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**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

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IN THE MATTER OF THE APPLICATION OF  
DAKOTA ACCESS, LLC FOR AN ENERGY  
FACILITY PERMIT TO CONSTRUCT THE  
DAKOTA ACCESS PIPELINE

**ANSWERS TO  
YANKTON SIOUX TRIBE'S FIRST  
INTERROGATORIES  
AND REQUESTS FOR  
PRODUCTION  
OF DOCUMENTS TO DAKOTA  
ACCESS, LLC**

**HP14-002**

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Answering Yankton Sioux Tribe's First Interrogatories and Requests for Production of Documents to Dakota Access, LLC, Dakota Access, LLC states and alleges as follows:

**INTERROGATORIES**

**INTERROGATORY NO. 1:**

State the name, current address, and telephone number of the person answering these interrogatories.

**ANSWER:** See below.

Joey Mahmoud  
Vice President - Engineering  
1300 Main Street  
Houston, TX 77002

Chuck Frey  
Vice President - Engineering  
1300 Main Street  
Houston, TX 77002

Keegan Pieper  
Associate General Counsel  
1300 Main Street  
Houston, TX 77002

Monica Howard  
Director - Environmental Science  
1300 Main Street  
Houston, TX 77002

Jack Edwards  
Project Manager  
11103 Aurora Ave.  
Urbandale, IA 50322

Damon Daniels  
Vice President – Commercial Operations  
1300 Main Street  
Houston, TX 77002

Micah Rorie  
Senior Manager – ROW  
1300 Main Street  
Houston, TX 77002

Jennifer Fontenot  
Senior Manager – Business Development  
One Flour Daniel Drive  
Sugar Land, TX 77478

Chad Arey  
Senior Manager – Integration  
1820 Highway 80 West  
Longview, TX 75604

Chris Srubar  
Associate Engineer  
1300 Main Street  
Houston, TX 77002

Stephen Veatch  
Senior Director – Certificates  
1300 Main Street  
Houston, TX 77002

**INTERROGATORY NO. 2:**

State the name, current address, and telephone number of any person, other than legal counsel, who Dakota Access talked with about answering these interrogatories, who assisted Dakota Access in answering these interrogatories, or who provided information that Dakota Access relied on in answering these interrogatories.

**ANSWER:** See below.

Dennis Woods  
Perennial Environmental Services  
13100 Northwest Freeway #160  
Houston, TX 77040

Ashley Thompson  
Perennial Environmental Services  
13100 Northwest Freeway #160  
Houston, TX 77040

INTERROGATORY NO. 3:

Identify each witness that you will or may call as a fact witness or expert witness in any evidentiary hearing or trial of this matter. For each individual, identify and provide the name, business address, and business telephone and the name of his or her employer and/or other organization(s) with which he or she is associated in any professional capacity; the substance of the facts to which he or she is expected to testify and the substance of the opinions to which he or she is expected to testify; the individual's profession or occupation, educational background, specialized training, and employment history relevant to the proposed testimony; and the individual's previous publications within the preceding 10 years; and all other cases or proceedings in which the witness has testified as an expert within the preceding four years.

**ANSWER:** Expert and fact witnesses have not yet been selected. All those providing direct testimony for Dakota Access, LLC will pre-file testimony pursuant to the PUC scheduling order. Pre-filed testimony will address the requests listed above.

INTERROGATORY NO. 4:

Identify any other names that Dakota Access conducts business under, in the United States and internationally.

**ANSWER:** None.

INTERROGATORY NO. 5:

Has Dakota Access received any communications from any regulatory body or agency that may have jurisdiction over the project which alleges that Dakota Access has failed to comply with any applicable permits, law, or regulation?

**ANSWER:** No.

INTERROGATORY NO. 6:

Has a permit by any regulatory body or agency that may have jurisdiction over the construction, maintenance, or operation of any Dakota Access pipeline located in the United States or internationally ever been denied, revoked, or suspended by the regulatory body or agency?

**ANSWER:** No.

**INTERROGATORY NO. 7:**

Has Dakota Access been given notice by any regulatory body or agency that may have jurisdiction over the construction, maintenance or operation of any pipeline located in the United States or internationally alleging that Dakota Access has failed to comply with any applicable permits for the construction, operation or maintenance of any pipeline located in the United States?

**ANSWER:** No.

**INTERROGATORY NO. 8:**

Please identify all required permits that Dakota Access has applied for within the State of South Dakota regarding the use of public water for construction, testing, drilling, or temporary discharges to waters of the state and temporary discharges of water from construction dewatering and hydrostatic testing.

**ANSWER:** Dakota Access has not applied for any water use permits to date. When appropriate, Dakota Access will apply to the appropriate state agency for any water update/withdrawal or discharge permits.

**INTERROGATORY NO. 9:**

Identify the most recent depiction of the Dakota Access Pipeline Project route and facility locations as they currently exist as compared to the information previously disclosed in Dakota Access' Application.

**ANSWER:** The most recent route and associated documents were filed with the PUC and are available on the PUC website.

**INTERROGATORY NO. 10:**

Identify the dates, addresses, phone numbers, emails, and names of person(s) responsible for conducting surveys, addressing property specific issues and civil survey information.

**ANSWER:** Objection. This question is vague, overbroad and outside the scope of discovery. Without waiving objection, Dakota Access states that surveys were conducted starting in 2014. Numerous individuals participated in survey activities. If YST has questions about specific tracts Dakota Access may be able to provide specific information.

**INTERROGATORY NO. 11:**

Does Dakota Access recognize the Yankton Sioux Tribe, a federally recognized sovereign Indian Nation, as a "local governmental unit?"

**ANSWER:** Dakota Access considers the Yankton Sioux Tribe to be a Federally recognized tribe.

**INTERROGATORY NO. 12:**

Has Dakota Access appointed a public liaison officer?

1. If so, please provide such officer's:
  - a. Name;
  - b. Address;
  - c. Phone number; and
  - d. Email address.
2. Has Dakota Access directed such public liaison officer to contact and or consult with the Yankton Sioux Tribe?

**ANSWER:** A public liaison officer has not been appointed or selected at this time and since we are not impacting any Yankton tribal land, a liaison officer is not proposed to be assigned. Any correspondence or communications can be directed to:

Kara Semmler and Brett Koenecke  
May, Adam, Gerdes & Thompson LLP  
503 S. Pierre St.  
PO Box 160  
Pierre, SD 57501  
605-224-8803  
[brett@mayadam.net](mailto:brett@mayadam.net)  
[kcs@mayadam.net](mailto:kcs@mayadam.net)

**INTERROGATORY NO. 13:**

Has Dakota Access ever been found non-compliant with any other permits, from any state regarding the Dakota Access Pipeline Project or any other pipeline?

**ANSWER: No.**

**INTERROGATORY NO. 14:**

Have any contractors hired by Dakota Access to construct any pipeline owned or operated by Dakota Access or any of its affiliates received any communication from any agency or regulatory body having jurisdiction over each pipeline regarding alleged safety concerns or safety violations regarding the construction, maintenance or operation of any pipeline in the United States?

**ANSWER:** Dakota Access, LLC has not yet "hired" contractors to construct the pipeline.

**INTERROGATORY NO. 15:**

Have any contractors hired by Dakota Access to construct any pipeline owned or operated by Dakota Access or any of its affiliates received any communication from any agency or regulatory body having jurisdiction over each pipeline regarding alleged safety concerns or safety violations regarding the construction, maintenance or operation of any pipeline internationally?

**ANSWER:** Dakota Access, LLC has not yet "hired" contractors to construct the pipeline.

**INTERROGATORY NO. 16:**

What steps has Dakota Access or any of its affiliates taken to ensure that the cultural and historic resources of the Yankton Sioux Tribe are protected?

**ANSWER:** See Section 23.6 of the filed Application.

**INTERROGATORY NO. 17:**

How many times has Dakota Access contacted the Yankton Sioux Tribe?

1. If Dakota Access did make such contact please provide the following:
  - a. Name(s) of the person(s) notified;
  - b. Title of the person(s) notified;
  - c. The physical address of the person(s) notified;
  - d. The telephone number(s) of the person(s) notified; and
  - e. The means by which Dakota Access made notification, i.e. written, oral, electronic, etc.;

**ANSWER:** Dakota Access has not contacted the Yankton tribe to date as the proposed pipeline does not cross any lands under tribal jurisdiction. Therefore, Dakota Access has not identified a need to contact the tribe to date.

**INTERROGATORY NO. 18:**

Has Dakota Access made any cultural and/or historic surveys along the route of the Project?

**ANSWER:** See Section 23.6 of the filed Application. Yes, cultural resources surveys conducted by multiple teams of professional archaeologists have been completed across land parcels where landowners have voluntarily granted access. To date, approximately 96% of the route has been surveyed for cultural resources. The goal of the work is to identify and assess historic properties in accordance with Section 106 of the National Historic Preservation Act. These investigations did not include the identification or assessment of Traditional Cultural Properties (TCPs) as the location of such properties is typically information protected by Tribal entities.

**INTERROGATORY NO. 19:**

Has Dakota Access uncovered any cultural or historic sites by the surveys? Please provide a detailed description of these sites, including locations of the same.

**ANSWER:** See Section 23.6 of the filed Application. The descriptions and locations of such findings are privileged and confidential. See SDCL 1-20-21.2. See also 16 U.S.C. 470w-3. All sites that were previously documented or discovered by Dakota Access Surveys and determined to be unevaluated, possible eligible or eligible for inclusion in the National Register of Historic Places have been avoided by the layout of the project. For detailed information or the results of the surveys, Dakota Access recommends that the Tribe contact the South Dakota State Historic Preservation office for any information.

**INTERROGATORY NO. 20:**

Please provide the name, address, phone number, and email of all persons involved in any cultural or historic survey conducted by Dakota Access. In addition, please provide a detailed description of all pertinent professional training that qualifies the surveyor as a professional who

meets the standards of the Secretary of the Interior's Historic Preservation Professional Qualification Standards (48 FR 44716, September 29, 1983).

**ANSWER:** Objection. This question is vague, overbroad and outside the scope of discovery. Without waiving objection, Dakota Access states that surveys were conducted starting in 2014. Numerous individuals participated in survey activities. If YST has questions about specific tracts Dakota Access may be able to provide specific information.

**INTERROGATORY NO. 21:**

Has Dakota Access made any attempt to contact the Yankton Sioux Tribe Business and Claims Committee, its officers, or its Tribal Historic Preservation Office? If so, please provide the following:

- a. Name(s) of the person(s) contacted;
- b. Title of the person(s) contacted;
- c. The physical address of the person(s) contacted;
- d. The telephone number(s) of the person(s) contacted; and
- e. The means by which Dakota Access made contact, i.e. written, oral, electronic, etc.;

**ANSWER:** No.

**INTERROGATORY NO. 22:**

Provide a detailed description of cultural and historic training that Dakota Access provides to its construction personnel.

**ANSWER:** All inspectors and contractors on the project right-of-way will receive environmental training specific to the project. This will include a general description of cultural and historical resources, identification of "exclusion zones" along or adjacent to the right-of-way should any occur, review the Unanticipated Discovery Plan, reinforcement of the requirement to stay on the project right-of-way, and details of enforcement actions by the company and law enforcement that would happen if any looting occurs.

**INTERROGATORY NO. 23:**

Does Dakota Access or any of its affiliates recognize that if approved and constructed, the Dakota Access Pipeline Project will travel through the identified Indian Country territory from the Treaties of 1851 and 1858, and as such will likely encounter undiscovered cultural and/or historic sites?

**ANSWER:** Dakota Access acknowledges that it is feasible to encounter cultural and/or historic sites. In such situation, Dakota Access would implement its Cultural Resources Unanticipated Discovery Plan.

**INTERROGATORY NO. 24:**

Does Dakota Access plan to consult with the Yankton Sioux Tribe and its General Council, Business and Claims Committee, and its Tribal Historic Preservation Office regarding the Dakota Access Pipeline Project in the future?

**ANSWER:** At this time and since the proposed pipeline does not cross any tribal lands subject to Yankton governance, Dakota Access does not have any plans to consult directly with the tribe. However, as part of the U.S. Army Corps of Engineers (“USACE”) review process under the Clean Water Act, nationwide Permit Program, the USACE is consulting with the Tribe.

**INTERROGATORY NO. 25:**

Does Dakota Access recognize and acknowledge that the Yankton Sioux Tribe has federally protected Winters Doctrine water rights and that these rights apply to any permit application to use water for the construction, operation or maintenance of the Dakota Access Pipeline Project?

**ANSWER:** We have no knowledge of Yankton Sioux Tribe water rights and intend to seek applicable permits as indicated.

**INTERROGATORY NO. 26:**

What steps, if any, has Dakota Access or any of its affiliates taken to ensure that the Yankton Sioux Tribe’s federally-protected Winters Doctrine water rights are be protected?

**ANSWER:** We have no knowledge of Yankton Sioux Tribe water rights.

**INTERROGATORY NO. 27:**

Are any waterways situated on or near the Dakota Access Pipeline Project route in South Dakota subject to designation under the Wild and Scenic River Act of 1968? If so, identify each of the waterways.

**ANSWER:** No.

**INTERROGATORY NO. 28:**

Are there any land areas along or near the Dakota Access Pipeline Project route in South Dakota that have been designated as critical habitat under the Endangered Species Act? If so identify each of the land areas.

**ANSWER:** No.

**INTERROGATORY NO. 29:**

Are there any land areas along or nearby the Dakota Access Pipeline Project route in South Dakota that have any endangered species located in that area? If so, identify the land areas and the endangered species.

**ANSWER:** See Exhibit C to the filed application, “Federal and State Listed Threatened and Endangered species in South Dakota.”



**INTERROGATORY NO. 30:**

Are there any sensitive SD species located along or nearby the Dakota Access Pipeline Project route in South Dakota? If so, identify the land areas and the sensitive SD species.

**ANSWER:** See Exhibit C to the filed application, "Federal and State Listed Threatened and Endangered species in South Dakota." The only species identified as Federally and State Listed Threatened and Endangered Species in South Dakota in Appendix C of the Application with a potential impact of not likely to adversely effect is the Topeka shiner that could be found in nine streams crossed by the project with two of the streams to be crossed by Horizontal Directional Drilling. Mitigation measures to be used during construction are being developed in consultation with the U.S. Fish and Wildlife Service.

**INTERROGATORY NO. 31:**

Will Dakota Access enter the Yankton Sioux Reservation during construction of the Dakota Access Pipeline Project?

**ANSWER:** No. Dakota Access does not expect to enter the reservation during construction of the project.

**INTERROGATORY NO. 32:**

Identify the location of all equipment staging areas, construction staging areas, construction camps, and housing camps in South Dakota for emergency response, construction, and temporary housing that Dakota Access intends to utilize for the Dakota Access Pipeline Project.

**ANSWER:** None have been identified at this time and no construction camps are anticipated to be required.

**INTERROGATORY NO. 33:**

Identify the contractor or company that is responsible for emergency response for the Dakota Access Pipeline Project.

**ANSWER:** We are currently evaluating Emergency response companies along the pipeline corridor. The Dakota Access Pipeline Project team has met with every county emergency response team along the corridor and will apply the knowledge they gained from these meetings to finalize an Emergency Response Plan. The Emergency Response plan will be filed as required by state and federal law.

**INTERROGATORY NO. 34:**

Identify the crime statistics or data relied on by Dakota Access for analysis of crimes before and after the establishment of a temporary housing camp in South Dakota for the Dakota Access Pipeline Project.

**ANSWER:** No construction camps are anticipated to be required.

**INTERROGATORY NO. 35:**

Identify the precautionary measures Dakota Access has or will implement at the temporary housing camps in South Dakota to protect the surrounding area from crime related to the temporary housing camp.

**ANSWER:** No construction camps are anticipated to be required.

**INTERROGATORY NO. 36:**

Identify the protocols and guidelines that will be utilized to respond to reports of crime in or near the temporary housing camps in South Dakota.

**ANSWER:** No construction camps are anticipated to be required.

**INTERROGATORY NO. 37:**

Will any of Dakota Access' construction equipment or crew access the Dakota Access Pipeline Project from trust land? If so, has Dakota Access received the necessary consent of the United States government to access trust land on the Yankton Sioux Reservation or the affected Reservation?

**ANSWER:** No.

**INTERROGATORY NO. 38:**

Has Dakota Access made contact with or otherwise taken any action to plan for road closures which may affect the Yankton Sioux Tribe? If so, does Dakota Access plan to notify, coordinate or otherwise consult with the Yankton Sioux Tribe?

**ANSWER:** No.

**INTERROGATORY NO. 39:**

Has Dakota Access made contact with or otherwise taken any action to plan for emergency response which may affect the Yankton Sioux Tribe? If so, does Dakota Access plan to notify, coordinate, or otherwise consult with the Yankton Sioux Tribe?

**ANSWER:** The emergency response plan is under development. The plan will be filed as required by state and federal law. Since no Yankton tribal lands will be impacted by the project, Dakota Access has no plans to coordinate with the tribe.

**INTERROGATORY NO. 40:**

How much land along the Dakota Access Pipeline Project proposed route for the Project has yet to be TCP surveyed. If any, identify the land.

**ANSWER:** None. TCP surveys have not been conducted for the project.

**INTERROGATORY NO. 41:**

How many other state permits and federal permits are pending or not yet received by Dakota Access for the Dakota Access Pipeline Project.

ANSWER: See application.

INTERROGATORY NO. 42:

Have any tribes surveyed the land along the proposed route for the Dakota Access Pipeline Project? If so, which tribes?

ANSWER: No.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

DOCUMENT REQUEST NO. 1:

All documents that Dakota Access intends to offer as exhibits at the evidentiary hearing in this matter.

**RESPONSE:** The application itself, all route changes and all accompanying documents will be offered as evidence. All pre-filed testimony and accompanying documents filed with the PUC pursuant to the Scheduling Order will be offered as evidence. All other documents are unknown at this time and will be determined based on issues presented by Interveners or Commission Staff in pre-filed testimony

DOCUMENT REQUEST NO. 2:

All documents relating to environmental and hydrological surveys for the Dakota Access Pipeline Project.

**RESPONSE** See Application.

DOCUMENT REQUEST NO. 3:

All documents relating to cultural and historic surveys, training, and response plans for the Dakota Access Pipeline Project.

**RESPONSE:** See Application. Cultural Resource reports and information is considered confidential information. Dakota Access suggests the tribe contact the South Dakota State Historic Officer for the requested information.

DOCUMENT REQUEST NO. 4:

All documents relating to required permits, both in South Dakota and outside South Dakota, including permit applications which were denied, revoked, or suspended for the Dakota Access Pipeline Project or any other project constructed by Dakota Access since 2010.

**RESPONSE:** Objection. The request seeks irrelevant information and is overly broad and burdensome. Such matters, if they had occurred out of state are irrelevant, overly burdensome to produce and if any existed, could be located on other state public regulatory body websites. Without waiving objections, no permits have been denied or revoked relating to Dakota Access. Applications in other states for this project can be found:

North Dakota – Case # PU-14-842

[http://psc.nd.gov/database/docket\\_view\\_list.php?s\\_dept=PU&s\\_year\\_case=14&s\\_seq\\_num=842&s\\_company\\_name=Dakota+Access%2C+LLC](http://psc.nd.gov/database/docket_view_list.php?s_dept=PU&s_year_case=14&s_seq_num=842&s_company_name=Dakota+Access%2C+LLC)

Iowa – Docket Number: HLP – 2014-001

<https://efs.iowa.gov/efs/ShowDocketSummary.do?docketNumber=HLP-2014-0001>

Illinois – DAPL Case Number: 14-0754

<http://www.icc.illinois.gov/docket/casedetails.aspx?no=14-0754>

**DOCUMENT REQUEST NO. 5:**

All documents related to Interrogatory No. 40.

**RESPONSE:** None.

**DOCUMENT REQUEST NO. 6:**

All documents constituting Dakota Access' Emergency Response Plan.

**RESPONSE:** Reference response to Interrogatory #33. The Emergency Response Plan is under development. The plan will be filed as required by state and federal law.

**DOCUMENT REQUEST NO. 7:**

All documents related to Interrogatory No. 30 as well as a table to show breeding times of sensitive SD species and a map to show migration pathways of sensitive SD species.

**RESPONSE:** Objection. This question is overly broad and outside the scope of discovery Without waiving objection, see answer to Interrogatory 30, above.

Dated this 8th day of MAY, 2015.

BY: Stephen T. Veatch

State of Texas )

County of HARRIS )<sup>ss</sup>  
)

On this the 8th day of May, 2015, before me the undersigned officer, personally appeared Stephen T. Veatch, who acknowledged himself to be the authorized representative of Dakota Access, LLC, a corporation, and that he as such authorized representative, being authorized so to do, executed the foregoing name of the corporation by himself as authorized representative.

IN WITNESS WHEREOF I hereunto set my hand and official seal this 8th day of May, 2015.

(SEAL)



*Suzanne Samano*

Notary Public

Notary Print Name:

My Commission Expires: *April 10, 2018*

As to the objections, these interrogatory answers are signed by Brett Koenecke this 8<sup>th</sup> day of May, 2015.

MAY, ADAM, GERDES & THOMPSON LLP

BY: *Brett Koenecke*

BRETT KOENECKE  
KARA C SEMMLER  
Attorneys for Dakota Access, LLC  
503 South Pierre Street  
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Pierre, SD 57501-0160  
[kcs@mayadam.net](mailto:kcs@mayadam.net)

**CERTIFICATE OF SERVICE**

Brett Koenecke of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 8<sup>th</sup> day of May, 2015, he emailed and mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the foregoing in the above-captioned action to the following at his last known addresses, to-wit:

Thomasina Real Bird, SD Bar No. 4415  
Fredericks Peebles & Morgan LLP  
1900 Plaza Drive  
Louisville, Colorado 80027

*Brett Koenecke*

BRETT KOENECKE