

SURFACE TRANSPORTATION BOARD

SECTION OF ENVIRONMENTAL ANALYSIS

PORT MACKENZIE RAIL EXTENSION PROJECT

ENVIRONMENTAL REVIEW PROCESS

Houston, Alaska

April 12, 2010

P R O C E E D I N G S

(Houston, Alaska - April 12, 2010)

(On record - 6:30 p.m.)

MR. NAVECKY: Good evening, ladies and gentlemen. I think we're ready to start if you could have a seat, please. Good evening and thank you for attending this public comment meeting on the draft environmental impact statement for the proposed Port MacKenzie rail extension. I would like to officially call this meeting to order. I am Dave Navecky of the Surface Transportation Board's Section of Environmental Analysis, otherwise known as SEA. The Surface Transportation Board is the federal agency responsible for authorizing the construction and operation of new rail lines and associated facilities. In December 2008, the Alaska Railroad Corporation filed a request for authority to construct and operate approximately 30 to 45 miles of rail line and related support facilities from the Port MacKenzie district to a point on the existing Alaska Railroad mainline between Wasilla and just north of Willow. The Mat-Su Borough is working with the Railroad as a sponsor of the proposed rail line and was responsible for obtaining funds to conduct environmental reviews and preliminary engineering for the proposed rail line. The Surface Transportation Board is lead -- is the lead federal agency responsible for preparing the CIS which is intended to identify and evaluate the potential environmental impacts associated with the proposed rail line. We

also have three cooperating agencies assisting us in preparing the EIS. They are the US Army Corp of Engineers, the Federal Railroad Administration and the US Coast Guard. A team of consultants led by ICF International also assisted SEA in preparing the EIS. At the table with me is Alan Summerville, project manager of ICF's EIS activities.

If you've not already done so, please sign in at the front table located in the back of the room and indicate whether you are interested in providing oral comments on the draft EIS at this evening's meeting. This meeting is part of the draft EIS stage of the environmental review process. As you know, the draft EIS was issued last month and we are now accepting comments on the document. Prior to preparing the draft EIS we conducted agency and public scoping meetings to listen to your questions and concerns including a meeting in this very same room. The information you provided helped us frame our analysis, understand your concerns about the project and finalize the scope of the EIS. We've finalized the scope and issued the document, the scope document in July of 2009. This final scope of studies served as our guide concerning what to address in the draft EIS.

After the draft EIS comment period closes on May 10th we will review all the hearing transcripts and written comments and we will prepare written responses for all substantive comments. All of your comments and all of our comment responses

will be published in the final EIS. The board will then issue a final decision based on the transportation merits of the proposed rail line, the contents of the draft and the final EISs and all public and agency comments. This final decision will take one of three actions; approve the proposed rail line, deny it or approve it with mitigating conditions including environmental conditions. Construction, if approved by the board, could not begin unless and until the cooperating agencies issue final decisions approving or permitting the proposed rail line. The handout you were provided or picked up at the front table includes additional information on our environmental review process.

Whether you speak tonight or not you can also provide us with handwritten comments this evening by filling out the last page of your handout and turning it in at the sign in table. We also have blank comment forms at the sign in table. Oral and written comments are given equal weight and consideration, so if you choose not to speak this evening, your written comments will be fully addressed. In consideration -- in addition, this meeting is just one option for you to provide comments. We are accepting written comments until May 10th and you may use the comment form provided this evening or your own handwritten or typewritten letters. Your handout provides the information you need to submit your written comments to the Surface Transportation Board either by mail or electronically through our website.

In preparing your comments, we encourage you to be as detailed as possible in describing your concerns. We are also interested in receiving your comments on the purpose and need of the proposed rail line, potential project impacts including access at trail issues, opinions on a potential preferred alternative, adequacy of the preliminary mitigation in the draft EIS and the need for any additional mitigation.

In a minute, I will begin calling on those individuals who would like to speak. Your oral comments will be documented by the court reporter located to my left. When I call your name, please approach the microphone to my left as well and then state and spell your first and last name for the benefit of the audience and our court reporter. To ensure that everyone has an opportunity to speak, each person will be limited to approximately five minutes. I anticipate that once we run through the list of individuals who would like to speak we will have the time for anyone else who would like to come back up and speak for an additional five minutes. Let's see.

At this time, I would like to invite the first commentor to the microphone. Again, if you could state your first and last name and spell it for the court reporter. The first person is John.....

MR. HIMMELRIGHT: Himmelright.

MR. NAVECKY: Himmelright. Exactly. Thank you.

MR. HIMMELRIGHT: Hi, I'm John Himmelright,

J-O-H-N H-I-M-M-E-L-R-I-G-H-T. I'm a home owner on West Lake which the Houston route would be affecting right behind me. Also affecting my neighbor Woodby's (ph) runway, which would probably hinder it too short to use it. We have an active eagle's nesting pair, that I show you those pictures right there, on the property and they've been there about three years and they nest most of the summer and they come back in the spring.

Snow machine trails would be affected which pretty much would cut us off the peace and quiet and the quality of life in which is the reason most of us by lake property in the first place would be greatly affected. In my opinion, if you have to build it, Willow would be the best option affecting the least amount of people. Thank you.

MR. NAVECKY: Thank you for your comments.

(Applause)

MR. NAVECKY: The next commentor, Dan Mayfield, please.

MR. MAYFIELD: Hi, my name is actually James Mayfield. I go by Dan. J-A-M-E-S M-A-Y-F-I-E-L-D. I am president of Big Lake Trails, but tonight I'm actually here as a board member of the Big Lake Community Council. The community council asked me to speak for them. Our original position on the rail was established in 2007. Our position has remained consistent since then. I will read you this evening a communication that Bill O'Hara, who was a past president of the community council, had sent to the Surface Transportation Board. Our -- as I say, our

position remains the same to this date under the present president Seth Kelley. Dear board members, Big Lake Community Counsel carefully considered the proposed rail spur routes being studied to connect Port MacKenzie to the existing railroad. We would like to share with you our concerns and suggestions for the route we support. The west route is the one favored by our council -- the west route being the Willow route -- as it has the least impact to our area. This route is mostly on borough, state or federal land and has minimal private property along the right-of-way. It would cross a number of our recreational trails, but with crossings incorporated into the design of the route we feel it's a workable route. The route's mostly on a natural moraine and would minimize wetland crossings. From the borough's perspective, this route would open up a large area of inaccessible land for sale and development, increasing the tax base. Finally, the noise pollution caused by rail traffic would be great -- generally far away from existing dwellings.

The central route, which is the Houston route, is the least desirable route of the options presented. This route would impact a tremendous amount of private property owners and the proximity to existing dwellings would create a noise pollution nightmare. Much of the route is wetlands and is in the Big Lake watershed area. The construction of a raised rail bed crossing to the west and north of Big Lake would essentially create an earthen dam across a large part of the watershed. This would

create havoc with the existing drainage pattern and would have unknown consequences. The route would cross virtually every trail in and around Big Lake resulting in many crossings to accommodate trail users. We are also concerned about the negative impact on the borough from devaluing our property as a result of the rail line, potentially reducing tax revenues.

The eastern route, known as the Big Lake route, is also not recommended due to the route crossing many private property land. Noise pollution would be another issue due to the proximity to dwellings. The route would also require a road crossing at Hollywood and at Big Lake Road. It also crosses many wetlands and the Iditarod Trail. The main rail line across the Parks Highway -- Parks north of the highway requiring an over or underpass to reach the main line.

The council is not opposed to the development of the port and supports the rail spur to service it. We are concerned about the character of the lake and its surrounding areas. This is one of the most prized recreational areas in the state and supports robust summer and winter recreational activities. It is also becoming increasingly popular with year round residents. The recreational trail system in this area is extensive with thousand miles -- with thousands of miles in and around Big Lake. It's often called the gateway to the Western Susitna Valley and is extensively used by snowmobilers and dog mushers in the winter.

At the Big Lake meeting we supplied you with a trail map. I believe, Alan, you have that. That map shows the approximation of crossings that would occur if the Houston route were chosen. You'll note that the central route crosses and recrosses many of the main trails in the area and many more that are not indicated. The western route has the least impact on the trail system. Please consider our input during this decision making process and thank you for your attention of the matter.

MR. NAVECKY: Thank you for your comments.

(Applause)

MR. NAVECKY: Jill Parson, please.

MS. PARSON: My name is Jill Parson, J-I-L-L P-A-R-S-O-N, and I just got my CD about three weeks ago, so I haven't really gone through all of the information that's in there, but my initial take is that I have three concerns. My first concern is that there is no clear choice. It looks like there are many, many all -- many, many cons for virtually every choice and so there is no single alternative that does not have significant impacts to our areas. And so it looks like to make a choice, if a choice is made and the no choice alternative is not selected, that it's just going to be a matter of what is the least onerous alternative or the lesser of evils. And that's a concern to me.

A second concern that I have is what I think the analysis did not do and that's -- I think -- it appears to me it

looked at each route individually but it didn't look at the overall area, because there's some things that are of serious concern to me about the overall area. The eagle nest is one thing. One little eagle nest can significantly impact what a route is. And I don't know that anyone really did a survey. There are a lot of eagles around here. There may be a lot of nests and the eagle nests are federally protected. So that's just a small thing.

I think what is even more significant is the watersheds. There are two separate watersheds. Those areas impact the salmon streams which in turn affect Cook Inlet. They affect the fishing in Cook Inlet, both private parties, fish -- sports fishermen and also they impact our commercial fisheries. And the impact, what now is an issue, the beluga whales who feed on them. So I haven't seen anything that says what the overall impact if we have a railroad, which theoretically is going to bring more traffic to the port and therefore more traffic in the inlet. Has that even been addressed? So that is my second concern.

My third concern, and at the open house we were told that this is not an issue raised by your evaluation, but that's the whole economics of this railroad. And we were told that that was not a part of what you are looking at, but I think that that cannot be separated from this issue at all. In this report, they make two little statements. One that says we're only talking

about two trains daily, one going this way and one going that way. Do we really want to impact as many people by two trains a day and impact our lives and our lifestyles?

Secondly, the report also says that for a railroad, for every gallon of diesel you get 156 to 520 ton miles. For a truck, you only get 68 to 133 truck -- ton miles for a truck per gallon of diesel. That's really wonderful, but what's not shown in here is the roads already exist. Trucks can haul now. And railroad exists with ports both in Anchorage and in Seward. So what is this railroad in this alternative going to bring and what will it cost? And if you build in that cost, are we really talking about numbers that are tucked in this one little corner of the report? I think that economics is very, very serious consideration and does need to be addressed before any kind of a decision is made. So how would this railroad traffic to the port benefit us, because the whole orientation is this is going to bring more business to the port. It's the old what will come down the railroad. It's if we build it, it will come. And we don't have any indication whatsoever what they expect to get to come down the railroad and what the cost it is going to put that railroad in and what therefore the impact is and offset it with what is going to be inconveniences to us.

So in short, those are my three things that I would like to bring up here. The first is that there's not really a clear choice that is the best alternative other than a no choice.

And secondly, I think the scope of this report needs to address more overall the overall impact, because there are things that may impact one area and be addressed on that one area, but they can also expand, like salmon streams being disturbed, they could affect other areas. And of course the last and I think very significant is the economics. Why are we talking about this? What is the benefit economically to us? Those of us who live on that side of the tracks that will be impacted by even if it's two railroad tracks, two trains a day coming through, we will be impacted by this. And supposedly it's the port that's going to receive the benefits. How will I benefit this? I don't see that at all. Thank you.

MR. NAVECKY: Thank you for your comments.

(Applause)

MR. NAVECKY: Grace Whedbee.

MS. WHEDBEE: I started looking at the Port MacKenzie Port Master Plan that was written in 1998 and amended in 1999 and on Page 3.7 in early 1999 the borough received the state and the federal agency approval to construct a multipurpose deepwater port facility, access road and transit storage area. And it goes onto describe four different variations of this dock that they might be building. And it says that no further permits are necessary and they -- unless they increase in size and then the modifications of the permit may be required.

In section 4.1, it also goes on to say that marine and

navigation status, it says that they have done no studies on what -- how it's going to affect the marine section or the Knik Arms. And my question is how can this be? There's no indication that any study was done before the permits was issued on the effects of a virtual dam that is being placed in the extremely fast moving water. No study on the effects of the fish when you make the drastic change to their migration and their critical habitat. In 2002, the port was shut down because 700 70-foot pilings housing -- holding 350,000 cubic yards of gravel was found to have two out of the three pilings that were inspected that was defective and because there was no data on the silt that was underlying the docks.

You know, it's very interesting that if I wanted to do the same thing I'd have to tell them exactly how I'm going to do it. I have to know the construction methods and everything else and nothing seems to have been done here. It looks like they got carte blanche to do this entire development without any permits and without any study. This is something we really need to look into in light of the following information that I'm going to give you that I don't believe has ever been looked at at all. Exhibit A that I've given you is taken from a Google Earth map that was dated September the 4th, 1996 and it shows the area prior to Port MacKenzie being built. And you'll notice that there is a very small amount of mud along the shoreline. There is nothing in the vicinity of Port MacKenzie. Exhibit B was taken on July 17th in

2002 and you're going to notice that the loading area around where they have built this dock, you'll notice that the mud flats have now been extended to the -- to where they go halfway out. And I believe this dock is over 800 linear feet into the water. If you'll then go to Exhibit C, you will -- this picture was taken on July -- I'm sorry, June 6th, 2004 and you'll notice that now the mud flats are extending the full length of the port and extending thousands and thousands of feet down into the stream, upstream and downstream of this port. This clearly shows that Port MacKenzie has changed the current flow of the entire Knik area and the habitat of our whales and our fish and everything else. And this change have been made and I can't find any indications of any reports that was ever done or any studies that was ever done prior to it being built.

The Knik Arm shoal is what we're going to discuss next and this shoal has required that we dredge it since the very beginning. With the dredging, a ship with a 40 to 43 foot depth can be accommodated. No ship deeper than 40 to 43 feet can ever come up the Knik Arms because everything has to pass over this shoal. So the very idea that we have a dock that can handle a 60 foot ship is a lie. It can't be done. You cannot get in there due to these shoals. So everything that we've been told up til now is based on false information. Exhibit D is the Alaska Journal of Commerce done on July 19th, 2005 where they say that the sediment in 1980 and 1990 averaged 250,000 cubic yards that

we had to remove. After this port was put into place from May 15th to June 1st of 2004, two million cubic yards had accumulated in six months, where for the last -- what is that, 20 years, we only had 250,000 cubic yards of accumulation. The cost went from three million dollars to dredge to 12 million dollars to dredge the other area.

But even more important than that, I'm going to talk to you about -- okay. One of the things this report said is that they don't know why this extra accumulation of silt, and they're still investigating it. But they -- one of the items that they said it could be Port MacKenzie or it could be the -- it's things that were happening at the port of Anchorage since they had been expanding and they had been doing things. However, I want to point out to you that when the port of Anchorage went in, they did millions and millions of dollars worth of study and reports that are this high. They even went to the extent with the bridge people to build a model that is in a huge warehouse of the entire Knik area. Computer generations and dyes help them to see what happens to anything that you do into that bay. Every single item that is done can be looked at and found out what happens. And until that was approved and they were making no major impact on the bay, they never got any permits. So that's very interesting to think about.

If you'll look at what I have listed as Exhibit E, you'll see a circle around the area that we're going to discuss

now, and again, this is brand new information that I don't know that anyone else has ever brought out. This area is between -- this is almost directly across from the port of Anchorage but downstream of Port MacKenzie.

Exhibit F and G show a shoal that is growing across from the port of Anchorage. This map was not done by me or someone local, it was done by NOAA. And they're actually showing at the 15 meter on the first one and at the 20 meter on the second one how big this thing is happening and what is going on. Tugboat captain said that when they used to run along the beach prior to Port MacKenzie they could actually run all the way to the beach on the other side. And now that is all blocked off and it is becoming a very dangerous situation. All the federal agencies have continued to study why this shoal has happened. The model of Knik Arms in Vicksburg, Mississippi will be used in May to do further studies and at that time all of the agencies in Alaska, being our national defense as this port of Anchorage is a defense port, will going be back, the Corp of Engineers and all of the others to test and see if they can figure out exactly what's causing this to happen.

It is vital that you understand that the port of Anchorage moves 90 percent of all goods in and out of Alaska and it is a strategic port for both national and military defense. The port of Anchorage is funded 50 percent by federal dollars. I highly recommend that the board, this board, either consider

tabling all proceeds or all proceedings until such time that Port MacKenzie can prove that they are not responsible for the adverse effects of the shipping lanes and this federally funded port or that you make a no bill recommendation. We need to stop throwing hundreds of millions of taxpayer's dollars at this ill-conceived port that has shown over the past 20 years is not viable. I should also point out that the Corp of Engineer has requested one million dollars as a 50 percent cost share to look into what it's going to cost to dredge this brand new shoal that is now called MacKenzie shoal. To look at just a cost of dredging, which is going to be many, many times more than what we paid in the past for any other dredging. The Mat-Su Borough is aware of this, the port of Anchorage when they receive the information that they have to do a million dollars as support to also participate in paying for the study. So this is not something small.

At this time, we really need to table this until we find out whether this port is responsible for cutting off the shipping lanes and possibly impacting the entire economy of the state of Alaska and our national defense. Remember how many ships are going to all the hot spots in the world including our fighting men and all the equipment that goes to them through this vital port. Thank you.

MR. NAVECKY: Thank you for your comments.

(Applause)

MR. NAVECKY: Next we have Mike Whedbee.

MR. WHEDBEE: My name is Mike Whedbee, pI-K-E W-H-E-D-B-E-E. Since Grace didn't spell her name, it's the same last name as mine. You know, it's kind of hard to follow her, but what I'm going to be talking about tonight is basically the information and the purpose and need of Port MacKenzie. And when going through this -- the EIS in section S-1, the environmental people that did that was real careful to say the applicant has stated that. So what that tells me is that they didn't verify what the applicant told them. It goes on to say that the applicant has stated the purpose of building this rail line is to provide rail service to Port MacKenzie and connect the port with the existing ARRC rail system and provide Port MacKenzie customers with real transportation between Port MacKenzie and the interior of Alaska. According to the applicant, Port MacKenzie is the closest deepwater port to the interior of Alaska and capable of handling bulk commodities. The port market includes bulk commodities, wood chips, saw logs, sand, gravel and cement, iron steel and scrap metals, vehicles, heavy equipment, mobile and modular buildings. And it goes on to say the nearest port is the port of Anchorage which is 35 miles away and the applicant notes that the port of Anchorage currently has no capabilities for dry good material for export. Well, we checked on that very subject and they've always handled dry goods and commodities. So that's not really an issue. You know, they're handling everything that they say that this port is strategically located

and able to handle that no other port can handle.

And they go on to say that, you know, this is a 60 foot deep port that can handle a 60 foot draft ship, but what they don't say is that they have to cross that Knik shoal, which is 40 to 43 feet of high tide. So it doesn't matter how deep the port is, if you can't get across the shoal, the ship that's going to cross is no deeper than the one that goes into Anchorage.

So basically what I'm saying is that what is the need for this port? You know, we're throwing dollars after dollars after dollars, we're not talking little dollars, we're talking big dollars, when the return has been minimal. They've had seven ships in here in eight years and they talk about -- you know, if I was a banker, before I would loan anybody money, I would want a business plan of some kind. Where is the revenue coming from? You know, they claim that there's mountains of bentonite, they claim there's mountains of limestone, they claim all kinds of other ores that they can be shipping through this port. Well, we checked on that. If I owned a mountain of limestone and I owned ore that was in northern part of Alaska, I would definitely have checked with other sources to get that ore and commodities out of here. I would have checked with the port of Anchorage. To date, none of these people have even inquired to the port of Anchorage about shipping their commodities. So this is another pie in the sky that we're being sold. So basically I'm the banker and I'm the one paying the bill and I'm saying shut it down. We don't

need it, we're tired of paying the millions of dollars into it and that's all I've got to say. Thank you.

(Applause)

MR. NAVECKY: Thank you for your comments. Tina Dobson, you had a maybe. Would you like to speak?

MS. DOBSON: Hello, my name is Tina Dobson, T-I-N-A D-O-B-S-O-N. I just wanted to make a few comments. I don't believe I'm the only one here who feels that we've been deceived on many aspects of this project. There's been a lot of information we haven't been -- had access to, for example, what Grace Whedbee just brought up and the whole depth of the port. And we've never seen a cost benefit analysis, like what Jill brought up. Who's actually going to benefit from this? I believe that we've been held in the dark as to who's behind the whole push for this project. And maybe whoever that is hasn't wanted anyone to know the truth about what's going on.

I also wanted to put in that I've been in a number of these kind of situations where the community has had to fight back or give their say about what the bigger picture is. And I think one of the cost benefits -- or the costs that you need to add to the project are the lawsuits that are going to come out of this, because they will. No matter what route gets chosen, the port is a huge issue. It's going to affect the whole city of Anchorage and who knows how big that's going to get. So I think you need to include lawsuits and the cost of having everything

held up in court for this whole project to take place.

Also, I think the people of this community will not roll over and accept the project, because people who's told us they are professionals have done the proper studies to get this approved. We will not back down.

(Applause)

MR. NAVECKY: Thank you for your comments. Well, that represents everyone who initially signed up and said they wanted to speak this evening and next I'll ask to see if there's anyone that has changed their mind and would like to speak. Please come up.

MR. STRONG: Good evening. My name is Greg Strong, G-R-E-G-O-R-Y S-T-R-O-N-G. I'm here tonight because I think what you're seeing happen tonight is democracy amongst the people here and certainly with the 1200 other people that signed the petition that you received has been basically dealt a fatal blow. There have been a lot of comments from a lot of people over the last two or three years and there's a feeling amongst the community that they've been given short shrift by a lot of organizations, not to mention yourselves. For example, the issue of the Castle Mountain fault from Houston down to the river and then the issue of bisecting a watershed that is the Little Susitna watershed has basically been discarded. And I think that a lot of people understand, even though they may not be experts in the field of seismic activity or geology, they understand that these things

are not the kinds of things that are given short shrift. So as a result, I think you're finding yourself to begin looking at a very slippery slope, and that is we're not just talking now about one route versus another route, we're talking about the future of the port of Anchorage. What Grace is pointing out to you is that the building of these shoals is going to be significant to homeland security because all those ships with troops and with helicopters and tanks going to different spots around the world, we're looking at the issue of homeland security, the Department of Defense, the Department of the Army, the Army Corp of Engineers with changing the whole navigational structure of Cook Inlet. And you've got NOAA that's also going to have some concern about the conditions affecting the beluga whales, not only the food source, but the very whales themselves.

You'll note that the year that they started building this addition to the port with their dock going out into the water was the year that they began finding there were 1370 beluga whales in the inlet. And subsequently in 207 -- or 2007, they discovered we're down to 300 plus whales. So it's clear that changing the navigational structure of Cook Inlet not only affects the Department of Defense, but it also affects the atmospheric conditions set by NOAA and the whales. So we're at a point now where, okay, if we can't logically have our arguments heard as they affect the routes, then maybe we need to go to the next step and that is do we really need this port. And I suspect

that when we talk to the Department of Defense and the Department of Homeland Security and the Department of the Army and the Army Corp of Engineers and NOAA not to mention the 27 in-state conservation groups that are going to take some concern regarding the kinds of things that you've heard discussed this evening. And that will make this project stagnant and when it becomes stagnant it will eventually become cost prohibitive.

So I think maybe we need to get a little democracy back in here and understand that there is a sentiment here and the sentiment is only two percent of this state is in private land holdings, two percent. The rest is owned by the federal and state and borough governments. We'd like to say that your putting a railroad in the backyard of that two percent is probably something that doesn't make a lot of legitimate sense. Thank you.

(Applause)

MR. NAVECKY: Thank you for your comments. Is there anyone else that would like to come to the microphone and provide formal comments for the record?

(No audible responses)

MR. NAVECKY: Okay. I'd like to thank everyone for coming out this evening and expressing your concerns and your interest just by showing up and especially to those who chose to come to the microphone and provide your oral comments. I know for many of us it's not an easy thing to do. And again, I

encourage you to provide us written comments on the draft EIS if you have concerns or questions. Even questions are legitimate comments for us. We will then address those questions in the final EIS. In a moment I'll adjourn the formal component to this meeting however we'll be around for awhile this evening to talk with you one-on-one if you have any questions that we might be able to answer generally regarding our process and any other comments or concerns you may want to provide to us. But I need to stress that in order for your comments or questions to play a role in the actual EIS process, we need to either have received them as oral comments and then transcripts at tonight's meeting or as written comments applied to us either by mail or through our website.

Again, thanks for coming and I adjourn -- I now adjourn the formal component of this evening's meeting.

(Off record - 7:10 p.m.)

(END OF PROCEEDINGS)

TRANSCRIBER'S CERTIFICATE

I, Salena A. Hile, hereby certify that the foregoing pages numbered 2 through 25 are a true, accurate, and complete transcript of proceedings, transcribed under my direction from a copy of the electronic sound recording to the best of our knowledge and ability.

Date

Salena A. Hile