

Laurie Kunzelman

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Sioux Falls, SD 57108
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OCT 22 2015
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Public Utilities Commissioners

Capitol Building, 1st. floor

500 East Capitol Ave.

Pierre, SD 57501

October 19, 2015

Dear Commissioners,

I spoke at the DAPL hearing on October 6 about how my family's farm is being impacted by the possibility of the oil pipeline going diagonally, corner to corner, across the quarter section. My great-grandfather homesteaded that farm in 1882 and it has been in our family for 133 years. As you can imagine, that land means a lot to our family. There was a Century Farm plaque on the farm until my mother sold the acreage with the old buildings on it several years ago. Someday I will be a part owner of the farm. I wanted to say much more than I did at the hearing, but I was very nervous and forgot to say many things. It is easier for me to write things than to say them.

First of all, I want to tell you how Dakota Access treated my 89 year old mother. They called my mom and said she should sign the easement because they would just take the land by eminent domain anyway. Then they called her twice to ask her to let them survey. She told them "no" both times. Then they sent a sheriff to give her a summons to appear in court when she was in a nursing home having a difficult recovery from a knee replacement. Judge Zell ruled that DAPL did not have survey rights, but Mr. Koenecke said it doesn't matter what Judge Zell said. Now Dakota Access is taking my mother to court to appeal that decision!

Next, they sent my mother a "final" letter of compensation for easement on August 31, 2015. It was actually **the first** letter they ever sent about compensation for easement. DAPL did not make "extensive effort" to come to an agreement with the landowner, as they said. It offered compensation for 3 years of crop loss, which is not nearly enough. The easement is based on

the number of acres the pipeline transects, but the pipeline will have an impact on the value of the entire parcel of land.

Then, on September 22, 2015, Dakota Access sent a petition for condemnation. It states that the pipeline has been authorized by statute. What statute? It states that it is for public use. No! It is a private company owned by a very large corporation in it for the profit. It says my mother must appear within 30 days of service! **All of this and the PUC hasn't granted a permit!!! Unbelievable!** All of this is costing my family a great deal of money. How is it legal for them to take us to court without having a permit from the PUC? I guess Dakota Access hopes that people will get tired of spending the money and just give up.

Dakota Access does not get their facts straight. They are taking both my mother and father to court on all of these instances. My father died 11 years ago, and the Assid Family Trust is not in his name anymore.

Another thing Dakota Access did was lie to Rhonda Nielsen, the lady who bought the acreage on the farm. Back in January they told her that my mom and my aunts had already agreed to the easement (which wasn't true) so Rhonda was upset with my family. They also told Rhonda that it wasn't crossing her land so there was nothing she could say about it.

If this is how Dakota Access treats people now, it makes you wonder how they will treat people if they get the permit.

Another point I would like to make is that Dakota Access should have picked a different area to go through, instead of an area of such **high growth**. On September 11, 2015, the Argus Leader had an article titled, "Enrollments increased yet again for public schools in the Sioux Falls area." It gave preliminary figures for increases from 2014 to 2015. Sioux Falls increased by 282 students, Tea by 108 students, and Harrisburg by 264 students. That many more students mean many more families and many more houses. Lincoln County is one of the fastest growing counties in the United States. Tea is just 2 miles east of the farm. There is a housing development **½ mile east of the farm**. You can see the houses from the farm. There is also another housing development planned across Highway 17 and ½ mile north. With all of this development going on, it won't be long until people are going to want to build on this area. They won't be allowed, plus the fact that nobody would want to build near the pipeline. This will basically stop development to the west of Tea. I don't understand how Dakota Access would want to or be allowed to build that pipeline through this highly populated area.

I am very concerned about the possibility of an oil leak, spill, or explosion. Dakota Access estimates that it would take 12.9 minutes to shutdown pumps upon detection of a leak. With a 30 inch pipe, a great deal of oil could leak out and soak into the ground or run into the water. Beaver Creek runs through the farm. There are wetlands on the farm. Oil could run into those.

Drinking water for Sioux Falls could be contaminated by the oil. In tests that were done on 86 locations, the Bakken oil is the most explosive and most volatile of all. The Bakken oil is also poisonous and carcinogenic. According to the Argus Leader on September 21, 2015, public federal records showed that in the past 16 months there were 372 oil and gas pipeline leaks, spills, and other incidents that led to 20 deaths, 117 injuries, and more than \$256 million in damages. Another article in the Argus Leader on May 25, 2015, talked about a Tesoro Corp. pipeline leak in northwestern North Dakota that happened 2 years ago. The company has been working 24 hours a day, 7 days a week to clean it up. State regulators believe it will take another 2 ½ years to complete. This was from a 6 inch pipe, not a 30 inch pipe.

Doug Vanderwerff is the tenant farmer on our land. This pipeline would severely inconvenience him. To go from one half of the quarter to the other half, he would have to go out onto Highway 17 and drive around. He would also be losing crop income. Consequently, he would be unwilling to pay as much rent per acre, so my mother would lose income. It's even possible he may decide it isn't worth the hassle and quit farming it. Another tenant could be difficult to find. Doug did say that he is very concerned about drainage on the farm, as well as crop damage, if they put the pipeline through.

One final thing: I wanted to clear up something that Mr. Mahmoud and Mr. Koenecke both said. They said Mrs. Petterson said she would **never** live near an oil pipeline, but that **one runs right by her house**. I am the one that said that. My husband and I did in-depth research, and there is **NO** oil pipeline anywhere near **my** house. Also, Mrs. Petterson does not live in a house, she lives in an apartment. There is an oil pipeline through the Yankton Trail area, so it may run near her apartment complex. Dakota Access again does not have their facts straight, not about who said it, or where the pipeline is located.

We want to protect the water, air, and land of South Dakota. They are the most valuable resources we have. We want to leave this legacy to our children and grandchildren. Please help us do that. Thank you.

Yours truly,

Laurie Kunzelman



Chris Nelson, Chairperson
Kristie Fiegen, Vice Chairperson
Gary Hanson, Commissioner

South Dakota

PUBLIC UTILITIES COMMISSION

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October 22, 2015

Laurie Kunzelman

[REDACTED]
Sioux Falls SD 57108

Dear Ms. Kunzelman:

This is in response to your Oct. 19 letter regarding the Dakota Access Pipeline permit application request currently open before the commission.

As you know from discussion during the pipeline's evidentiary hearing in which you participated, no decision has been made yet on the pipeline permit application. Dakota Access filed their application on Dec. 15, 2014; therefore, the commission will issue a decision by Dec. 15, 2015 to stay within the one-year statutory limit.

The evidentiary hearing concluded Oct. 9, and the various parties are now drafting their post-hearing briefs per the schedule posted in the docket on Oct. 13:

- Nov. 6 – Briefs due from all parties
- Nov. 20 – Reply briefs due
- Nov. 30 – Oral decision
- Dec. 15 – Statutory deadline for final commission decision

A synopsis of the permit application review process is provided in the Pipeline Siting Guide linked to the commission's homepage online at www.puc.sd.gov and attached. Here are excerpts from that document regarding easements and eminent domain:

The PUC is not involved in the easement acquisition process that occurs between applicants and landowners. Likewise, the PUC does not have a role in the eminent domain process, which is handled in the circuit court system. Landowners with concerns about these issues should seek advice from their personal attorney.

These are also addressed in the Dakota Access Pipeline Frequently-Asked-Questions document online and attached.

Thank you for writing again. I appreciate your frustrations and concerns as well as those of your family as landowners along the proposed project route. Your letter and my response will be posted under Comments and Responses in the formal docket so my fellow commissioners and all parties to the open, public docket have access to them.

Sincerely,

Chris Nelson

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