 2:10, 2:17, 2:22, 6:10, 7:25, 8:19, 10:1, 10:5, 16:20, 28:25, 33:5, 35:5, 35:16, 40:4, 56:9, 87:6, 90:6, 92:10, 95:7, 97:21, 97:23, 97:24, 98:4, 98:11, 98:22, 100:7, 100:11, 100:15, 101:11, 102:21, 104:2, 107:2, 107:11, 111:13, 111:20, 114:5, 115:24, 116:25, 117:14, 117:16, 119:5, 119:6, 122:17, 122:20, 123:24, 124:6, 124:14, 141:15, 147:2, 150:12, 152:15, 164:23, 166:4, 166:11, 166:16, 166:20, 167:7, 167:10, 167:16, 167:17, 168:22, 170:15, 171:12, 172:12, 174:14</p> <p>newly [2] - 48:20, 77:10</p> <p>Next [15] - 7:16, 7:17, 14:19, 16:4, 19:7, 19:24, 21:8, 23:7, 25:5, 25:16, 27:9, 28:12, 29:11, 30:9, 135:2</p> <p>next [18] - 7:19, 24:24, 31:7, 47:17, 53:5, 72:18, 75:15, 94:22, 94:23, 114:9, 130:9, 130:20, 132:17, 134:20, 136:23, 137:22, 137:23, 145:15</p> <p>night [1] - 114:25</p> <p>nine [3] - 90:20, 136:23, 137:6</p> <p>NM [1] - 179:20</p> <p>NMED [5] - 40:14, 41:14, 51:22, 55:22, 147:12</p> <p>NMED's [1] - 41:2</p> <p>NO [1] - 1:5</p> <p>nobody [2] - 72:2, 151:20</p>	<p>nominated [1] - 122:17</p> <p>non [5] - 88:13, 88:14, 106:11, 176:11</p> <p>non-indigenous [1] - 176:11</p> <p>non-Navajo [1] - 176:11</p> <p>non-profit [1] - 106:11</p> <p>non-technical [2] - 88:13, 88:14</p> <p>none [2] - 132:9, 156:5</p> <p>None [1] - 109:23</p> <p>nonetheless [1] - 34:24</p> <p>noon [1] - 151:8</p> <p>normally [1] - 24:7</p> <p>north [3] - 45:13, 46:18</p> <p>North [1] - 89:13</p> <p>northeast [2] - 16:7, 150:14</p> <p>northwest [1] - 27:10</p> <p>Northwest [2] - 116:24, 123:25</p> <p>note [1] - 108:5</p> <p>notes [3] - 126:11, 179:7</p> <p>nothing [9] - 106:15, 146:23, 163:15, 176:13, 176:14, 176:15, 176:19, 176:21</p> <p>notice [2] - 35:13, 106:3</p> <p>noticed [3] - 72:1, 72:17, 83:2</p> <p>notion [1] - 12:19</p> <p>November [2] - 106:22, 140:25</p> <p>nowhere [1] - 171:13</p> <p>NPDES [1] - 35:7</p> <p>NRC [16] - 72:15, 72:17, 73:14, 73:15, 73:19, 73:25, 74:10, 74:14, 74:24, 84:5, 133:23, 134:5, 140:18, 140:25, 141:1, 143:2</p> <p>NRC's [2] - 73:21, 142:21</p> <p>Nuclear [3] - 116:24, 136:3, 150:16</p> <p>nuclear [13] - 72:5, 104:9, 106:16, 115:12, 116:19, 116:20, 116:21, 147:6, 147:7, 151:19,</p>	<p>153:16, 169:25, 172:23</p> <p>Nukes [3] - 151:18, 169:23, 177:11</p> <p>Number [1] - 40:15</p> <p>number [8] - 6:7, 11:8, 44:10, 80:5, 107:9, 138:19, 146:18</p> <p>numbers [3] - 61:17, 129:10</p> <p style="text-align: center;">O</p> <p>oath [27] - 6:14, 14:11, 30:17, 86:15, 89:6, 95:2, 97:16, 101:5, 103:6, 105:12, 108:17, 118:7, 121:16, 123:17, 145:19, 148:12, 150:9, 152:10, 154:19, 156:16, 158:8, 160:3, 163:2, 164:14, 168:2, 169:16, 174:2</p> <p>object [2] - 12:11, 68:12</p> <p>objection [1] - 14:5</p> <p>Objection [1] - 10:22</p> <p>objections [1] - 11:11</p> <p>objective [1] - 70:10</p> <p>objectives [4] - 13:9, 14:18, 19:24, 30:12</p> <p>objects [1] - 92:7</p> <p>observe [1] - 47:9</p> <p>obviously [9] - 31:10, 39:12, 45:18, 46:23, 46:24, 69:14, 98:6, 120:23, 146:25</p> <p>occasionally [1] - 160:10</p> <p>occupation [1] - 23:24</p> <p>occupations [2] - 23:18, 146:3</p> <p>occupies [1] - 48:11</p> <p>occur [4] - 36:17, 57:25, 122:24, 128:18</p> <p>occurred [3] - 55:5, 55:6, 55:9</p> <p>occurring [5] - 126:17, 138:14, 138:16, 139:23, 142:16</p> <p>occurs [1] - 128:2</p> <p>ocean [1] - 104:7</p> <p>Ocean [1] - 104:11</p> <p>oceans [1] - 104:7</p>	<p>October [1] - 34:18</p> <p>OF [6] - 1:1, 1:4, 1:5, 1:12, 179:1, 179:3</p> <p>off-site [2] - 48:13, 81:9</p> <p>Off-site [1] - 81:5</p> <p>offend [1] - 105:19</p> <p>offended [1] - 120:25</p> <p>offer [15] - 88:18, 94:18, 95:8, 97:20, 108:12, 121:13, 148:9, 154:17, 156:13, 158:5, 159:25, 167:23, 169:14, 173:21</p> <p>offered [1] - 138:22</p> <p>offering [3] - 92:8, 150:22, 150:25</p> <p>offerings [1] - 155:21</p> <p>Offerings [1] - 10:22</p> <p>offhand [1] - 58:2</p> <p>office [2] - 26:15, 152:21</p> <p>Office [5] - 9:20, 83:6, 83:9, 83:15, 83:19</p> <p>Officer [25] - 1:19, 2:2, 6:2, 7:11, 7:24, 11:1, 11:17, 12:10, 12:16, 13:4, 14:15, 53:16, 58:3, 68:7, 96:23, 108:21, 117:21, 123:12, 135:3, 144:16, 144:19, 145:2, 145:9, 145:12, 164:18</p> <p>officers [2] - 86:23, 107:17</p> <p>Offices [1] - 1:20</p> <p>offices [3] - 10:17, 26:10, 43:13</p> <p>OFFICES [1] - 2:21</p> <p>offputting [1] - 157:7</p> <p>Ohori [1] - 8:10</p> <p>oil [5] - 107:5, 156:7, 156:8, 158:18</p> <p>old [6] - 116:5, 141:25, 149:13, 160:17, 162:14, 174:7</p> <p>older [1] - 148:20</p> <p>oldest [2] - 89:12, 97:4</p> <p>on-line [2] - 54:16, 134:2</p> <p>on-site [6] - 66:19, 77:19, 78:6, 109:23, 112:3, 114:25</p> <p>on-the-ground [1] - 111:9</p>	<p>once [9] - 37:12, 38:20, 49:9, 63:22, 77:9, 79:9, 113:7, 141:20, 142:2</p> <p>one [82] - 7:18, 10:16, 15:3, 17:25, 18:5, 18:19, 21:18, 23:8, 24:20, 32:2, 32:3, 33:9, 34:6, 35:3, 35:10, 35:11, 35:14, 35:21, 36:1, 37:10, 37:16, 38:12, 39:10, 39:17, 40:16, 40:20, 45:1, 45:21, 46:10, 47:24, 55:19, 59:16, 61:20, 62:15, 62:17, 63:16, 65:3, 65:4, 68:8, 77:1, 78:11, 79:13, 83:11, 84:4, 84:5, 84:19, 86:23, 89:3, 94:1, 96:15, 97:9, 98:16, 104:21, 105:5, 107:7, 107:9, 108:8, 108:12, 117:24, 118:1, 118:3, 120:10, 122:11, 131:16, 133:9, 136:9, 137:21, 139:3, 142:20, 146:8, 148:25, 149:10, 152:25, 153:8, 154:13, 162:11, 162:12, 165:21, 168:16, 177:25</p> <p>One [10] - 23:15, 35:9, 35:24, 40:1, 40:13, 72:1, 81:13, 98:6, 156:24, 168:8</p> <p>one-fifth [1] - 137:21</p> <p>one-millimeter [1] - 45:21</p> <p>one-year [1] - 17:25</p> <p>ones [4] - 19:20, 41:10, 65:21, 149:10</p> <p>ongoing [2] - 100:2, 109:9</p> <p>open [13] - 11:20, 12:2, 12:19, 17:22, 85:23, 99:20, 110:5, 112:10, 114:17, 156:1, 159:18, 163:11, 163:14</p> <p>Opening [2] - 3:2, 3:3</p> <p>opening [3] - 22:23, 42:7, 159:16</p> <p>openings [2] - 41:17, 78:3</p> <p>operate [9] - 17:23, 24:2, 24:15, 54:14,</p>
---	---	--	--	--

<p>59:2, 66:24, 142:9, 153:2, 171:2</p> <p>operated [3] - 137:20, 138:2, 150:16</p> <p>operates [1] - 36:15</p> <p>operating [14] - 18:1, 27:22, 31:15, 33:6, 36:6, 36:18, 51:11, 62:17, 126:17, 128:23, 134:10, 134:15, 135:6, 168:17</p> <p>operation [20] - 15:12, 17:5, 18:22, 23:7, 33:10, 44:14, 47:11, 52:8, 70:10, 93:20, 110:10, 126:25, 127:14, 128:3, 128:5, 129:4, 132:8, 142:6, 144:9, 171:16</p> <p>operational [1] - 127:24</p> <p>Operations [1] - 111:20</p> <p>operations [25] - 15:16, 16:5, 21:9, 22:1, 29:17, 29:18, 30:6, 32:11, 54:20, 77:15, 77:23, 78:24, 110:14, 110:18, 113:8, 126:12, 127:22, 127:25, 132:20, 140:13, 152:22, 153:15, 169:24, 170:20, 171:2</p> <p>operator [1] - 43:25</p> <p>opinion [3] - 107:15, 127:24, 142:9</p> <p>opinions [1] - 178:1</p> <p>opportunities [1] - 88:20</p> <p>opportunity [15] - 11:19, 53:13, 69:25, 89:14, 96:11, 101:9, 103:1, 117:12, 126:2, 144:11, 148:6, 164:9, 164:18, 167:2, 167:21</p> <p>opposed [4] - 101:14, 122:25, 153:19, 170:1</p> <p>options [3] - 73:1, 154:7, 162:3</p> <p>Order [1] - 116:9</p> <p>order [13] - 20:5, 21:3, 22:15, 24:2, 24:15, 69:17, 69:18, 71:13, 72:4, 102:22, 138:16, 139:24, 140:9</p> <p>ore [43] - 25:13, 26:8, 28:12, 28:13, 28:14,</p>	<p>28:16, 28:19, 29:5, 29:13, 38:21, 38:22, 39:14, 43:3, 48:8, 48:10, 48:12, 48:18, 48:21, 51:5, 51:6, 72:6, 72:10, 80:18, 80:23, 80:25, 81:1, 81:2, 81:4, 106:25, 110:5, 110:6, 112:2, 112:6, 112:7, 112:10, 114:24, 122:2, 127:18, 140:2, 140:5, 143:12, 143:25</p> <p>organization [4] - 97:5, 121:22, 122:25, 145:25</p> <p>Organization [1] - 136:2</p> <p>organizations [3] - 10:2, 106:11, 177:8</p> <p>organizing [1] - 98:3</p> <p>original [4] - 46:16, 47:19, 47:24, 149:17</p> <p>Orth [3] - 3:2, 5:12, 6:2</p> <p>ORTH [78] - 1:19, 2:3, 6:1, 7:21, 8:7, 8:14, 8:21, 9:8, 9:12, 9:17, 9:22, 10:3, 10:7, 11:5, 11:22, 11:25, 12:4, 12:13, 12:22, 12:25, 14:2, 14:6, 30:15, 52:16, 52:21, 52:24, 53:2, 58:6, 68:9, 68:20, 68:24, 80:16, 81:15, 86:3, 86:9, 88:10, 89:1, 94:17, 96:22, 96:24, 97:14, 98:9, 101:2, 103:3, 104:19, 105:3, 105:5, 105:10, 108:7, 108:11, 117:19, 117:24, 118:3, 121:3, 121:8, 121:12, 123:3, 123:7, 144:13, 144:18, 144:21, 144:24, 145:4, 145:10, 145:14, 148:8, 150:6, 152:8, 154:16, 156:12, 158:4, 159:24, 162:25, 164:11, 167:22, 169:13, 173:20, 178:7</p> <p>otherwise [2] - 36:12, 51:18</p> <p>outdoors [1] - 161:5</p> <p>outer [6] - 67:15, 67:23, 68:6, 68:10, 68:13, 68:18</p>	<p>outfall [1] - 85:8</p> <p>outflow [1] - 44:23</p> <p>outlay [1] - 119:15</p> <p>outlined [1] - 114:4</p> <p>outreach [3] - 97:7, 97:10</p> <p>outside [3] - 157:8, 157:9, 157:10</p> <p>outslope [1] - 46:10</p> <p>outslopes [2] - 38:18, 47:2</p> <p>over-appropriated [1] - 91:11</p> <p>overall [4] - 52:12, 70:9, 70:10, 126:19</p> <p>overlap [1] - 39:12</p> <p>overlaps [1] - 40:23</p> <p>overnight [1] - 22:9</p> <p>overpopulated [1] - 161:23</p> <p>overseer [1] - 54:19</p> <p>oversight [2] - 106:15, 106:18</p> <p>overview [1] - 31:3</p> <p>own [11] - 16:24, 39:15, 59:5, 60:3, 60:4, 73:11, 95:23, 102:3, 131:6, 151:11, 159:3</p> <p>owned [4] - 18:7, 79:22, 114:2, 129:20</p> <p>owner [2] - 15:20, 113:22</p> <p>ownership [2] - 19:13, 113:18</p> <p>oxygenated [2] - 110:17, 116:4</p> <p style="text-align: center;">P</p> <p>P.A [1] - 2:9</p> <p>p.m [4] - 108:10, 123:6, 144:23, 178:20</p> <p>pace [2] - 140:11, 142:17</p> <p>Pacific [1] - 104:11</p> <p>packet [2] - 133:2, 140:22</p> <p>pad [11] - 25:13, 28:12, 28:13, 28:17, 28:19, 29:13, 29:16, 38:22, 39:14, 48:21, 140:5</p> <p>pads [1] - 140:2</p> <p>page [7] - 110:22, 110:23, 126:9, 127:9, 132:1, 178:15</p> <p>PAGE [3] - 3:1, 4:1, 5:1</p>	<p>paid [2] - 106:10, 107:18</p> <p>paint [1] - 55:25</p> <p>painted [1] - 55:25</p> <p>PAMELA [2] - 4:4, 118:6</p> <p>Pamela [1] - 118:10</p> <p>panel [6] - 13:23, 14:1, 14:3, 53:4, 53:8, 86:5</p> <p>panels [1] - 124:16</p> <p>papers [1] - 106:3</p> <p>Parallel [1] - 17:8</p> <p>parallel [2] - 62:25, 138:20</p> <p>parentheses [1] - 129:11</p> <p>Paris [1] - 165:25</p> <p>Park [1] - 8:2</p> <p>PARK [1] - 2:15</p> <p>parks [1] - 114:18</p> <p>part [31] - 6:11, 15:17, 17:19, 26:14, 26:17, 28:2, 29:12, 33:1, 35:25, 38:16, 38:19, 51:22, 58:19, 66:25, 67:4, 70:24, 78:18, 104:3, 140:3, 142:5, 143:13, 143:16, 147:4, 148:4, 151:19, 152:7, 155:18, 161:8, 163:8, 174:12</p> <p>Part [2] - 15:9, 127:23</p> <p>participants [1] - 84:20</p> <p>participated [5] - 84:10, 84:13, 84:19, 125:2, 125:4</p> <p>participating [2] - 124:10, 178:18</p> <p>participation [3] - 6:17, 82:16, 82:19</p> <p>particular [7] - 12:11, 36:7, 49:16, 102:12, 118:14, 122:12, 168:19</p> <p>particularly [3] - 16:10, 20:22, 101:16</p> <p>parties [1] - 179:12</p> <p>partner [1] - 7:15</p> <p>partners [1] - 134:8</p> <p>Parts [1] - 111:21</p> <p>parts [4] - 19:4, 64:4, 111:3, 167:11</p> <p>pass [2] - 49:22, 105:8</p> <p>passage [2] - 32:5, 33:11</p>	<p>passed [5] - 32:24, 33:4, 105:16, 120:13, 151:13</p> <p>passive [1] - 50:19</p> <p>past [16] - 29:1, 57:15, 57:21, 57:22, 60:9, 84:9, 90:11, 90:12, 90:24, 91:25, 124:4, 125:10, 131:8, 146:14, 149:25, 165:1</p> <p>patented [3] - 80:3, 80:6, 80:7</p> <p>patents [1] - 22:18</p> <p>path [3] - 63:2, 70:7, 70:13</p> <p>Pathway [1] - 142:19</p> <p>pathways [1] - 154:4</p> <p>Paul [6] - 8:5, 86:22, 123:13, 123:22, 168:24</p> <p>PAUL [2] - 4:8, 123:16</p> <p>pauses [1] - 142:14</p> <p>PEA [2] - 130:11, 130:12</p> <p>peak [2] - 131:18</p> <p>peaked [2] - 131:9, 131:17</p> <p>Peaks [1] - 119:23</p> <p>peer [1] - 125:8</p> <p>pending [4] - 83:6, 83:9, 83:19, 171:5</p> <p>people [70] - 17:8, 17:19, 23:17, 42:18, 72:16, 82:14, 90:19, 91:15, 92:15, 95:24, 96:4, 96:6, 98:4, 99:12, 99:15, 100:10, 101:8, 104:10, 106:1, 106:7, 107:12, 107:25, 120:21, 120:23, 122:8, 122:15, 138:7, 146:15, 149:12, 151:21, 151:24, 153:12, 153:18, 153:24, 154:8, 155:15, 157:10, 158:20, 158:23, 159:2, 159:4, 159:7, 163:23, 165:2, 167:15, 172:14, 172:17, 172:24, 173:6, 173:12, 173:17, 174:6, 174:10, 174:17, 174:22, 175:16, 175:21, 176:2, 176:9, 176:17, 176:18, 176:25, 177:5,</p>
---	--	---	---	--

<p>177:15, 177:21 People [4] - 106:2, 106:5, 164:22, 164:23 per [5] - 19:4, 133:18, 140:13, 140:15, 156:1 percent [8] - 27:21, 73:9, 133:6, 133:12, 133:13, 133:14, 133:21, 134:7 percentage [1] - 134:15 perfect [2] - 89:24, 168:15 perfectly [1] - 42:20 performance [2] - 46:15, 47:5 perhaps [10] - 16:6, 18:4, 18:8, 24:10, 28:1, 56:8, 128:7, 137:22, 146:14 period [20] - 15:24, 17:12, 17:25, 18:17, 23:2, 27:25, 33:25, 34:3, 44:4, 52:8, 55:6, 64:17, 65:2, 66:13, 67:12, 68:16, 106:6, 110:25, 128:4, 131:17 periods [3] - 33:24, 34:16, 112:9 permanent [6] - 38:17, 42:9, 46:9, 46:15, 112:19, 115:10 permeating [1] - 161:1 permission [2] - 150:24, 175:12 permit [51] - 6:5, 6:7, 7:13, 13:12, 13:16, 19:23, 20:18, 20:20, 21:5, 21:6, 21:25, 33:7, 35:5, 35:11, 35:14, 35:17, 35:19, 35:24, 36:2, 36:10, 40:8, 40:14, 40:16, 50:12, 55:22, 57:2, 57:24, 61:10, 62:10, 63:19, 65:11, 70:25, 71:2, 72:18, 74:2, 79:14, 83:23, 123:1, 125:3, 126:20, 127:2, 127:12, 140:7, 141:17, 141:18, 141:21, 142:3, 168:20, 170:2, 171:4, 171:15 PERMIT [3] - 1:5, 1:5 Permit [4] - 6:6, 40:15, 113:14, 141:14 permits [16] - 6:12,</p>	<p>19:2, 19:19, 31:4, 35:1, 35:7, 36:5, 40:12, 54:16, 54:17, 54:18, 83:4, 83:5, 133:25, 169:3, 171:6 permitted [4] - 46:17, 85:8, 88:3, 139:20 permittee [1] - 140:11 permitting [11] - 6:20, 6:22, 13:17, 31:3, 32:19, 94:3, 111:17, 111:18, 124:11, 134:4, 168:22 perpetuate [1] - 114:20 PERRY [3] - 4:16, 152:9, 152:13 Perry [1] - 152:13 person [4] - 105:20, 105:21, 162:9, 172:19 personal [2] - 179:7, 179:13 personally [1] - 99:13 Perspective [1] - 142:20 perspective [2] - 164:20, 166:4 Petuuche [1] - 121:19 PETUUCHE [2] - 4:6, 121:15 Ph.D [4] - 3:6, 3:8, 30:16, 31:22 phase [3] - 57:8, 71:6, 71:7 phases [1] - 71:5 phones [1] - 10:10 physical [1] - 96:4 physically [2] - 79:10, 149:6 pick [1] - 92:4 picture [4] - 92:17, 154:13, 163:25, 167:18 pictures [1] - 152:3 pieces [2] - 70:13, 70:17 Pile [1] - 78:17 pile [47] - 25:13, 28:8, 29:11, 29:19, 30:2, 30:5, 37:8, 38:15, 38:18, 39:16, 46:7, 46:9, 46:18, 46:21, 46:24, 47:2, 47:19, 47:21, 48:1, 48:8, 48:10, 48:12, 50:7, 50:14, 75:7,</p>	<p>75:9, 75:14, 75:17, 75:24, 76:12, 76:19, 76:24, 77:2, 78:7, 78:11, 78:15, 78:23, 80:18, 81:2, 112:4, 112:5, 139:13, 139:21, 140:5 pile's [1] - 50:24 piles [6] - 109:24, 110:6, 110:7, 112:10, 165:4, 166:21 Pino [2] - 86:22 Pinon [2] - 74:5, 135:10 pipe [2] - 18:14, 45:7 piped [1] - 29:9 pipeline [8] - 26:22, 28:10, 36:1, 38:11, 38:13, 45:12, 110:8, 134:4 pipes [2] - 44:24, 48:20 piping [2] - 44:25, 66:22 pit [2] - 163:11, 163:14 pits [2] - 160:12, 166:21 placard [1] - 25:7 Place [1] - 123:25 place [37] - 7:7, 22:9, 24:15, 27:5, 28:3, 28:15, 31:10, 34:19, 35:24, 36:2, 42:5, 44:7, 64:4, 69:15, 70:23, 79:10, 81:1, 81:25, 84:17, 90:1, 102:16, 114:11, 120:16, 134:1, 137:5, 142:1, 143:11, 145:17, 152:1, 155:19, 157:20, 169:10, 173:1, 176:20, 176:24 placed [14] - 17:17, 26:22, 37:7, 44:9, 47:23, 48:7, 48:18, 50:23, 71:18, 77:9, 78:2, 78:24, 109:24, 127:14 placement [2] - 70:16, 120:15 places [2] - 152:2, 173:12 placing [2] - 67:3, 76:9 Plan [3] - 90:21, 91:7, 110:20 plan [34] - 6:23, 13:19, 17:12, 25:15,</p>	<p>26:16, 31:9, 41:1, 43:16, 51:19, 51:21, 52:13, 52:14, 56:9, 56:13, 57:14, 70:21, 73:11, 81:21, 82:4, 84:23, 92:22, 93:1, 93:5, 93:20, 99:21, 112:3, 112:15, 112:17, 113:25, 116:12, 126:5, 126:17, 143:16 planet [3] - 104:10, 162:2, 165:17 planned [6] - 13:14, 13:18, 25:3, 28:18, 29:24, 136:16 planner [1] - 50:11 planning [16] - 32:11, 38:6, 67:12, 69:1, 70:2, 72:17, 72:25, 84:10, 84:20, 91:4, 119:12, 140:3, 140:18, 144:8, 158:13, 171:17 plans [12] - 63:12, 81:24, 82:2, 82:15, 116:13, 124:11, 135:12, 138:11, 138:23, 138:25, 141:1, 152:23 plant [14] - 27:17, 27:24, 35:21, 37:22, 38:2, 44:1, 44:2, 44:5, 44:13, 47:7, 65:6, 65:8, 65:14 planted [1] - 56:3 plants [2] - 72:6, 150:23 play [1] - 169:4 players [1] - 85:25 playing [3] - 160:9, 160:11, 168:22 plea [1] - 167:6 plenty [2] - 118:22, 134:16 plot [2] - 47:4, 47:6 plug [4] - 41:9, 41:16, 42:4, 42:10 plugged [1] - 41:13 plugging [1] - 44:9 plume [1] - 116:21 plumes [2] - 93:10, 93:17 plus [1] - 119:6 pocket [1] - 60:4 podium [1] - 145:16 point [19] - 11:19, 11:23, 39:18, 40:1, 42:16, 43:19, 45:12, 62:22, 63:4, 64:19,</p>	<p>68:8, 70:21, 99:20, 99:22, 99:23, 100:14, 104:21, 131:22, 132:6 pointed [7] - 33:12, 36:20, 37:5, 37:23, 41:7, 100:22, 100:23 pointer [3] - 43:20, 43:21, 43:25 points [2] - 11:3, 99:3 police [1] - 107:17 Policy [1] - 143:3 policy [1] - 112:18 political [1] - 165:19 politically [1] - 105:21 Pollutant [1] - 35:8 polluted [1] - 149:14 pollution [2] - 50:11, 116:22 polyethylene [2] - 44:19, 45:21 Pond [1] - 150:13 pond [19] - 29:25, 37:6, 37:13, 39:17, 44:16, 45:1, 46:3, 46:5, 48:21, 48:24, 49:2, 49:5, 49:8, 49:9, 49:16, 49:18, 49:21, 77:4, 79:8 ponds [19] - 27:11, 27:15, 28:3, 28:9, 29:10, 37:7, 37:13, 44:20, 44:22, 44:23, 45:9, 45:14, 48:22, 62:24, 63:6, 77:12, 77:18, 110:9, 139:2 pool [2] - 55:18, 64:25 pools [1] - 165:5 poor [1] - 33:13 Pope [1] - 165:10 popping [1] - 177:8 population [3] - 100:21, 106:4, 162:23 populations [1] - 100:6 portion [5] - 85:6, 100:14, 115:12, 138:18, 176:24 portions [1] - 51:6 pose [1] - 116:6 posed [3] - 112:2, 113:21, 166:17 poses [4] - 110:2, 110:3, 112:7, 112:16 posing [2] - 115:3, 115:16 position [4] - 16:3, 17:16, 89:15, 168:9</p>
--	---	---	---	--

<p>positions [1] - 15:6</p> <p>positive [1] - 129:10</p> <p>possess [1] - 104:18</p> <p>possibility [3] - 93:5, 93:13, 93:15</p> <p>possible [2] - 70:11, 171:3</p> <p>possibly [1] - 119:7</p> <p>post [4] - 41:12, 42:25, 49:20</p> <p>post-mine [2] - 41:12, 49:20</p> <p>post-mining [2] - 42:25</p> <p>poster [1] - 39:5</p> <p>potential [7] - 78:23, 82:25, 85:1, 87:22, 88:6, 99:11, 115:16</p> <p>potentially [1] - 110:3</p> <p>pound [2] - 58:24, 134:24</p> <p>pounds [9] - 132:22, 133:5, 133:7, 133:9, 133:11, 133:19, 134:3, 134:25, 140:14</p> <p>poverty [1] - 159:5</p> <p>power [2] - 33:16, 72:5</p> <p>PowerPoint [5] - 13:22, 14:9, 61:14, 83:3, 121:7</p> <p>powers [1] - 66:24</p> <p>Powwow [1] - 97:9</p> <p>practice [4] - 144:3, 172:15, 172:16, 173:6</p> <p>practices [2] - 109:5, 114:11</p> <p>pray [1] - 119:24</p> <p>prayers [9] - 101:23, 101:25, 102:4, 102:5, 155:22, 157:20, 157:25, 158:2, 159:12</p> <p>pre [2] - 52:1, 83:12</p> <p>pre-basin [1] - 83:12</p> <p>pre-mining [1] - 52:1</p> <p>precaution [1] - 34:15</p> <p>precious [5] - 119:17, 119:22, 120:11, 162:6, 162:10</p> <p>predicated [1] - 62:8</p> <p>predictions [1] - 166:11</p> <p>prefer [2] - 12:6, 14:3</p> <p>Prehearing [1] - 10:21</p> <p>preliminary [1] - 72:17</p> <p>Preliminary [2] -</p>	<p>130:12, 132:2</p> <p>preparation [6] - 57:11, 72:20, 139:6, 139:9, 139:10, 143:23</p> <p>prepare [3] - 21:11, 76:9, 143:9</p> <p>prepared [4] - 52:7, 125:21, 129:14, 139:8</p> <p>presence [2] - 120:12, 173:15</p> <p>present [12] - 14:9, 30:2, 43:18, 48:10, 76:24, 81:21, 81:24, 89:19, 91:12, 92:22, 93:16, 144:11</p> <p>present-day [2] - 30:2, 43:18</p> <p>presentation [12] - 12:17, 13:22, 14:9, 22:10, 22:13, 28:9, 30:10, 54:4, 56:16, 89:4, 125:20, 146:12</p> <p>presentations [1] - 81:1</p> <p>presenting [2] - 13:5, 13:6</p> <p>presently [4] - 29:12, 29:16, 44:14, 93:20</p> <p>preservation [1] - 11:11</p> <p>preserved [1] - 42:24</p> <p>preserving [1] - 109:6</p> <p>President [4] - 9:21, 95:7, 121:20</p> <p>President's [1] - 152:21</p> <p>pressure [1] - 116:6</p> <p>pretty [5] - 33:13, 36:16, 43:16, 43:22, 150:3</p> <p>prevent [5] - 78:20, 78:22, 90:7, 94:7, 109:25</p> <p>prevention [1] - 50:11</p> <p>previous [3] - 45:15, 96:2, 98:21</p> <p>previously [1] - 19:5</p> <p>price [37] - 59:7, 59:8, 59:9, 59:10, 59:21, 60:12, 60:19, 60:21, 61:2, 113:7, 129:1, 129:3, 129:13, 130:3, 130:7, 130:21, 130:23, 131:2, 131:3, 131:4, 131:8, 131:9, 131:12, 131:14, 131:15, 131:17, 131:19, 131:21,</p>	<p>131:24, 132:3, 132:5, 132:7, 137:13</p> <p>prices [7] - 128:20, 128:21, 129:6, 131:7, 132:2, 132:4, 137:18</p> <p>primarily [3] - 9:25, 36:14, 81:20</p> <p>primary [1] - 91:9</p> <p>prime [3] - 14:25, 15:3, 102:13</p> <p>principal [1] - 165:21</p> <p>priorities [1] - 157:7</p> <p>prioritize [1] - 111:10</p> <p>private [12] - 59:2, 61:6, 80:4, 100:18, 100:19, 107:24, 107:25, 113:22, 117:8</p> <p>privately [5] - 59:2, 79:22, 111:24, 114:2, 129:21</p> <p>probability [1] - 111:11</p> <p>prober [1] - 160:13</p> <p>probes [1] - 160:14</p> <p>probing [1] - 160:12</p> <p>problem [2] - 100:3, 165:18</p> <p>problems [4] - 95:11, 147:8, 147:11</p> <p>procedure [1] - 70:6</p> <p>proceed [1] - 153:6</p> <p>proceeding [4] - 7:14, 124:25, 138:24, 142:17</p> <p>proceedings [4] - 124:12, 125:5, 125:15, 179:10</p> <p>PROCEEDINGS [1] - 1:12</p> <p>Proceedings [1] - 178:20</p> <p>proceeds [1] - 128:3</p> <p>process [37] - 20:11, 20:13, 23:5, 24:18, 26:17, 34:2, 34:9, 35:12, 35:14, 35:17, 35:22, 36:21, 38:19, 62:19, 64:15, 67:7, 73:24, 74:2, 74:10, 74:24, 83:5, 84:5, 84:10, 84:17, 84:20, 88:7, 98:16, 138:21, 140:4, 142:1, 142:12, 143:5, 143:6, 143:13, 143:24, 168:23, 172:7</p> <p>processes [1] - 74:12</p> <p>processing [2] - 72:3, 115:2</p> <p>procurement [9] -</p>	<p>24:3, 24:11, 24:16, 57:6, 70:2, 70:16, 71:10, 71:19, 138:21</p> <p>produce [8] - 23:21, 29:13, 60:1, 70:15, 72:5, 94:14, 116:19, 135:8</p> <p>produced [8] - 58:19, 132:20, 132:23, 133:12, 133:20, 134:25, 136:4, 143:12</p> <p>producers [1] - 116:17</p> <p>produces [4] - 133:4, 134:13, 134:14, 137:14</p> <p>producible [1] - 125:17</p> <p>producing [5] - 69:2, 134:11, 134:13, 170:10, 170:12</p> <p>product [2] - 72:5</p> <p>production [53] - 13:20, 15:16, 17:13, 20:23, 21:11, 21:14, 21:25, 22:3, 22:5, 22:12, 22:22, 23:8, 26:7, 28:14, 29:1, 33:16, 54:1, 57:3, 57:24, 65:15, 65:21, 73:9, 127:19, 128:21, 128:22, 128:23, 131:22, 132:15, 132:16, 133:6, 133:7, 133:8, 133:15, 133:22, 134:1, 134:2, 134:3, 134:16, 134:18, 134:24, 135:21, 135:23, 136:14, 136:15, 136:17, 136:19, 136:20, 137:5, 137:9, 137:11, 137:19, 140:15</p> <p>Production [1] - 133:1</p> <p>professional [3] - 31:23, 31:24, 31:25</p> <p>profile [1] - 75:22</p> <p>profit [12] - 106:11, 129:8, 129:10, 130:4, 130:6, 130:8, 130:15, 161:21, 164:6, 170:13, 175:14, 176:22</p> <p>profit-making [1] - 176:22</p> <p>profitability [2] - 60:1, 130:18</p>	<p>profitable [4] - 129:3, 129:12, 131:3, 132:7</p> <p>profits [1] - 157:21</p> <p>program [5] - 17:9, 58:17, 59:15, 59:18, 168:12</p> <p>programs [3] - 17:3, 19:1, 111:18</p> <p>progress [10] - 31:5, 118:20, 119:1, 142:7, 142:25, 143:10, 143:13, 143:19, 144:1, 144:5</p> <p>prohibit [1] - 55:13</p> <p>Project [1] - 125:1</p> <p>project [23] - 14:17, 16:19, 21:1, 59:10, 70:2, 70:4, 70:6, 84:13, 91:3, 92:19, 94:12, 129:5, 138:24, 141:19, 147:5, 147:7, 147:9, 147:10, 170:2, 170:23, 171:11, 171:22, 172:12</p> <p>projected [3] - 51:9, 136:21, 140:13</p> <p>projection [1] - 136:25</p> <p>projections [1] - 129:12</p> <p>projector [1] - 121:7</p> <p>projects [6] - 91:24, 136:5, 136:11, 147:6, 167:9, 171:6</p> <p>Projects [1] - 164:5</p> <p>prolonged [1] - 170:16</p> <p>Prolonged [1] - 112:6</p> <p>prolonging [1] - 87:14</p> <p>prominent [1] - 134:11</p> <p>promote [2] - 97:6, 97:7</p> <p>promulgated [1] - 147:18</p> <p>proper [1] - 70:6</p> <p>properly [1] - 154:10</p> <p>properties [9] - 18:6, 18:7, 18:9, 18:21, 19:5, 101:16, 102:24, 113:18</p> <p>property [18] - 15:20, 16:1, 16:13, 16:17, 18:6, 18:18, 19:18, 20:17, 27:11, 36:18, 55:24, 55:25, 101:19, 113:11, 122:19,</p>
--	---	---	---	--

172:3, 172:6, 172:10 proposal [1] - 92:2 proposals [1] - 152:22 propose [1] - 13:23 proposed [11] - 28:24, 31:8, 89:15, 89:18, 93:20, 94:7, 101:9, 126:8, 127:4, 127:7, 165:8 proposing [2] - 39:20, 131:6 pros [1] - 177:17 prospect [1] - 146:17 prospective [1] - 136:16 prosperity [1] - 96:9 protect [6] - 92:24, 112:15, 116:1, 117:16, 146:22, 165:12 protected [1] - 147:25 protection [2] - 43:15, 98:7 Protection [1] - 93:8 protections [1] - 88:5 protective [1] - 147:20 protects [1] - 117:9 protein [1] - 161:17 protocols [2] - 111:15, 111:16 proud [2] - 120:25, 171:25 prove [1] - 169:2 proved [3] - 17:25, 103:24 provide [12] - 11:24, 36:12, 38:13, 89:14, 89:21, 91:15, 101:9, 103:1, 124:24, 128:14, 141:1, 141:13 provided [5] - 118:21, 124:15, 124:22, 132:10, 140:17 provides [9] - 95:17, 124:8, 126:6, 127:8, 129:1, 129:2, 132:7, 142:22 providing [1] - 32:13 provision [3] - 33:1, 33:8, 33:21 provisions [1] - 35:20 proximity [1] - 151:15 prudent [1] - 20:19	Public [2] - 10:6, 10:22 public [39] - 6:2, 6:17, 10:16, 11:9, 53:8, 60:4, 61:10, 86:10, 87:5, 88:18, 92:8, 92:19, 92:24, 94:18, 94:19, 96:11, 97:20, 100:9, 100:16, 100:21, 104:23, 108:12, 108:22, 109:1, 112:1, 112:17, 115:1, 116:1, 117:6, 117:16, 118:3, 121:13, 126:2, 141:16, 148:9, 172:19, 173:13 publication [2] - 136:1, 136:2 publications [1] - 125:8 publicly [1] - 129:17 published [1] - 91:7 Pueblo [26] - 2:19, 9:2, 9:3, 9:5, 53:10, 84:14, 86:19, 86:21, 87:1, 87:16, 87:19, 88:2, 88:9, 88:23, 89:10, 89:11, 91:9, 95:6, 99:19, 101:14, 102:8, 108:22, 118:11, 121:23, 121:24, 146:13 pueblo [1] - 174:9 Pueblos [2] - 146:2, 164:25 pulled [2] - 18:12, 160:14 pump [3] - 23:24, 49:10, 49:11 pumped [2] - 65:16, 65:18 Pumping [1] - 24:13 pumping [10] - 49:22, 62:23, 65:5, 65:8, 65:13, 66:1, 69:11, 69:12, 102:15, 127:13 pumps [11] - 17:18, 18:12, 26:21, 65:20, 65:21, 66:2, 66:17, 66:21, 67:3, 71:14 purchase [2] - 10:14, 119:16 purchases [1] - 137:15 purpose [5] - 26:1, 96:8, 117:14, 150:25, 153:16 purposes [4] - 12:20,	61:9, 69:1, 173:8 pursuant [1] - 6:9 pursue [1] - 40:13 pushing [1] - 77:1 put [21] - 20:8, 22:6, 22:7, 33:20, 37:25, 44:14, 46:5, 46:12, 48:15, 48:24, 49:17, 50:13, 58:10, 66:18, 71:21, 76:19, 77:9, 85:17, 157:14, 157:20, 160:14 putting [3] - 15:14, 70:10, 147:4	R race [1] - 106:17 racist [1] - 100:3 radial [1] - 149:22 radiation [2] - 23:22, 170:18 Radiation [1] - 35:16 radioactive [10] - 77:12, 78:5, 115:8, 115:11, 116:9, 116:17, 116:21, 124:10, 165:4, 165:5 Radioactive [2] - 9:16, 145:24 radiological [6] - 35:18, 111:8, 111:10, 111:12, 112:7, 112:13 radiologically [1] - 37:10 radionuclide [1] - 148:2 radionuclides [2] - 147:11, 147:16 radium [2] - 27:13, 43:5 Radon [1] - 114:16 Rafael [1] - 164:24 rail [1] - 18:14 raise [1] - 8:9 Raise [1] - 8:10 raised [1] - 111:2 raises [1] - 92:8 raising [1] - 177:6 range [2] - 130:24, 131:14 ranging [1] - 12:2 rapid [2] - 142:24, 168:10 rapidly [1] - 134:12 rare [1] - 37:1 rate [3] - 27:18, 130:5, 159:6 rather [7] - 19:10, 59:6, 59:11, 88:13, 99:10, 144:7, 167:4 rationalized [1] - 100:3 reach [6] - 10:10, 40:10, 48:25, 50:15, 94:9, 140:13 reaching [1] - 60:4 reactivate [4] - 19:21, 38:25, 52:14, 140:24 reactivated [2] - 44:3, 139:17 reactivating [2] - 72:12, 142:8	reactivation [25] - 40:13, 47:25, 49:1, 61:16, 61:22, 63:23, 63:24, 66:15, 89:15, 115:20, 137:24, 138:1, 138:14, 138:17, 138:25, 139:3, 139:4, 139:19, 142:1, 142:13, 143:10, 143:14, 143:21, 143:24, 144:7 reactivation/upgrade [1] - 64:7 reactivations [1] - 67:14 reactors [1] - 116:20 read [7] - 10:23, 12:23, 31:20, 106:3, 117:3, 127:6, 128:3 readable [1] - 135:2 readily [1] - 132:11 ready [11] - 20:13, 20:14, 44:17, 47:13, 57:16, 63:7, 68:15, 123:8, 127:17, 138:3, 138:9 real [2] - 45:18, 90:13 realize [1] - 119:21 really [24] - 11:11, 11:18, 21:6, 31:6, 33:18, 39:8, 60:20, 60:22, 60:24, 62:7, 62:23, 88:15, 96:13, 122:4, 155:8, 157:8, 159:6, 164:2, 167:17, 168:20, 170:13, 171:25, 176:8 reap [1] - 103:18 reason [7] - 20:17, 87:14, 102:4, 103:15, 121:4, 171:14, 177:13 reasonable [3] - 128:12, 142:14, 144:2 reasonably [5] - 92:23, 93:2, 93:6, 93:22, 93:25 reasons [2] - 159:20, 170:1 receipt [1] - 68:17 receive [6] - 28:13, 49:21, 63:7, 66:17, 141:20, 142:2 received [5] - 67:19, 70:25, 74:6, 74:7, 141:14 receives [2] - 28:10, 49:9 receiving [1] - 141:18
	Q qualifications [1] - 30:25 qualified [2] - 22:16, 33:11 quality [7] - 91:3, 91:14, 91:19, 113:1, 125:8, 154:1, 167:14 quarter [7] - 63:20, 73:16, 110:10, 141:19, 141:22, 142:4 Quebec [2] - 124:17, 125:13 quest [1] - 155:20 questioned [2] - 53:8, 123:18 questioning [6] - 60:23, 88:12, 88:13, 88:14, 152:22, 155:25 questions [22] - 8:17, 13:24, 36:12, 52:17, 52:20, 53:3, 53:6, 53:18, 54:10, 60:24, 81:16, 84:8, 86:2, 86:4, 99:18, 108:25, 144:12, 144:15, 144:25, 145:3, 145:5 quick [1] - 96:25 quickest [1] - 169:10 quickly [4] - 12:15, 43:20, 79:9, 131:10 quite [3] - 34:3, 52:19, 134:11 quo [5] - 19:10, 19:19, 20:15, 54:14, 54:20 quote [2] - 134:22, 165:12 quoted [1] - 113:13			

<p>recent [4] - 114:7, 125:12, 140:21, 165:11</p> <p>Recent [1] - 125:7</p> <p>recently [5] - 22:24, 65:6, 71:16, 116:8, 124:16</p> <p>recess [1] - 108:10</p> <p>Recess [3] - 53:1, 123:6, 144:23</p> <p>recirculated [1] - 114:17</p> <p>reclaim [1] - 25:15</p> <p>reclaimed [2] - 38:19, 110:9</p> <p>reclamation [15] - 13:19, 21:2, 21:4, 32:12, 41:3, 44:8, 47:13, 87:18, 87:19, 99:3, 111:25, 112:20, 115:20, 126:23, 168:18</p> <p>Reclamation [1] - 111:19</p> <p>recognize [5] - 101:10, 152:24, 153:1, 153:10, 176:4</p> <p>recognized [1] - 89:11</p> <p>recommend [1] - 102:20</p> <p>reconstruction [1] - 27:8</p> <p>record [7] - 10:17, 11:20, 58:10, 109:1, 116:23, 149:2, 179:9</p> <p>recorded [1] - 179:6</p> <p>records [1] - 166:19</p> <p>recoverable [1] - 130:15</p> <p>recovered [2] - 57:16, 57:19</p> <p>Recovery [1] - 142:22</p> <p>recreate [1] - 172:22</p> <p>recreation [1] - 109:6</p> <p>recycle [1] - 41:25</p> <p>red [2] - 129:10, 136:7</p> <p>Red [3] - 97:25, 136:1, 150:13</p> <p>rednation.org [1] - 98:1</p> <p>reducing [1] - 76:25</p> <p>redundancy [1] - 27:22</p> <p>redundant [1] - 50:9</p> <p>reevaluate [1] - 114:4</p>	<p>refer [3] - 109:11, 147:21, 151:6</p> <p>reference [1] - 147:17</p> <p>references [2] - 6:21, 147:22</p> <p>referring [1] - 65:21</p> <p>refine [1] - 47:10</p> <p>refit [1] - 41:7</p> <p>reflected [1] - 60:12</p> <p>reflects [1] - 133:25</p> <p>refresh [2] - 57:20, 58:1</p> <p>refurbished [1] - 138:6</p> <p>refurbishment [1] - 65:4</p> <p>regard [6] - 93:1, 93:16, 122:16, 151:4, 169:21, 174:16</p> <p>regarding [7] - 31:16, 87:7, 122:12, 124:22, 126:7, 148:1, 165:8</p> <p>regardless [4] - 8:16, 8:22, 61:1, 168:14</p> <p>region [13] - 89:13, 89:20, 89:22, 90:8, 90:10, 90:13, 90:19, 91:15, 92:16, 92:20, 92:25, 93:22, 94:16</p> <p>regional [4] - 91:24, 109:4, 110:15, 114:24</p> <p>regraded [1] - 45:19</p> <p>regrading [1] - 46:8</p> <p>regravel [1] - 56:2</p> <p>regulate [1] - 117:15</p> <p>regulation [2] - 106:15, 106:19</p> <p>regulations [11] - 6:11, 6:21, 115:25, 126:22, 126:23, 127:1, 127:6, 128:8, 147:15, 148:1, 148:23</p> <p>regulatory [3] - 61:11, 124:16, 147:15</p> <p>rehab [3] - 37:18, 41:6, 63:8</p> <p>rehabbed [2] - 28:4, 44:24</p> <p>rehabbing [1] - 62:16</p> <p>rehabilitate [1] - 127:17</p> <p>rehabilitation [8] - 27:4, 57:8, 57:9, 62:2, 66:25, 67:1, 67:4, 69:1</p> <p>rehabilitations [1] - 68:5</p>	<p>rehearing [1] - 34:8</p> <p>Reid [1] - 8:19</p> <p>REID [1] - 8:20</p> <p>reiterate [1] - 169:19</p> <p>reiterated [1] - 165:1</p> <p>relate [1] - 103:9</p> <p>related [12] - 34:14, 35:7, 36:7, 63:1, 91:3, 111:17, 118:18, 124:12, 124:21, 160:21, 162:15</p> <p>relating [2] - 6:11, 11:3</p> <p>relations [1] - 153:3</p> <p>relationships [1] - 22:17</p> <p>relative [5] - 56:1, 131:21, 132:24, 135:22, 179:11</p> <p>release [1] - 112:13</p> <p>released [1] - 115:14</p> <p>releases [4] - 112:22, 114:21, 115:8, 115:22</p> <p>releasing [1] - 69:22</p> <p>relevant [2] - 6:21, 12:20</p> <p>relies [1] - 92:5</p> <p>religious [2] - 101:21, 153:11</p> <p>remain [3] - 88:5, 126:19, 170:4</p> <p>remains [2] - 110:5, 126:12</p> <p>Remarks [2] - 3:2, 5:12</p> <p>remediate [1] - 112:23</p> <p>remediation [3] - 87:11, 99:3, 113:1</p> <p>remedies [1] - 116:15</p> <p>remember [6] - 61:17, 99:17, 160:8, 160:11, 163:10, 163:14</p> <p>REMEMBERED [1] - 1:17</p> <p>remind [1] - 178:10</p> <p>reminds [1] - 64:12</p> <p>removal [4] - 27:13, 112:18</p> <p>remove [6] - 37:6, 49:2, 50:12, 55:20, 76:15, 81:1</p> <p>removed [11] - 18:15, 28:5, 28:20, 37:13, 44:5, 44:16, 48:12, 48:25, 49:16, 49:23, 50:23</p>	<p>removing [2] - 18:13, 38:21</p> <p>render [1] - 91:4</p> <p>renewable [2] - 117:5, 117:8</p> <p>renewal [13] - 33:23, 34:1, 34:5, 34:8, 34:16, 34:18, 34:21, 35:4, 54:17, 113:9, 113:14, 123:1, 135:9</p> <p>renewed [3] - 40:17, 77:23, 78:24</p> <p>reopen [4] - 61:4, 95:21, 96:1, 149:4</p> <p>reopening [5] - 56:17, 60:25, 95:22, 139:6, 139:8</p> <p>repair [2] - 27:2, 56:1</p> <p>repaired [1] - 56:1</p> <p>repairs [1] - 45:2</p> <p>repeat [2] - 75:25, 103:24</p> <p>repeating [2] - 31:2, 32:16</p> <p>rephrase [1] - 67:22</p> <p>replaced [2] - 28:20, 65:20</p> <p>replayed [1] - 115:15</p> <p>report [7] - 55:21, 90:17, 114:8, 129:11, 129:14, 134:21, 170:11</p> <p>Report [6] - 109:12, 114:7, 130:22, 132:1, 133:2, 136:4</p> <p>reportable [1] - 143:20</p> <p>reported [1] - 10:12</p> <p>Reporter [1] - 179:5</p> <p>Reporters [1] - 10:13</p> <p>reporting [1] - 144:1</p> <p>repositories [1] - 112:20</p> <p>repository [2] - 112:19, 115:10</p> <p>represent [2] - 9:11, 75:23</p> <p>representative [3] - 146:11, 151:17, 164:21</p> <p>representatives [1] - 152:20</p> <p>represented [1] - 102:23</p> <p>representing [4] - 7:12, 8:1, 9:3, 9:20</p> <p>represents [7] - 11:8, 42:15, 76:6, 99:18, 133:16, 151:8, 165:21</p>	<p>request [5] - 53:7, 87:7, 108:12, 123:1, 145:15</p> <p>requested [3] - 125:23, 126:3, 170:3</p> <p>require [10] - 23:10, 24:16, 27:8, 83:20, 88:11, 115:19, 127:2, 138:13, 147:3, 147:12</p> <p>required [9] - 33:6, 37:19, 46:2, 50:11, 71:20, 92:1, 92:11, 127:5, 139:4</p> <p>requirement [1] - 143:2</p> <p>requirements [2] - 40:21, 51:19</p> <p>requires [4] - 24:6, 42:18, 143:4, 143:9</p> <p>requiring [1] - 116:14</p> <p>rerouted [1] - 45:3</p> <p>rerouting [1] - 50:4</p> <p>research [1] - 147:18</p> <p>Research [4] - 123:14, 123:23, 124:3</p> <p>reseed [1] - 50:17</p> <p>Reservation [1] - 155:11</p> <p>reservations [1] - 89:19</p> <p>reserve [1] - 130:15</p> <p>reserves [1] - 19:17</p> <p>reshape [6] - 30:5, 30:6, 38:15, 38:17, 47:1, 56:2</p> <p>reside [4] - 97:23, 100:10, 123:24, 152:14</p> <p>residents [1] - 115:3</p> <p>residual [2] - 48:14, 50:22</p> <p>resins [1] - 55:19</p> <p>Resolution [3] - 94:11, 105:16, 106:19</p> <p>resolution [4] - 34:19, 94:9, 105:17, 149:10</p> <p>resolutions [1] - 105:16</p> <p>resolved [1] - 100:24</p> <p>resort [1] - 175:19</p> <p>resource [10] - 16:17, 124:13, 125:16, 129:17, 130:15, 130:16, 130:17, 146:20, 154:10, 167:12</p> <p>Resource's [1] - 10:21</p>
--	---	--	---	--

<p>resources ^[18] - 17:1, 17:4, 17:7, 22:15, 82:8, 82:14, 88:1, 88:4, 88:6, 91:18, 92:4, 92:16, 95:19, 99:2, 122:1, 122:2, 175:20, 176:5</p> <p>RESOURCES ^[1] - 1:4</p> <p>Resources ^[32] - 7:12, 8:8, 13:4, 15:25, 18:20, 30:22, 72:22, 78:22, 81:11, 82:19, 82:25, 87:1, 87:24, 89:16, 92:7, 94:9, 94:15, 111:23, 112:3, 113:6, 113:7, 113:10, 118:19, 127:11, 129:20, 132:8, 140:17, 144:3, 165:9, 166:6, 166:16, 171:13</p> <p>Resources' ^[7] - 6:3, 13:9, 13:15, 87:7, 112:25, 113:25, 125:24</p> <p>respect ^[11] - 100:17, 102:1, 102:6, 102:17, 102:22, 103:10, 104:3, 153:4, 172:20, 173:16, 177:25</p> <p>respected ^[3] - 102:11, 153:13</p> <p>respond ^[2] - 11:19, 20:2</p> <p>response ^[2] - 141:12, 141:24</p> <p>responses ^[2] - 11:24, 12:6</p> <p>responsibilities ^[2] - 15:22, 51:23</p> <p>responsibility ^[3] - 91:17, 94:2, 166:25</p> <p>responsible ^[2] - 54:20, 87:24</p> <p>rest ^[2] - 106:8, 122:20</p> <p>restart ^[3] - 41:6, 168:19, 169:1</p> <p>restarts ^[1] - 168:14</p> <p>result ^[5] - 33:14, 51:2, 94:15, 122:2, 164:3</p> <p>resulting ^[1] - 110:16</p> <p>resume ^[2] - 124:7, 126:25</p> <p>resummarizes ^[1] - 135:1</p> <p>retain ^[1] - 49:20</p> <p>retained ^[1] - 49:11</p> <p>retention ^[2] - 29:10,</p>	<p>48:21</p> <p>return ^[8] - 30:22, 56:18, 104:22, 126:3, 126:17, 130:5, 139:23, 140:7</p> <p>returned ^[1] - 140:6</p> <p>returns ^[1] - 52:1</p> <p>reuse ^[1] - 137:15</p> <p>revegetate ^[1] - 47:21</p> <p>revegetated ^[1] - 48:5</p> <p>review ^[4] - 74:13, 92:14, 124:9, 125:8</p> <p>reviews ^[1] - 40:7</p> <p>revise ^[2] - 22:25, 112:24</p> <p>revised ^[7] - 21:25, 126:6, 126:10, 127:7, 127:10, 137:25, 138:18</p> <p>REVISION ^[1] - 1:5</p> <p>Revision ^[1] - 6:6</p> <p>revision ^[6] - 19:20, 20:18, 84:2, 113:14, 127:18, 141:20</p> <p>revisions ^[1] - 31:11</p> <p>RGR ^[9] - 16:2, 16:16, 19:25, 33:19, 34:10, 34:16, 46:20, 53:4, 63:12</p> <p>RGR's ^[1] - 19:13</p> <p>rhetoric ^[1] - 98:21</p> <p>rich ^[2] - 51:5, 101:19</p> <p>Ridge ^[2] - 74:5, 135:10</p> <p>right-hand ^[1] - 43:1</p> <p>rights ^[6] - 83:12, 102:22, 104:16, 153:11</p> <p>Riley ^[1] - 86:24</p> <p>ring ^[1] - 10:11</p> <p>Ringa ^[1] - 87:2</p> <p>RIO ^[1] - 1:4</p> <p>Rio ^[42] - 6:3, 7:12, 10:20, 13:4, 13:9, 13:15, 15:25, 18:20, 30:22, 72:21, 78:21, 81:11, 82:19, 82:24, 85:13, 87:7, 87:24, 89:16, 92:7, 94:8, 94:15, 109:2, 110:3, 111:23, 112:3, 112:25, 113:5, 113:6, 113:10, 113:25, 118:18, 125:24, 126:15, 127:11, 129:20, 132:8, 140:16, 144:3, 165:9,</p>	<p>166:6, 166:16, 171:13</p> <p>riprap ^[1] - 50:20</p> <p>risk ^[5] - 20:19, 20:20, 112:7, 112:16, 113:20</p> <p>risks ^[5] - 107:16, 107:20, 107:22, 146:4, 146:7</p> <p>Rivers ^[1] - 115:15</p> <p>ivers ^[1] - 104:5</p> <p>Road ^[1] - 2:4</p> <p>roads ^[3] - 56:2, 107:1, 115:1</p> <p>roadways ^[1] - 50:18</p> <p>Robinson ^[21] - 8:5, 104:22, 108:13, 118:1, 118:4, 121:4, 123:9, 123:13, 123:21, 123:22, 124:2, 124:21, 125:19, 130:10, 133:3, 144:14, 145:1, 145:3, 145:5, 145:7</p> <p>ROBINSON ^[3] - 4:8, 123:16, 145:8</p> <p>Robinson's ^[1] - 170:11</p> <p>robust ^[4] - 37:15, 38:23, 42:9, 168:11</p> <p>Roca ^[9] - 129:4, 129:25, 130:22, 131:3, 131:4, 132:9, 135:13, 170:25, 171:17</p> <p>rock ^[25] - 25:13, 28:8, 29:11, 29:14, 30:2, 39:16, 48:2, 77:11, 77:17, 77:21, 77:22, 77:25, 78:21, 78:24, 79:3, 79:5, 79:6, 80:24, 110:6, 114:19, 149:13, 149:20, 149:21, 166:21</p> <p>Rock ^[3] - 150:12, 150:14, 151:25</p> <p>RODGERS ^[22] - 2:20, 3:13, 9:1, 81:17, 82:2, 82:6, 82:13, 82:18, 82:23, 83:14, 83:18, 83:22, 84:7, 84:16, 84:21, 84:25, 85:11, 86:1, 88:22, 89:2, 89:5, 89:9</p> <p>Rodgers ^[4] - 3:10, 9:1, 81:16, 94:17</p> <p>ROEHL ^[1] - 2:9</p> <p>Rogers ^[3] - 53:4, 86:3, 88:21</p> <p>ROGERS ^[1] - 81:19</p>	<p>rolling ^[2] - 149:20, 149:21</p> <p>roofs ^[1] - 56:1</p> <p>room ^[1] - 39:4</p> <p>Room ^[1] - 1:20</p> <p>rose ^[1] - 131:10</p> <p>ROSEMARIE ^[3] - 5:4, 164:13, 164:17</p> <p>rough ^[1] - 130:2</p> <p>roughly ^[3] - 48:11, 52:7, 79:19</p> <p>rule ^[1] - 128:3</p> <p>rulemaking ^[1] - 32:4</p> <p>rules ^[5] - 33:3, 41:14, 72:15, 88:11, 140:9</p> <p>ruling ^[1] - 12:18</p> <p>run ^[5] - 15:11, 39:1, 120:20, 161:24, 161:25</p> <p>running ^[1] - 176:8</p> <p>runoff ^[4] - 38:24, 48:21, 50:16, 58:22</p> <p>Russians ^[1] - 33:14</p>	<p>16:22, 85:13, 87:10, 109:2, 109:8, 109:12, 110:3, 111:10, 114:8, 114:14, 114:15, 115:15, 115:17, 119:23, 125:5, 135:17, 164:24, 164:25, 169:7</p> <p>sanitary ^[1] - 44:1</p> <p>Santa ^[2] - 2:10, 2:17</p> <p>saturated ^[1] - 111:1</p> <p>Saudia ^[1] - 167:8</p> <p>saw ^[4] - 8:10, 58:22, 59:4, 150:7</p> <p>SB-159 ^[1] - 120:14</p> <p>SB-1967 ^[1] - 120:15</p> <p>sbutzier@modrall.com ^[1] - 2:11</p> <p>scale ^[3] - 45:18, 95:20, 111:2</p> <p>scary ^[1] - 157:8</p> <p>scenario ^[3] - 136:11, 136:21, 136:24</p> <p>schedule ^[16] - 31:14, 51:12, 63:13, 64:3, 70:2, 70:4, 70:9, 70:22, 71:19, 71:21, 71:25, 111:25, 127:8, 140:6, 143:25</p> <p>Schedule ^[3] - 127:9, 138:18</p> <p>scheduled ^[5] - 63:4, 74:11, 87:6, 138:15, 141:16</p> <p>Schedules ^[1] - 140:1</p> <p>schedules ^[1] - 140:3</p> <p>scheduling ^[4] - 63:11, 67:24, 70:6, 74:13</p> <p>School ^[1] - 175:22</p> <p>school ^[6] - 14:22, 97:24, 114:18, 174:8, 174:9, 175:22</p> <p>schools ^[2] - 91:23, 176:10</p> <p>science ^[1] - 166:11</p> <p>science-based ^[1] - 166:11</p> <p>Scientific ^[1] - 109:11</p> <p>scope ^[1] - 24:17</p> <p>screen ^[2] - 30:24, 39:2</p> <p>se ^[1] - 156:1</p> <p>sea ^[1] - 104:15</p> <p>seamless ^[1] - 40:22</p> <p>search ^[1] - 36:24</p>
S				
<p>sacred ^[16] - 104:1, 104:3, 151:5, 151:7, 151:9, 152:5, 153:6, 153:7, 154:24, 154:25, 158:17, 169:21, 172:2, 173:2, 173:10, 173:12</p> <p>Sacred ^[1] - 152:18</p> <p>sad ^[1] - 157:23</p> <p>Safe ^[10] - 2:13, 8:1, 8:4, 108:23, 108:24, 117:1, 121:20, 123:13, 125:22, 168:7</p> <p>safe ^[12] - 116:19, 153:23, 159:18, 159:19, 161:2, 161:9, 161:10, 161:20, 162:3, 162:21, 163:19, 178:18</p> <p>safeguard ^[1] - 91:19</p> <p>safely ^[1] - 112:4</p> <p>safer ^[2] - 148:24, 161:13</p> <p>safety ^[5] - 23:22, 92:25, 103:21, 149:2, 149:7</p> <p>sake ^[1] - 62:10</p> <p>sales ^[1] - 131:24</p> <p>Salt ^[2] - 101:17, 120:11</p> <p>samples ^[1] - 90:19</p> <p>San ^[21] - 16:7,</p>				

<p>searching ^[1] - 57:6</p> <p>seat ^[1] - 161:11</p> <p>second ^[14] - 33:25, 34:5, 46:17, 46:21, 47:16, 47:22, 71:6, 75:5, 112:14, 117:23, 131:18, 132:13, 157:20, 178:15</p> <p>Second ^[1] - 86:22</p> <p>secondary ^[1] - 58:20</p> <p>Secretary ^[3] - 116:3, 116:8, 142:15</p> <p>section ^[1] - 127:8</p> <p>Section ^[1] - 6:9</p> <p>sector ^[1] - 35:14</p> <p>Securities ^[2] - 129:15, 132:10</p> <p>security ^[5] - 26:15, 43:14, 171:10, 171:11, 171:12</p> <p>sediment ^[1] - 46:4</p> <p>sediments ^[10] - 28:4, 28:7, 29:25, 37:6, 37:13, 44:15, 46:5, 49:3, 49:17, 77:4</p> <p>see ^[49] - 7:22, 9:9, 17:23, 19:11, 21:1, 23:5, 24:24, 25:6, 28:4, 29:18, 31:19, 34:25, 41:20, 42:13, 43:22, 47:7, 51:14, 51:25, 55:19, 63:22, 72:1, 75:3, 94:3, 95:10, 95:12, 101:2, 107:10, 121:11, 121:12, 131:7, 131:16, 137:4, 141:10, 152:3, 154:25, 156:4, 157:6, 157:23, 158:1, 163:9, 164:6, 164:7, 164:11, 166:24, 170:9, 172:24, 177:7, 177:21, 178:14</p> <p>seeing ^[2] - 163:15, 167:9</p> <p>seek ^[3] - 20:18, 164:5, 165:14</p> <p>seeking ^[1] - 19:9</p> <p>seepage ^[4] - 109:21, 110:5, 110:6, 114:19</p> <p>seeping ^[1] - 163:13</p> <p>Segundo ^[1] - 135:16</p> <p>selected ^[1] - 18:5</p> <p>selenium ^[3] - 27:13, 27:23, 43:9</p>	<p>self ^[1] - 52:3</p> <p>self-sustaining ^[1] - 52:3</p> <p>sell ^[6] - 10:15, 59:7, 59:22, 60:22, 103:21, 103:23</p> <p>seminars ^[1] - 23:20</p> <p>send ^[2] - 7:7, 178:15</p> <p>sending ^[1] - 93:4</p> <p>sense ^[8] - 21:18, 54:25, 61:21, 63:25, 73:3, 101:25, 138:3, 175:8</p> <p>sequence ^[3] - 70:8, 142:23, 144:4</p> <p>series ^[7] - 16:10, 26:18, 27:11, 53:18, 70:8, 127:10, 137:25</p> <p>serious ^[2] - 166:9, 169:9</p> <p>seriously ^[3] - 98:24, 100:8, 104:13</p> <p>serve ^[2] - 100:16, 100:20</p> <p>service ^[7] - 25:12, 25:16, 25:22, 39:11, 41:11, 45:2, 153:18</p> <p>Service ^[4] - 35:25, 80:1, 80:5, 80:9</p> <p>services ^[2] - 32:13, 50:18</p> <p>session ^[2] - 32:23, 32:24</p> <p>set ^[8] - 37:5, 42:8, 44:24, 69:13, 116:11, 117:23, 122:18, 143:22</p> <p>settlor ^[1] - 100:5</p> <p>seven ^[3] - 118:14, 135:24, 140:14</p> <p>several ^[29] - 6:23, 9:11, 14:23, 15:2, 15:6, 15:7, 15:22, 16:22, 19:1, 20:17, 28:17, 31:4, 35:1, 47:4, 48:16, 63:21, 72:16, 83:3, 84:6, 86:20, 104:1, 114:11, 122:11, 125:2, 126:16, 131:15, 134:8, 145:25, 146:1</p> <p>sewage ^[3] - 44:2, 44:5, 114:20</p> <p>shaded ^[2] - 75:22, 76:3</p> <p>shadows ^[1] - 110:12</p> <p>shaft ^[19] - 15:10, 17:6, 25:16, 25:19,</p>	<p>25:20, 26:2, 26:4, 26:5, 41:17, 41:23, 42:10, 57:8, 64:10, 64:25, 69:4, 69:13, 69:25</p> <p>shafts ^[12] - 15:1, 17:11, 25:19, 27:1, 39:11, 41:7, 44:9, 69:19, 110:7, 112:10, 116:5, 127:16</p> <p>shaking ^[1] - 76:20</p> <p>Shalako ^[1] - 101:22</p> <p>Shall ^[1] - 117:19</p> <p>shallowest ^[1] - 41:10</p> <p>shape ^[2] - 21:2, 76:7</p> <p>shaping ^[1] - 165:17</p> <p>share ^[2] - 39:12, 61:6</p> <p>shared ^[1] - 40:5</p> <p>shares ^[1] - 129:22</p> <p>sheds ^[1] - 109:3</p> <p>Sheehan ^[1] - 7:20</p> <p>SHEEHAN ^[2] - 2:8, 61:19</p> <p>sheet ^[4] - 6:15, 6:20, 45:22, 178:12</p> <p>sheets ^[2] - 6:17, 44:19</p> <p>shelf ^[2] - 36:23, 64:22</p> <p>shell ^[1] - 64:25</p> <p>shelves ^[1] - 133:13</p> <p>shift ^[1] - 148:22</p> <p>shipped ^[2] - 48:12, 78:8</p> <p>Shootaring ^[1] - 135:7</p> <p>shops ^[1] - 43:14</p> <p>short ^[8] - 42:14, 52:24, 59:21, 95:11, 95:17, 114:22, 122:25, 123:4</p> <p>short-term ^[3] - 59:21, 95:11, 95:17</p> <p>shorter ^[2] - 51:9, 74:9</p> <p>shorthand ^[2] - 38:1, 179:6</p> <p>shortly ^[1] - 146:10</p> <p>shot ^[1] - 107:17</p> <p>show ^[7] - 36:4, 40:22, 47:17, 61:15, 138:16, 147:24, 166:19</p> <p>showing ^[1] - 6:20</p> <p>shown ^[2] - 45:14, 147:19</p> <p>shows ^[7] - 129:6,</p>	<p>129:12, 131:1, 132:19, 132:24, 136:9, 136:18</p> <p>shut ^[2] - 18:10, 18:23</p> <p>sick ^[1] - 107:13</p> <p>sickness ^[1] - 156:4</p> <p>side ^[8] - 42:14, 46:11, 129:9, 130:4, 133:16, 134:22, 134:25, 152:21</p> <p>sides ^[1] - 163:7</p> <p>sides' ^[1] - 164:20</p> <p>Sierra ^[1] - 106:8</p> <p>sign ^[3] - 6:15, 6:16, 6:17</p> <p>sign-in ^[2] - 6:15, 6:17</p> <p>signed ^[2] - 6:15, 32:24</p> <p>significance ^[2] - 90:2, 155:9</p> <p>significant ^[8] - 20:21, 101:12, 101:15, 101:21, 109:18, 110:2, 110:3, 119:11</p> <p>significantly ^[2] - 94:8, 110:15</p> <p>signs ^[1] - 163:15</p> <p>Similar ^[1] - 175:4</p> <p>similar ^[2] - 116:4, 116:6</p> <p>simple ^[1] - 70:19</p> <p>simply ^[5] - 12:19, 34:18, 57:1, 69:24, 171:23</p> <p>sinking ^[2] - 15:1, 17:6</p> <p>SIOW ^[4] - 3:11, 9:4, 86:14, 86:18</p> <p>Siow ^[4] - 9:4, 86:13, 86:19, 86:23</p> <p>SISK ^[1] - 2:9</p> <p>SISTER ^[3] - 5:4, 164:13, 164:17</p> <p>Sister ^[1] - 167:22</p> <p>sisters ^[3] - 172:1, 174:10, 176:18</p> <p>sit ^[4] - 47:18, 47:25, 152:16, 177:16</p> <p>Site ^[1] - 90:17</p> <p>site ^[31] - 29:8, 31:12, 36:9, 48:9, 48:13, 48:15, 49:24, 50:3, 50:13, 55:1, 55:5, 66:19, 77:19, 78:6, 81:5, 81:9, 109:23, 111:15, 112:3, 114:25, 115:5,</p>	<p>129:6, 139:7, 139:16, 141:3, 142:10, 144:9, 153:6, 154:25, 169:21, 173:10</p> <p>sites ^[6] - 32:6, 40:8, 102:11, 111:16, 135:22, 165:4</p> <p>Sites ^[1] - 152:18</p> <p>sits ^[1] - 48:10</p> <p>sitting ^[3] - 99:15, 99:16, 174:24</p> <p>Situ ^[1] - 125:15</p> <p>situ ^[3] - 133:8, 134:3, 135:1</p> <p>situated ^[1] - 109:9</p> <p>situation ^[2] - 23:15, 147:13</p> <p>six ^[8] - 23:2, 55:14, 63:9, 90:19, 128:4, 131:20, 148:21, 158:17</p> <p>six-and-a-half ^[1] - 148:21</p> <p>six-foot ^[1] - 55:14</p> <p>six-month ^[1] - 128:4</p> <p>size ^[3] - 55:13, 59:10, 73:8</p> <p>skeleton ^[2] - 15:17, 17:18</p> <p>skin ^[1] - 106:1</p> <p>skins ^[1] - 159:1</p> <p>skipped ^[1] - 43:23</p> <p>sky ^[2] - 151:8, 151:9</p> <p>slab ^[1] - 149:21</p> <p>slate ^[1] - 91:1</p> <p>slide ^[34] - 14:19, 16:4, 19:7, 19:24, 21:8, 23:7, 25:5, 25:16, 27:9, 28:12, 29:11, 30:9, 34:24, 34:25, 47:18, 61:18, 75:13, 75:15, 128:25, 130:9, 130:10, 130:20, 131:1, 131:15, 132:17, 133:16, 134:20, 135:2, 135:25, 136:1, 136:7</p> <p>slides ^[8] - 24:24, 37:5, 37:15, 61:14, 63:21, 128:19, 135:24</p> <p>slightly ^[2] - 52:9, 52:12</p> <p>slip ^[2] - 38:11, 45:6</p> <p>slopes ^[4] - 46:10, 47:14, 50:8, 77:1</p> <p>slowed ^[1] - 15:14</p> <p>slug ^[1] - 111:4</p> <p>small ^[4] - 56:10, 121:23, 122:25,</p>
--	---	---	--	--

<p>178:13 smaller [2] - 26:2, 45:9 smoked [1] - 160:19 smooth [3] - 44:17, 45:20, 75:24 snapshot [1] - 49:25 snowfall [1] - 166:13 social [1] - 165:19 society [1] - 176:21 softening [1] - 17:17 soil [11] - 42:5, 45:19, 48:16, 48:17, 50:13, 50:22, 77:19, 81:3, 112:17, 113:21, 115:23 soils [2] - 77:4, 110:1 solar [2] - 167:8, 167:9 sold [1] - 18:19 soldiers [1] - 107:18 solid [1] - 36:2 solution [3] - 95:11, 95:17, 99:5 solutions [1] - 171:11 someone [1] - 8:18 Someone [1] - 92:17 sometime [2] - 22:9, 69:18 sometimes [2] - 109:7, 167:8 somewhat [2] - 32:17, 120:24 somewhere [4] - 51:10, 81:12, 150:4, 150:5 soon [8] - 39:20, 39:24, 47:25, 61:23, 70:11, 127:19, 141:8, 170:12 sooner [2] - 71:22, 135:4 soonest [2] - 67:16 sophisticated [1] - 161:19 Sorry [4] - 43:19, 43:21, 98:8, 105:10 sorry [10] - 34:4, 51:12, 53:22, 60:16, 75:25, 80:20, 100:11, 104:20, 105:22, 171:19 sort [5] - 23:21, 27:2, 61:25, 170:7 sorted [1] - 34:20 sounds [1] - 65:23 soup [1] - 42:8 source [10] - 16:14, 35:18, 58:20, 84:22,</p>	<p>91:5, 91:9, 91:10, 91:11, 93:17, 102:13 sources [5] - 109:6, 109:16, 117:5, 161:25, 162:1 south [6] - 39:16, 39:17, 46:11, 139:13, 139:20, 140:5 South [3] - 18:21, 24:10, 151:7 Southwest [5] - 98:5, 123:14, 123:23, 124:3, 125:9 sovereignty [1] - 153:2 Soviet [1] - 58:18 Soviet-made [1] - 58:18 sow [1] - 103:18 space [5] - 37:20, 37:21, 39:12, 39:15, 48:11 Spanish [1] - 176:17 spans [1] - 102:3 speaker [2] - 105:6, 122:6 speakers [1] - 94:23 speaking [9] - 10:11, 67:6, 89:9, 108:13, 119:18, 155:3, 158:12, 172:1, 173:12 special [7] - 23:18, 35:24, 105:17, 105:24, 106:8, 172:20, 173:1 special-use [1] - 35:24 specialists [1] - 23:25 specialized [1] - 23:23 species [1] - 47:7 specific [6] - 36:22, 61:25, 64:24, 130:13, 138:19, 141:10 specifically [5] - 12:10, 12:17, 35:9, 38:12, 41:5 Specifically [1] - 40:9 specter [1] - 110:11 spectrum [2] - 32:10, 138:7 speculation [1] - 113:6 spelling [1] - 6:18 spend [2] - 10:20, 43:12 spent [4] - 16:12, 97:22, 119:10, 159:11</p>	<p>SPERLING [1] - 2:9 Sperling [3] - 7:12, 7:15, 7:20 spike [1] - 59:13 spiked [1] - 58:23 spill [2] - 115:13, 166:18 spirit [3] - 12:23, 103:16, 108:4 spiritual [1] - 155:9 spirituality [2] - 172:16, 174:20 spoken [3] - 71:3, 101:23, 105:20 spot [12] - 37:10, 59:7, 59:8, 59:10, 59:21, 59:22, 60:12, 60:19, 60:21, 61:2, 130:22, 132:4 spread [3] - 63:15, 165:5, 177:24 springs [1] - 152:5 Spruce [1] - 152:4 St [1] - 103:12 stable [3] - 38:17, 46:9, 47:14 Staff [1] - 9:19 staff [4] - 7:24, 8:3, 9:7, 86:23 stage [3] - 17:5, 130:17, 139:9 Stage [1] - 56:9 stand [4] - 90:3, 159:10, 163:16, 170:11 standard [3] - 19:4, 28:1, 129:17 standards [8] - 27:16, 38:3, 38:8, 42:22, 43:6, 49:14, 56:12, 147:19 STANDBY [1] - 1:5 Standby [1] - 138:5 standby [53] - 6:5, 13:10, 13:14, 15:15, 19:8, 19:9, 19:21, 19:25, 20:3, 21:2, 22:1, 22:25, 33:20, 33:21, 33:24, 34:5, 34:8, 34:11, 34:16, 34:20, 36:8, 36:18, 55:6, 55:9, 64:17, 70:25, 76:24, 87:8, 113:9, 113:13, 123:1, 126:9, 126:12, 126:14, 126:23, 126:24, 127:1, 127:2, 127:21, 128:2, 135:7, 138:3, 138:8, 139:6, 139:15, 141:17,</p>	<p>141:21, 166:7, 169:3, 170:5, 170:8 standing [1] - 164:20 stands [1] - 75:18 starfish [1] - 104:11 Start [1] - 147:22 start [15] - 7:9, 16:20, 20:12, 22:6, 53:9, 57:3, 62:16, 62:23, 63:9, 67:7, 69:2, 69:4, 74:6, 168:11, 169:11 start-producing [1] - 69:2 started [5] - 17:8, 22:23, 87:17, 149:20, 157:3 starting [1] - 91:1 starts [4] - 61:18, 61:20, 104:16, 108:13 state [15] - 33:5, 52:11, 74:8, 74:18, 98:4, 100:10, 100:11, 105:18, 106:4, 106:5, 107:7, 149:11, 150:25, 166:10, 170:15 State [31] - 19:3, 28:25, 37:11, 41:14, 83:7, 83:9, 83:15, 83:20, 83:22, 84:4, 90:6, 94:2, 94:4, 101:11, 102:21, 119:2, 122:14, 122:17, 141:15, 146:21, 148:4, 148:20, 166:24, 170:10, 170:22, 171:5, 171:10, 171:14, 171:22, 172:7 STATE [2] - 1:1, 179:1 statement [11] - 88:8, 95:8, 109:11, 117:14, 121:21, 124:8, 125:13, 125:21, 127:21, 144:10, 159:23 Statement [3] - 3:3, 10:21, 143:5 statements [2] - 57:21, 96:2 states [2] - 107:9, 133:5 States [4] - 16:15, 32:7, 122:10, 167:11 statewide [1] - 145:24 station [1] - 69:11 stations [2] - 65:18, 69:12</p>	<p>STATUS [2] - 1:5, 1:5 status [51] - 6:4, 6:5, 13:10, 13:14, 15:15, 17:18, 17:20, 19:10, 19:19, 19:25, 20:3, 20:15, 20:22, 22:25, 23:1, 30:23, 33:20, 33:21, 34:11, 36:8, 36:19, 39:19, 50:2, 51:2, 54:14, 54:19, 56:19, 72:3, 76:24, 84:2, 87:8, 87:9, 101:10, 125:24, 126:4, 126:9, 126:18, 127:1, 127:2, 127:21, 127:25, 128:2, 138:3, 139:24, 141:18, 141:21, 166:7, 170:3, 170:5, 170:9 Statute [1] - 117:15 steel [2] - 41:25, 42:1 steeper [1] - 46:11 step [3] - 20:5, 57:13, 68:3 steps [3] - 138:19, 139:8, 146:22 stick [1] - 41:16 still [19] - 16:1, 26:20, 33:6, 34:8, 53:12, 60:12, 60:19, 70:14, 121:6, 128:18, 131:20, 131:21, 144:8, 148:18, 149:5, 151:23, 170:4, 176:2, 176:7 stipulate [1] - 58:5 stock [2] - 49:19, 129:24 stockpiled [5] - 80:24, 112:3, 112:16, 114:25, 122:3 stockpiles [1] - 112:19 stockpiling [1] - 112:6 stoke [1] - 57:10 stop [5] - 108:4, 152:16, 159:13, 159:17, 176:23 storage [1] - 112:18 store [1] - 28:14 stored [2] - 45:9, 109:23 stormwater [11] - 29:18, 29:21, 35:10, 38:24, 39:16, 39:17, 49:2, 49:18, 50:6, 50:10 story [1] - 163:7 straight [1] - 163:17</p>
---	---	--	---	---

<p>straightforward ^[1] - 70:18</p> <p>strata ^[1] - 43:2</p> <p>Strathmore ^[4] - 135:14, 135:20</p> <p>stream ^[2] - 104:5, 104:6</p> <p>Street ^[3] - 1:20, 2:10, 2:16</p> <p>strong ^[1] - 155:22</p> <p>strongest ^[1] - 107:8</p> <p>struck ^[1] - 157:3</p> <p>structural ^[1] - 47:5</p> <p>structures ^[6] - 43:13, 43:17, 44:21, 44:22, 49:6, 49:21</p> <p>struggled ^[1] - 98:14</p> <p>struggling ^[2] - 176:3, 176:20</p> <p>Stuart ^[3] - 7:11, 9:23, 75:12</p> <p>STUART ^[1] - 2:7</p> <p>stuck ^[1] - 156:24</p> <p>student ^[1] - 97:5</p> <p>students ^[1] - 175:23</p> <p>studied ^[1] - 51:18</p> <p>studies ^[1] - 147:23</p> <p>study ^[4] - 24:11, 114:5, 130:13</p> <p>Study ^[1] - 78:17</p> <p>stuff ^[3] - 64:19, 120:3, 149:16</p> <p>subbasin ^[1] - 109:8</p> <p>subcollar ^[1] - 42:2</p> <p>subcrop ^[1] - 111:6</p> <p>subject ^[6] - 6:14, 13:12, 82:5, 88:11, 109:9, 129:23</p> <p>subjected ^[1] - 95:14</p> <p>Submersible ^[1] - 71:14</p> <p>submit ^[6] - 7:3, 7:5, 33:6, 34:16, 73:14, 73:17</p> <p>submits ^[2] - 92:13, 92:20</p> <p>submitted ^[6] - 10:19, 17:10, 34:12, 51:20, 55:21, 135:9</p> <p>submitting ^[1] - 164:21</p> <p>subsequent ^[1] - 32:5</p> <p>Subsequent ^[1] - 14:21</p> <p>subsidiary ^[1] - 129:21</p> <p>substance ^[2] - 89:25, 99:8</p> <p>substantial ^[2] -</p>	<p>113:11, 133:24</p> <p>substation ^[2] - 25:22, 26:14</p> <p>subsurface ^[1] - 110:1</p> <p>succeeding ^[1] - 128:13</p> <p>successful ^[1] - 17:24</p> <p>sudden ^[1] - 161:16</p> <p>suffered ^[2] - 146:16, 165:2</p> <p>suffering ^[1] - 170:17</p> <p>sufficient ^[2] - 127:15, 130:6</p> <p>suggest ^[1] - 93:23</p> <p>suggested ^[1] - 116:15</p> <p>suicide ^[1] - 159:5</p> <p>Suite ^[2] - 2:16, 2:22</p> <p>suited ^[1] - 92:21</p> <p>summarize ^[1] - 135:21</p> <p>summarizing ^[1] - 127:20</p> <p>summary ^[5] - 30:25, 31:1, 32:15, 134:14, 142:22</p> <p>summer ^[1] - 14:20</p> <p>sums ^[1] - 20:21</p> <p>sun ^[2] - 152:1, 161:4</p> <p>sunk ^[1] - 17:11</p> <p>Superfund ^[1] - 90:16</p> <p>Superintendent ^[1] - 15:23</p> <p>supervision ^[1] - 179:8</p> <p>supplemental ^[1] - 144:5</p> <p>supplies ^[3] - 26:3, 26:5, 109:4</p> <p>supply ^[7] - 58:19, 58:20, 59:24, 84:13, 84:18, 91:6, 136:5</p> <p>support ^[15] - 25:12, 25:17, 26:6, 33:3, 38:25, 39:11, 43:11, 43:13, 66:22, 66:23, 106:20, 113:8, 126:8, 162:21</p> <p>supported ^[1] - 122:10</p> <p>supposed ^[1] - 61:16</p> <p>surely ^[1] - 173:6</p> <p>surface ^[22] - 18:15, 21:15, 21:19, 21:23, 25:24, 38:13, 43:11,</p>	<p>45:19, 48:1, 49:11, 50:21, 69:20, 69:21, 75:24, 76:5, 76:16, 78:4, 85:9, 91:9, 110:25, 111:1</p> <p>surfaces ^[2] - 50:16, 109:25</p> <p>surplus ^[1] - 85:16</p> <p>surprising ^[1] - 143:18</p> <p>surrounded ^[1] - 176:24</p> <p>surrounding ^[5] - 52:4, 90:3, 96:14, 165:6, 169:7</p> <p>survey ^[3] - 81:24, 82:1, 111:10</p> <p>surveys ^[4] - 23:12, 81:22, 82:16, 102:10</p> <p>survive ^[3] - 175:18, 175:25, 176:21</p> <p>Susan ^[2] - 8:4, 168:5</p> <p>SUSAN ^[2] - 5:6, 168:1</p> <p>susceptible ^[1] - 109:20</p> <p>suspended ^[1] - 126:13</p> <p>sustain ^[5] - 73:10, 117:5, 154:11, 162:23, 167:14</p> <p>sustainable ^[2] - 128:13, 165:14</p> <p>sustained ^[3] - 131:8, 131:19, 175:2</p> <p>sustaining ^[1] - 52:3</p> <p>swear ^[1] - 108:15</p> <p>sweater ^[1] - 94:21</p> <p>Sweetwater ^[1] - 135:8</p> <p>sworn ^[26] - 14:11, 30:17, 86:15, 89:6, 95:2, 97:16, 101:5, 103:6, 105:12, 108:17, 118:7, 121:16, 123:17, 145:19, 148:12, 150:9, 152:10, 154:19, 156:16, 158:8, 160:3, 163:2, 164:14, 168:2, 169:16, 174:2</p> <p>SWPP ^[1] - 50:11</p> <p>synthetic ^[1] - 28:21</p> <p>System ^[1] - 35:8</p> <p>system ^[13] - 29:19, 37:14, 37:15, 38:10, 44:18, 45:16, 47:6, 49:10, 49:22, 66:23,</p>	<p>114:15, 176:14</p> <p>systemic ^[1] - 100:5</p> <p>systems ^[7] - 24:13, 24:14, 27:22, 44:25, 46:3</p>	<p>technical ^[6] - 13:15, 88:13, 88:14, 123:4, 124:24, 125:5</p> <p>Technical ^[4] - 32:3, 33:2, 130:22, 132:1</p> <p>technology ^[4] - 19:16, 46:19, 90:24, 124:18</p> <p>television ^[1] - 177:21</p> <p>temporarily ^[2] - 45:9, 69:21</p> <p>temporary ^[4] - 55:16, 91:15, 126:24, 127:22</p> <p>tempting ^[1] - 109:14</p> <p>ten ^[2] - 137:22, 148:16</p> <p>term ^[20] - 21:21, 40:2, 59:6, 59:9, 59:11, 59:21, 68:10, 95:11, 95:17, 95:18, 99:4, 99:11, 113:20, 128:6, 128:15, 132:14, 137:17, 153:21, 154:7, 171:10</p> <p>terminology ^[3] - 41:1, 41:2, 41:3</p> <p>terms ^[18] - 17:7, 27:12, 39:12, 40:8, 71:23, 72:2, 73:8, 96:4, 98:24, 98:25, 99:5, 100:8, 152:15, 152:20, 153:10, 153:21, 154:8, 168:25</p> <p>Terra ^[1] - 123:25</p> <p>terribly ^[1] - 39:4</p> <p>terrifying ^[1] - 157:13</p> <p>test ^[6] - 17:12, 17:25, 19:1, 47:4, 47:6, 55:19</p> <p>Test ^[1] - 125:1</p> <p>tested ^[1] - 19:16</p> <p>testified ^[29] - 14:12, 30:18, 60:17, 68:1, 68:15, 86:16, 89:7, 95:3, 97:17, 101:6, 103:7, 105:13, 108:18, 118:8, 121:17, 123:18, 145:20, 148:13, 150:10, 152:11, 154:20, 156:17, 158:9, 160:4, 163:3, 164:15, 168:3, 169:17, 174:3</p> <p>testify ^[3] - 8:17, 8:22, 101:1</p> <p>testifying ^[2] - 8:6,</p>
--	---	--	---	---

<p>13:8 testimonies [1] - 13:25 testimony [22] - 6:13, 13:21, 14:9, 14:16, 25:14, 57:1, 68:12, 86:5, 97:20, 99:14, 100:14, 100:15, 124:15, 124:22, 124:24, 125:10, 125:11, 131:25, 145:6, 163:7, 164:19 TESTIMONY [23] - 14:13, 30:19, 86:17, 89:8, 95:4, 97:18, 103:8, 105:14, 108:19, 118:9, 121:18, 145:21, 148:14, 150:11, 154:21, 156:18, 158:10, 160:5, 163:4, 164:16, 168:4, 169:18, 174:4 Testimony [25] - 3:5, 3:7, 3:12, 3:14, 3:16, 3:18, 3:20, 3:22, 3:24, 4:3, 4:5, 4:7, 4:11, 4:13, 4:15, 4:17, 4:19, 4:21, 4:23, 4:25, 5:3, 5:5, 5:7, 5:9, 5:11 Texas [3] - 18:7, 18:21, 133:23 textbooks [1] - 176:10 thankful [2] - 118:15, 118:17 THE [3] - 1:1, 1:4, 1:5 themselves [4] - 18:18, 27:1, 139:1, 175:2 then-Governor [1] - 118:24 thereby [1] - 40:21 therefore [5] - 38:5, 44:8, 122:11, 129:22, 146:4 Therefore [1] - 112:24 thereof [1] - 72:1 thick [3] - 42:8, 45:18, 45:21 thicker [1] - 45:25 thinking [4] - 22:23, 51:9, 60:9, 107:1 thinks [1] - 21:18 third [6] - 34:17, 34:21, 113:23, 129:13, 152:16 thoughts [1] -</p>	<p>177:18 thousands [3] - 106:10, 109:7, 173:17 threat [2] - 115:21, 171:12 threatened [1] - 146:13 threats [4] - 109:19, 112:1, 115:17, 166:17 three [10] - 20:9, 45:14, 65:2, 81:3, 94:23, 110:22, 110:23, 127:16, 132:17, 141:5 throughout [6] - 32:7, 36:3, 36:6, 39:5, 156:25, 167:10 Tijeras [1] - 2:22 time-consuming [1] - 36:21 timeline [7] - 16:19, 20:2, 61:11, 61:12, 61:22, 73:3, 73:22 timely [1] - 138:14 timing [2] - 20:1, 56:17 tingle [1] - 163:17 tires [1] - 149:22 Title [1] - 111:21 title [2] - 53:20, 53:23 TO [1] - 1:4 today [36] - 6:3, 6:23, 13:5, 14:15, 20:12, 23:4, 30:8, 36:13, 57:13, 60:25, 72:11, 86:20, 86:25, 87:6, 91:1, 92:3, 93:9, 105:20, 105:23, 106:1, 108:22, 118:15, 146:24, 151:23, 152:15, 152:19, 156:25, 158:13, 161:10, 162:9, 163:5, 163:7, 169:20, 171:25, 172:11, 174:7 today's [2] - 7:2, 90:23 together [6] - 13:23, 70:13, 98:2, 147:5, 165:14, 169:4 tomorrow [2] - 57:3, 149:4 Tomorrow [1] - 101:21 tongue [1] - 174:21 tons [7] - 80:18, 80:21, 112:2, 133:18, 133:20, 133:22,</p>	<p>140:13 TONY [2] - 4:14, 150:8 Tonya [1] - 10:5 took [8] - 17:16, 22:9, 34:2, 84:17, 109:7, 114:11, 155:19, 160:10 top [8] - 28:21, 45:24, 48:2, 76:10, 76:14, 76:18, 78:25, 112:4 topic [1] - 128:8 topics [1] - 30:24 topmost [1] - 35:2 tops [1] - 152:2 total [4] - 32:7, 73:9, 104:9, 133:11 totality [2] - 21:3, 92:15 totally [2] - 104:8, 155:15 touched [1] - 21:10 toward [4] - 75:22, 95:19, 96:16, 167:13 towards [2] - 56:13, 143:13 towers [1] - 41:16 town [6] - 95:12, 95:13, 100:4, 101:12, 106:24, 175:25 towns [1] - 175:15 Townsend [1] - 10:13 toxic [8] - 89:25, 99:7, 114:16, 115:14, 116:22, 163:12, 165:5, 166:18 toxins [1] - 161:7 track [1] - 64:15 tracked [1] - 32:19 tracking [2] - 156:6, 170:25 trade [1] - 129:22 traded [1] - 129:18 trades [2] - 23:18, 24:1 trading [1] - 134:8 tradition [1] - 175:5 traditional [5] - 101:15, 101:18, 122:18, 172:3, 173:7 traditions [3] - 101:19, 102:7, 102:10 traffic [1] - 115:5 train [2] - 100:11, 155:16 training [4] - 23:22, 23:23 transcribed [2] -</p>	<p>10:12, 179:7 TRANSCRIPT [1] - 1:12 transcript [3] - 6:19, 10:14, 10:16 transfer [1] - 85:3 transferred [1] - 45:11 transferring [2] - 85:12, 102:16 transfers [1] - 85:7 transfusion [2] - 120:1, 120:2 translates [2] - 158:14, 158:20 transport [1] - 130:2 transportation [1] - 29:2 transported [1] - 114:25 travel [1] - 161:10 treat [5] - 19:3, 27:15, 38:6, 43:7, 55:18 treated [2] - 28:2, 43:10 treating [2] - 43:7, 69:20 Treatment [1] - 125:1 treatment [23] - 19:16, 25:13, 26:23, 27:9, 27:12, 27:15, 27:24, 28:3, 37:7, 38:2, 38:9, 39:14, 42:18, 44:1, 44:2, 44:5, 44:6, 45:4, 48:22, 49:12, 139:2, 139:14 treats [1] - 40:21 trees [2] - 56:3, 174:25 tremendous [1] - 116:6 trends [2] - 38:4, 166:3 tribal [8] - 82:7, 82:16, 118:13, 118:14, 119:14, 153:14, 159:3, 176:3 Tribal [3] - 9:6, 101:8, 119:3 tribe [2] - 89:12, 174:13 tribes [12] - 88:2, 102:9, 102:23, 104:2, 118:19, 119:5, 122:5, 122:16, 122:17, 122:20, 177:5 tried [1] - 57:1 trigger [1] - 84:3</p>	<p>trimming [1] - 34:23 trip [2] - 106:21, 163:21 truck [7] - 28:24, 29:4, 29:6, 29:7, 29:9, 48:23 trucks [2] - 29:5, 115:1 true [5] - 19:15, 71:17, 139:13, 151:6, 179:8 truly [4] - 158:12, 160:21, 161:2 trust [1] - 12:1 truth [1] - 104:14 try [4] - 55:3, 67:22, 74:2, 175:7 trying [15] - 12:20, 64:15, 64:18, 73:2, 120:2, 158:2, 159:3, 170:4, 174:23, 174:24, 175:7, 175:9, 175:11, 176:20, 176:21 turn [5] - 10:10, 30:13, 117:20, 121:4, 159:3 turned [1] - 62:10 turns [1] - 41:21 two [37] - 6:24, 13:5, 20:6, 25:19, 31:7, 32:3, 34:12, 35:7, 35:23, 38:2, 40:12, 45:9, 56:11, 56:23, 61:15, 63:5, 65:3, 65:24, 66:22, 69:13, 74:3, 105:15, 107:10, 118:20, 119:1, 126:9, 127:16, 135:7, 136:4, 141:24, 143:7, 150:15, 155:18, 157:5, 168:7 Two [1] - 23:4 two-and-a-half [7] - 20:6, 34:12, 56:23, 65:24, 74:3, 118:20, 119:1 Two-and-a-half [1] - 23:4 twofold [1] - 117:15 type [2] - 130:13, 144:2 types [2] - 154:5 typically [6] - 19:11, 64:24, 71:5, 71:7, 71:9, 143:4 TZOSIE [3] - 4:18, 154:18, 154:22 Tzowie [1] - 156:12</p>
---	--	---	--	--

<p style="text-align: center;">U</p> <p>U.S [17] - 33:14, 93:8, 128:24, 132:21, 132:25, 133:1, 133:4, 133:6, 133:17, 133:19, 134:6, 134:8, 134:10, 134:14, 137:11, 137:13</p> <p>ultimately [1] - 18:19</p> <p>UN [1] - 165:24</p> <p>unborn [1] - 148:4</p> <p>unclear [1] - 139:4</p> <p>uncontaminated [1] - 46:3</p> <p>under [41] - 6:14, 14:11, 30:17, 34:6, 49:7, 50:6, 50:12, 81:2, 82:22, 83:9, 83:11, 83:25, 86:15, 89:6, 92:9, 95:2, 97:16, 101:5, 103:6, 105:12, 108:17, 116:6, 118:7, 118:23, 121:16, 123:17, 130:13, 145:19, 148:12, 150:9, 152:10, 154:19, 156:16, 158:8, 160:3, 163:2, 164:14, 168:2, 169:16, 174:2, 179:7</p> <p>undergraduate [1] - 124:6</p> <p>underground [23] - 15:7, 18:14, 21:15, 21:20, 21:23, 25:25, 27:4, 41:8, 57:10, 65:5, 65:8, 65:12, 65:13, 65:16, 66:1, 66:25, 67:1, 78:3, 114:10, 130:1, 170:24</p> <p>underlying [3] - 100:13, 100:14, 111:6</p> <p>underscoring [1] - 165:22</p> <p>undersigned [1] - 179:4</p> <p>understood [3] - 127:25, 128:20, 139:22</p> <p>unemployed [1] - 98:14</p> <p>unemployment [1] - 98:14</p> <p>Unfortunately [2] - 117:22, 148:19</p> <p>unfortunately [2] - 63:21, 149:25</p> <p>unique [1] - 96:5</p>	<p>unit [6] - 23:10, 39:10, 39:15, 43:11, 44:6, 49:12</p> <p>United [6] - 16:14, 32:7, 122:8, 122:10, 150:16, 167:11</p> <p>units [9] - 13:14, 14:18, 23:9, 24:21, 24:25, 25:8, 30:10, 39:7, 127:3</p> <p>unity [1] - 97:8</p> <p>universally [1] - 46:2</p> <p>University [3] - 95:7, 97:24, 124:5</p> <p>unknown [1] - 74:12</p> <p>Unless [1] - 11:5</p> <p>unless [2] - 11:10, 79:3</p> <p>unlined [1] - 78:11</p> <p>unpatented [2] - 80:4, 80:9</p> <p>unrealistic [1] - 116:10</p> <p>unreclaimed [1] - 112:10</p> <p>unregulated [1] - 114:20</p> <p>unremediated [1] - 166:15</p> <p>untapped [1] - 167:12</p> <p>up [70] - 15:14, 20:7, 26:5, 29:5, 33:17, 39:5, 41:16, 43:18, 46:8, 48:13, 50:20, 51:2, 59:19, 62:21, 66:2, 66:24, 73:4, 74:1, 77:2, 77:18, 83:1, 85:23, 87:24, 91:17, 92:4, 97:21, 99:19, 103:11, 104:16, 106:5, 106:23, 107:6, 117:23, 117:25, 134:6, 145:16, 152:1, 155:5, 156:22, 157:5, 159:10, 159:18, 159:20, 160:6, 161:6, 162:6, 162:7, 162:8, 162:12, 163:12, 163:17, 163:20, 167:4, 167:9, 168:24, 169:5, 169:9, 170:7, 170:18, 172:1, 172:23, 172:24, 173:7, 173:15, 175:4, 175:13, 176:16, 177:5, 177:8</p> <p>update [2] - 44:12, 141:1</p>	<p>updated [2] - 126:4, 141:6</p> <p>upgrade [7] - 28:18, 29:24, 37:22, 63:23, 139:9, 139:10, 139:20</p> <p>upgraded [1] - 29:22</p> <p>upgrades [13] - 13:18, 25:3, 25:15, 27:17, 39:21, 43:16, 44:7, 44:10, 46:23, 66:14, 67:13, 68:4, 69:1</p> <p>upon-reactivation [1] - 139:3</p> <p>Upper [2] - 109:12, 114:8</p> <p>upper [4] - 45:17, 48:9, 49:4, 75:23</p> <p>Uranium [11] - 73:25, 90:22, 110:21, 111:19, 114:24, 124:11, 133:1, 136:1, 142:19, 142:21, 151:18</p> <p>uranium [131] - 14:20, 16:9, 16:14, 16:20, 18:7, 18:20, 22:12, 27:12, 28:23, 29:1, 29:3, 32:8, 33:12, 43:5, 55:20, 57:17, 58:19, 58:22, 58:23, 69:2, 87:8, 87:13, 89:18, 90:18, 95:17, 99:7, 99:8, 106:20, 107:4, 112:2, 112:6, 113:3, 113:7, 113:17, 115:2, 115:8, 116:19, 122:2, 124:13, 124:17, 124:18, 124:21, 125:11, 126:7, 126:13, 128:18, 128:24, 129:1, 129:2, 129:6, 130:21, 130:23, 131:1, 131:4, 131:24, 132:2, 132:3, 132:7, 132:14, 132:15, 132:20, 132:23, 133:17, 133:18, 133:22, 134:7, 134:9, 134:16, 135:5, 135:23, 136:5, 136:8, 136:10, 136:11, 136:13, 137:5, 137:12, 137:15, 137:17, 137:18, 137:19, 142:23, 143:3, 146:7, 146:9, 146:13, 146:16, 146:17,</p>	<p>147:24, 148:15, 149:17, 150:15, 151:12, 151:23, 155:15, 155:16, 158:19, 159:13, 159:18, 159:19, 160:13, 160:16, 160:22, 160:23, 160:25, 161:2, 161:10, 161:21, 163:9, 163:11, 163:19, 165:3, 168:12, 169:24, 170:19, 170:21, 171:13, 171:16, 171:17, 172:23, 174:16, 175:24, 175:25, 177:9, 177:25</p> <p>uranium-related [1] - 124:21</p> <p>urge [3] - 147:2, 147:11, 148:3</p> <p>urgent [2] - 165:10, 165:12</p> <p>urgently [1] - 165:16</p> <p>urine [1] - 90:19</p> <p>useful [1] - 39:7</p> <p>useless [1] - 91:4</p> <p>users [1] - 93:3</p> <p>uses [2] - 93:9, 130:22</p> <p>USGS [3] - 109:10, 109:11, 114:7</p> <p>Utah [8] - 10:1, 106:22, 107:2, 107:11, 174:15, 177:3, 177:5, 177:6</p> <p>utilities [1] - 43:15</p>	<p>vegetative [1] - 50:17</p> <p>vehicles [1] - 161:11</p> <p>vendor [1] - 66:10</p> <p>vendors [3] - 67:9, 70:14, 71:23</p> <p>vented [1] - 114:17</p> <p>vents [1] - 110:7</p> <p>verbal [1] - 159:10</p> <p>verbally [1] - 36:12</p> <p>verbatim [1] - 52:5</p> <p>versa [1] - 175:11</p> <p>version [1] - 135:3</p> <p>versus [5] - 61:17, 128:23, 134:18, 135:23, 137:11</p> <p>vertically [1] - 75:21</p> <p>via [1] - 119:5</p> <p>viability [5] - 113:12, 125:17, 127:3, 128:7, 128:15</p> <p>viable [3] - 18:22, 113:8, 128:10</p> <p>Vice [3] - 9:21, 95:6, 121:20</p> <p>vice [1] - 175:11</p> <p>view [6] - 75:13, 75:23, 87:22, 87:23, 89:24, 143:12</p> <p>viewer [1] - 136:18</p> <p>views [1] - 178:1</p> <p>Village [2] - 87:10, 111:10</p> <p>violated [1] - 150:19</p> <p>violates [1] - 172:15</p> <p>violations [1] - 149:3</p> <p>violence [3] - 95:14, 96:16, 100:5</p> <p>VIRGIL [2] - 3:11, 86:14</p> <p>Virgil [3] - 9:4, 86:13, 86:18</p> <p>visible [2] - 39:3, 39:4</p> <p>visit [2] - 177:16</p> <p>Vita [1] - 123:25</p> <p>voice [1] - 96:12</p> <p>volumes [1] - 115:14</p> <p>volunteer [1] - 145:24</p> <p>voted [2] - 22:14, 149:10</p>
			<p style="text-align: center;">V</p> <p>vacuum [2] - 166:9, 171:5</p> <p>Valley [2] - 16:23, 164:24</p> <p>valuable [1] - 173:2</p> <p>value [2] - 153:19, 173:16</p> <p>values [2] - 174:20, 176:15</p> <p>varieties [1] - 47:7</p> <p>variety [5] - 30:22, 32:6, 36:5, 38:25, 154:7</p> <p>various [2] - 18:24, 135:22</p> <p>vegetation [5] - 46:13, 47:6, 47:15, 48:14, 50:7</p>	<p style="text-align: center;">W</p> <p>wake [3] - 20:7, 116:22, 175:13</p> <p>walk [4] - 155:18, 155:19, 160:25, 163:8</p>

<p>Walk ^[1] - 158:15 walked ^[2] - 105:1, 158:17 walking ^[4] - 156:6, 158:16, 163:10, 163:14 wall ^[1] - 39:9 wants ^[2] - 107:21, 145:5 warehouse ^[2] - 25:24, 26:13 warehouses ^[1] - 43:14 warming ^[1] - 166:3 warning ^[1] - 163:15 wash ^[6] - 26:11, 28:24, 29:4, 29:6, 48:23, 104:15 washed ^[1] - 29:7 Waste ^[1] - 78:17 waste ^[80] - 25:13, 26:8, 28:8, 29:11, 29:14, 29:16, 30:2, 36:2, 37:8, 37:10, 38:15, 38:18, 39:16, 46:6, 46:7, 46:17, 46:18, 46:21, 46:24, 47:2, 47:3, 47:17, 47:19, 47:23, 48:1, 48:4, 48:22, 49:3, 50:7, 50:14, 50:23, 75:7, 75:8, 75:14, 75:17, 75:23, 76:12, 76:19, 77:3, 77:11, 77:12, 77:14, 77:17, 77:21, 77:22, 77:25, 78:6, 78:7, 78:11, 78:15, 78:21, 78:23, 78:24, 79:2, 79:5, 79:6, 109:22, 109:24, 110:6, 112:4, 112:7, 112:10, 112:16, 112:18, 112:20, 114:19, 115:10, 116:17, 125:8, 125:9, 139:13, 139:21, 140:5, 163:13, 165:4, 166:21 WATCHEMPINO ^[3] - 4:2, 108:16, 108:20 Watchempino ^[2] - 108:21, 117:19 water ^[95] - 19:16, 25:12, 26:23, 27:9, 27:14, 28:11, 29:8, 29:20, 35:10, 37:6, 37:20, 38:5, 38:10, 39:14, 42:6, 42:17, 43:6, 43:8, 44:6, 44:23, 45:2, 45:4,</p>	<p>45:6, 45:8, 46:3, 48:18, 49:7, 49:9, 49:11, 49:12, 49:22, 50:6, 50:19, 56:2, 62:23, 63:7, 69:19, 79:8, 83:13, 84:10, 84:13, 84:18, 84:22, 85:4, 85:12, 85:16, 85:21, 91:3, 91:4, 91:6, 91:9, 93:3, 102:13, 102:14, 102:15, 103:11, 103:16, 109:3, 109:4, 109:16, 109:20, 110:24, 111:4, 112:17, 113:21, 115:9, 115:22, 116:4, 122:1, 125:9, 127:13, 139:1, 147:16, 149:14, 151:25, 153:25, 158:22, 165:5, 166:22, 171:1, 171:7, 171:9, 171:11, 171:12, 172:13, 173:5, 174:25, 176:5, 176:8, 178:3, 178:4, 178:5 Water ^[6] - 91:7, 111:2, 125:1, 125:6, 141:14, 150:13 watering ^[2] - 49:19, 109:5 watersheds ^[2] - 115:17, 117:9 wave ^[1] - 69:24 ways ^[6] - 161:9, 161:10, 161:20, 162:4, 173:7, 178:2 wealth ^[2] - 89:22, 89:23 weapons ^[4] - 33:15, 58:18, 116:20, 153:17 weapons-grade ^[1] - 33:15 web ^[1] - 36:9 website ^[1] - 147:22 Webster ^[1] - 128:9 week ^[3] - 10:19, 25:24 week-to-week ^[1] - 25:24 weekly ^[1] - 162:7 weeks ^[2] - 141:15, 141:24 weigh ^[1] - 146:4 welcome ^[7] - 8:17, 9:24, 82:10, 82:11, 82:17, 97:13, 178:11 welders ^[1] - 24:1 welfare ^[5] - 92:20,</p>	<p>92:25, 100:10, 112:2, 117:17 well-being ^[2] - 103:21, 109:19 well-enough ^[1] - 130:16 well-known ^[1] - 129:16 well-spoken ^[1] - 105:20 wells ^[19] - 26:18, 26:19, 37:19, 41:6, 41:9, 41:13, 42:12, 42:15, 42:23, 43:1, 62:3, 62:16, 62:17, 62:23, 63:8, 71:14, 93:18, 156:7 west ^[2] - 46:11, 129:5 West ^[1] - 1:20 Western ^[1] - 15:1 Westwater ^[1] - 43:4 whatsoever ^[2] - 42:18, 163:16 wheel ^[2] - 149:19, 149:21 White ^[3] - 72:25, 133:10, 135:5 white ^[2] - 148:3, 176:17 whites ^[1] - 104:2 whole ^[17] - 32:10, 36:3, 36:24, 46:9, 48:4, 48:11, 48:13, 50:17, 63:15, 63:22, 74:13, 85:18, 94:16, 98:15, 149:11, 165:13, 172:8 wholly ^[1] - 129:20 wide ^[3] - 12:2, 139:11, 154:7 wide-ranging ^[1] - 12:2 widespread ^[1] - 110:16 wildlife ^[1] - 149:15 William ^[1] - 123:22 willing ^[2] - 108:1, 108:2 wind ^[2] - 109:20, 161:25 wise ^[1] - 103:20 wisely ^[1] - 151:1 wish ^[1] - 120:13 wishes ^[2] - 96:13, 100:17 withdrawn ^[1] - 135:19 witness ^[1] - 125:5 witnesses ^[4] - 7:18,</p>	<p>7:19, 13:2, 13:5 women ^[1] - 96:16 wondering ^[1] - 61:24 wooden ^[1] - 149:21 word ^[2] - 126:22, 175:3 words ^[8] - 44:1, 52:4, 63:25, 70:7, 76:7, 78:3, 128:14, 159:22 worker ^[4] - 23:22, 99:10, 99:11 workers ^[1] - 99:8 workforce ^[1] - 101:13 workings ^[1] - 41:8 works ^[4] - 87:3, 116:5, 118:12, 157:21 Workshop ^[1] - 73:25 Workshops ^[1] - 142:22 world ^[11] - 18:9, 36:24, 89:24, 90:5, 90:13, 136:5, 137:22, 153:17, 161:23, 165:23, 177:20 worldwide ^[1] - 166:3 worry ^[1] - 153:25 worth ^[1] - 32:16 write ^[2] - 40:20, 40:25 writing ^[3] - 7:5, 12:7, 33:3 written ^[9] - 11:24, 70:3, 88:23, 89:2, 109:11, 124:8, 158:11, 178:10, 178:15 wrote ^[2] - 140:25, 141:12</p>	<p>143:7, 159:12 year-and-a-half ^[1] - 62:20 Years ^[1] - 147:18 years ^[81] - 18:2, 20:6, 20:9, 22:22, 23:2, 23:4, 31:24, 33:10, 33:17, 33:22, 34:3, 34:13, 42:20, 47:4, 47:11, 54:1, 56:23, 63:6, 65:24, 66:6, 66:13, 67:6, 68:14, 69:4, 72:19, 72:20, 74:3, 74:21, 75:1, 84:12, 87:12, 87:21, 95:15, 97:22, 106:23, 109:7, 118:21, 119:1, 120:9, 124:4, 127:16, 127:18, 130:25, 131:2, 131:9, 131:15, 131:16, 132:21, 132:24, 136:4, 136:24, 137:7, 137:22, 141:5, 143:9, 143:17, 147:7, 148:16, 148:18, 148:19, 148:21, 148:23, 151:12, 154:1, 157:2, 157:4, 157:5, 160:17, 160:19, 161:16, 162:13, 162:23, 168:21, 174:7, 174:8, 175:2, 176:7 yellow ^[2] - 140:14, 160:12 yielding ^[1] - 140:14 young ^[10] - 147:17, 147:20, 149:5, 153:24, 154:8, 155:19, 163:6, 175:21, 175:23, 176:9 yourself ^[2] - 54:4, 84:9 yourselves ^[1] - 10:9 youth ^[3] - 97:10, 151:9, 157:12</p>
Y				
<p>yards ^[1] - 114:18 Year ^[2] - 90:21, 110:20 year ^[28] - 17:25, 33:23, 34:7, 35:4, 60:17, 62:20, 65:2, 67:12, 67:15, 67:23, 67:25, 68:5, 68:16, 74:24, 119:3, 132:22, 133:18, 136:6, 136:12, 136:22, 137:1, 140:13, 140:15, 142:24,</p>				
Z				
<p>zombie ^[2] - 112:8, 168:16 zone ^[2] - 52:4, 76:2 Zone ^[1] - 116:24 zones ^[1] - 77:24 Zuni ^[9] - 101:8, 101:14, 101:17, 101:19, 101:22, 102:9, 102:13,</p>				

118:11, 174:12