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

IN THE MATTER OF THE PETITION OF
DAKOTA ACCESS, LLC PIPELINE, LP FOR
A PERMIT TO CONSTRUCT THE DAKOTA
ACCESS PIPELINE

**YANKTON SIOUX TRIBE'S
WITNESS AND EXHIBIT LISTS**

HP14-002

COMES NOW Yankton Sioux Tribe ("Yankton"), by and through Jennifer S. Baker with Fredericks Peebles & Morgan LLP, and hereby submits its *Witness and Exhibit Lists* pursuant to the *Prehearing Scheduling Order* of March 11, 2015.

List of Witnesses:

1. Jason Cooke, Member, Yankton Sioux Tribe Business and Claims Committee.
2. Faith Spotted Eagle, Yankton Sioux Tribe Treaty Steering Committee.
3. Chris Saunsoci, Chief of Police, Yankton Sioux Tribe.
4. Any and all witnesses offered by any other party to this action.

List of Exhibits:

YST ____ Dakota Access' Responses to Yankton Sioux Tribe's First Interrogatories and Request for Production of Documents, dated May 8, 2015.

YST ____ Dakota Access' Responses to Yankton Sioux Tribe's Second Interrogatories and Requests for Production of Documents, dated June 22, 2015

YST ____ Dakota Access' Supplemental Responses to Yankton Sioux Tribe's Second Interrogatories, dated August 12, 2015.

YST ____ Dakota Access' Responses to Yankton Sioux Tribe's Third Interrogatories and Requests for Production of Documents, dated September 21, 2015.

YST ____ Dakota Access' Supplemental Answers to Yankton Sioux Tribe's First and Second Discovery Requests, dated September 21, 2015.

YST ____ Prefiled Rebuttal Testimony of Jason Cooke (available at <https://puc.sd.gov/commission/dockets/HydrocarbonPipeline/2014/HP14-002/motiontoleaveexhibita.pdf>).

YST ____ Prefiled Rebuttal Testimony of Faith Spotted Eagle (available at <https://puc.sd.gov/commission/dockets/HydrocarbonPipeline/2014/HP14-002/rebuttal/yst/faithspottedeagle.pdf>).

YST ____ Biography of Faith Spotted Eagle (Attachment A to Prefiled Testimony of Faith Spotted Eagle).

YST ____ Appendix A, 24 Ind. Cl. Comm. 208 (map of Yankton aboriginal title lands) (Attachment B to Prefiled Testimony of Faith Spotted Eagle).

YST ____ Dakota Access Pipeline Project South Dakota Vicinity Map (Attachment C to Prefiled Testimony of Faith Spotted Eagle).

YST ____ Prefiled Rebuttal Testimony of Chris Saunsoci (available at <https://puc.sd.gov/commission/dockets/HydrocarbonPipeline/2014/HP14-002/rebuttal/yst/saunsoci.pdf>).

YST ____ - ____ Inventory of Roads through the Yankton Sioux Tribe Reservation (attachments omitted).

YST ____ - ____ Any and all exhibits submitted by any other party to this action.



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Attorneys for Yankton Sioux Tribe



Yankton
Aboriginal Title

Land claimed but
not aboriginally
owned by Yanktons

BIO FOR FAITH SPOTTED EAGLE

English Name: Faith Spotted Eagle
Dakota Name: Tunkan Inajin Win , Standing Stone
Residence address: Box 667, Lake Andes, SD 57356
Cell: 605 481 0416 landline: 605 487 7769
eagletrax@hotmail.com

Faith Spotted Eagle is a 65 year old grandmother who lives on Ihanktonwan Dakota Territory (Yankton Sioux) in Southeastern South Dakota. She is a fluent speaker of the Dakota Language and a member of the Ihanktonwan, although she descends from the Sicangu, Hunpati, Hunkpapa and Mdewakantonwan and has French/Irish blood through her grandmother Julia Deloria and John McBride. She has two children. Kip Spotted Eagle is a Dakota Language Instructor and Brook Spotted Eagle is a Ph.D candidate at the University of Washington in Cultural Anthropology. Her new grandson is Tokana Ikpanajin Spotted Eagle.

In the western world, Faith earned a Master's in Guidance and Counseling in her early twenties at the University of South Dakota, although she attended college at American University in Washington, DC and Black Hills State College, Spearfish, SD., also. Throughout her long career she has been a high school counselor/teacher/principal; manager of Human Services Programs and Youth Programs; Indian Child Welfare Worker; Organizational Development Consultant; Teacher in a Psychiatric setting; Peacemaker/mediator; Community College Instructor; PTSD therapist and Community Activist. She was also a women's basketball coach in Idaho. As a young student she was an intern in the office of Sen. Geo McGovern; served as an intern with the National Park Service in Glacier Park, Montana; provided student input to the early development of Talent Search Programs in Chicago, Illinois. She worked with the groundbreaking Coalition of Indian Controlled Schoolboards in Denver, Colorado, the organization which played an important role in returning Native control of schools. She was one of the early instructors at Sinte Gleska College in Rosebud. She did the early work of repatriation and cultural resources work at White Swan in her homeland at Ihanktonwan in a historical Section 106 foreclosure on the Corps of Engineers for disrupting a burial grounds. She works in Native communities with her model Healing from Red Rage, which has been widely used in Native Communities in the US and Canada. She also contracts with the Veteran's Administration utilizing this model. She is a trained mediator/peacemaker and incorporates traditional peacemaking with western approaches of peacemaking. Her priority is the preserve the good medicine of the Dakota Culture for the future.

In the Dakota/Native world, she has been active in teaching the Dakota language in language nest settings; been a 20-year member of a revived traditional Brave Heart Society; comes from a Sundance family; and has helped revive the Isnati Awicadowanpi (Coming of Age Ceremony) for the last 18 years across the Seven Council Fires. Her Red Rage Model has been utilized in the Brave Heart work. She has been active in leading resistance against Tar Sands Development and the KXL Pipeline. As the Chair of the Ihanktonwan Treaty Committee and Brave Heart

Society Grandmother , she helped bring forth the International Treaty to Protect the Sacred against the KXL Pipeline and the Tar Sands. She is the volunteer Manager of the Brave Heart Lodge on the Ihanktonwan Reservation, which seeks to preserve Dakota cultural beliefs for the future. Brave Heart recently cooperated with other entities to revive Lacrosse/shinny in the Ihanktonwan homelands. She has been a delegate of the Treaty Committee NGO at the United Nations. She is the current Chair of the Ihanktonwan Treaty Steering Committee. She helped create an important cultural survey of Ihanktonwan lands along the Missouri River in South Dakota and other Treaty lands. Her priority has been to battle for the preservation of Sacred Sites through Brave Heart Society support of the World Peace and Prayer Day, represented by Bundlekeeper, Arvol Looking Horse. She will be a featured speaker at World Peace and Prayer Day in June of 2014 in New York.

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HP14-002

**SUPPLEMENTAL DISCOVERY
ANSWERS TO:**

**DAKOTA RURAL ACTION FIRST AND
SECOND DISCOVERY REQUESTS;**

**PEGGY HOOGESTRAT FIRST
DISCOVERY REQUEST;**

**ROSEBUD SIOUX TRIBE FIRST
DISCOVERY REQUEST; AND,**

**YANKTON SIOUX TRIBE FIRST AND
SECOND DISCOVERY REQUESTS.**

To supplement answers to Dakota Rural Action, Peggy Hoogestrat, Rosebud Sioux Tribe and Yankton Sioux Tribe's prior discovery requests, Dakota Access, LLC states and alleges as follows:

DAKOTA RURAL ACTION DISCOVERY REQUEST ONE

INTERROGATORY NO. 3. Describe the current status of the following permits and plans required prior to the start of construction of the Dakota Access Pipeline:

A. Permits from US Army Corps of Engineers, S.D. Regulatory Office, including under:

- 1) §§404/401 of Clean Water Act, for authorization of discharge of fill material into waters of the United States including wetlands or other action;
- 2) §10 Rivers and Harbors Act, for authorization of pipeline crossings of navigable waters of the United States or other action;
- 3) Section 106 of the Natural Historic Preservation Act (NHPA), including consultation with potentially impacted Tribes and/or other action;

YST____

- B. Permits from U.S. Fish and Wildlife Service, S.D. Ecological Services Field Office, including under the Endangered Species Act, Section 7 Consultation, to consider lead agency findings of impacts on federal-listed species, to provide a Biological Opinion if the Project is likely to adversely affect federally-listed or proposed species or their habitats, or other action;
- C. Permits from Farm Service Agency of the Natural Resources Conservation Service, including the Crop Reserve Program, for authorization of crossing areas enrolled in the Crop Reserve Program, or other action;
- D. Permits from the Pipeline and Hazardous Materials Safety Administration (PHMSA), including under 49 CFR Parts 194 and 195, for development of an Integrity Management Plan (IMP) and Emergency Response Plan (ERP), or other action;
- E. Permit(s) from or Plan(s) Required to the S.D. Department of Environment and Natural Resources (DENR), including under:
 - 1) National Pollutant Discharge Elimination System General Permit for Discharges of Hydrostatic Test Water, regarding proposed discharge into waters of the United States and construction dewatering of waters of the State, or other action;
 - 2) Surface Water Withdrawal Permit, for temporary surface water withdrawal, or other action;
 - 3) SDCL Chapter §34A-18, required submission of an Oil Spill Response Plan or Updated Plan to DENR, or other action;
- F. Consultation with SD Game Fish and Parks Department, under State Listed Threatened and Endangered Species;
- G. Any Updated Review and Comment from S.D. State Historical Society, State Preservation Office, under §106 of the NHPA, on activities regarding jurisdictional cultural resources;
- H. Crossing Permits from S.D. Department of Transportation for crossing State highways;
- I. Crossing Permits from County Road Departments for crossing of county roads;
- J. Flood plain, Conditional Use, and building permits where required from County and Local Authorities.

ANSWER

A.1 Pre-Construction Notifications for NWP 12 verifications have been submitted and the status is pending.

A.2. Not applicable. The project does not cross any Section 10 waters under the jurisdiction of the SD Regulatory Office

A.3. Formal tribal consultation is performed government (USACE) to government (THPO) and the applicant does not participate unless requested. Dakota Access has submitted information relative to Section 106 review for NWP 12 verifications to the SD Regulatory Office; the status of that review is pending.

B. USFWS review for ESA compliance for the NWP 12 verification is pending. There are no expected adverse effects to listed species under the jurisdiction of the S.D. Ecological Services Field Office.

C. Dakota Access is aware of fifteen tracts containing Crop Reserve Easements; eleven of which Dakota Access has acquired an easement across, the remaining are pending. No other authorizations or consents are needed from the Farm Service Agency.

E.1. There are currently no National Pollutant Discharge Elimination System permits required. If upon finalization of the hydrostatic testing plan authorization for discharge to waters of the United States is needed, an application will be submitted.

E.2 Potential surface water withdrawal locations are currently being evaluated. Applicable permits will be sought when locations and volumes are determined.

F. Dakota Access has been in contact with the agency since June 2014. Consultation is ongoing through the PUC process.

G. A management summary of cultural resource review and surveys performed to date was sent to the SD SHPO office on April 25, 2015. A Phase I report for jurisdictional areas will be submitted by May 8, 2015.

H. Dakota Access has not yet applied for the highway crossing permit.

I. Dakota Access has not yet applied for the highway crossing permits.

J. Dakota Access has not applied for any flood plain, conditional use and/or building permits.

UPDATES:

Permits/Consultation List and Status for South Dakota Segment of DAPL			
Agency	Permit	Agency Action	Status as of June 2015
Federal			
U.S. Army Corps of Engineers, Omaha District – South Dakota Regulatory	Sections 404/401 Clean Water Act Nationwide Permit 12	Authorization of discharge of fill material into waters of the U.S., including wetlands	Submitted in December 2014, updated Pre-Construction Notification areas were submitted in April 2015. USACE review is

Permits/Consultation List and Status for South Dakota Segment of DAPL			
Agency	Permit	Agency Action	Status as of June 2015
Office	Section 10 Rivers and Harbors Act	Authorization of pipeline crossings of navigable waters of the U.S.	ongoing.
	Section 106 Archaeological Resources Protection Act	Section 106 consultation through the Nationwide Permit 12 process	
U.S. Fish and Wildlife Service, South Dakota Ecological Services Field Office	Endangered Species Act Section 7 Consultation	Consider lead agency findings of impacts on federally listed species; provide Biological Opinion if the Project is likely to adversely affect federally listed or proposed species or their habitats	Topeka shiner is the only protected species potentially affected at three streams. The USACE review is ongoing and no agency to agency consultation with USFWS has been initiated that Dakota Access is aware of.
U.S. Fish and Wildlife Service, Sand Lake National Wildlife Refuge Complex	Wetland and Grassland Easements– Special Use Permit	Issuance of a one-time use permit, valid for 5 years, for construction of pipeline through protected features within U.S. Fish and Wildlife Service easements	Draft Environmental Assessment for Special Use Permit and right-of-way easement submitted to the USFWS in April 2015, USFWS provided comments in May 2015, the revised draft Environmental Assessment was submitted to the USFWS in June 2015. USFWS review is ongoing and the agency is responsible for any government to government consultation with tribes.
	Wetland and Grassland Easements– Right-of-Way easement	Issuance of a 30-year-term right-of-way easement after construction, for long-term maintenance and management of pipeline	
Pipeline and Hazardous Materials Safety Administration	49 CFR Part 194 and 195	Integrity Management Plan and Emergency Response Plan	Plans to be submitted in September 2016. No permit required.
State			
South Dakota Department of Environment and Natural Resources	National Pollutant Discharge Elimination System General Permit for Discharges of Hydrostatic Test Water (SDG070000)	Consider issuance of General Permit for hydrostatic test water discharge to waters of the U.S., construction dewatering to waters of the state	Anticipate submitting in December 2015.
	Surface Water Withdrawal Permit	Consider issuance of surface water withdrawal permit for temporary use	

Permits/Consultation List and Status for South Dakota Segment of DAPL			
Agency	Permit	Agency Action	Status as of June 2015
	South Dakota Codified Law Sec 34A-18 Oil Spill Response Plan	Oil Spill Response Plan	To be submitted in September 2016. No permit required.
South Dakota Game Fish and Parks	State Listed Threatened and Endangered Species	Consultation on natural resources	Agency stated they would comment through the PUC process and that no formal authorization is required.
South Dakota State Historical Society, State Historic Preservation Office	Section 106 of National Historic Preservation Act	Review and comment on activities regarding jurisdictional cultural resources	A revised Class III report and updated Unanticipated Discovery Plan was submitted on August 7. Federal agencies will be consulting directly with the SHPO in relation to jurisdictional crossings.
South Dakota Department of Transportation	Crossing Permits	Consider issuance of permits for crossing state highways	Currently completing applications and have planning meetings scheduled.
Local			
County Road Departments	Crossing Permits	Issuance of permits for crossing of county roads	Currently completing applications and have planning meetings scheduled.
County and Local Authorities	Floodplain, Conditional Use, and building permits where required	Review under county approval process	Evaluating the need for respective permits, applications will be submitted as required.

INTERROGATORY NO. 27: Identify Section 106 type “cultural resource” studies of which you have knowledge in the proximate location of the currently proposed Dakota Access pipeline route and identify any documents which would support your answers.

ANSWER: See Section 23.6 of the filed Application. Additional cultural resource surveys have been completed at all locations where landowners have voluntarily granted access, this represents approximately 96% of the proposed route.

UPDATE:

Cultural Resource surveys are 98% complete for the project, SD SHPO has concurred with our findings of the revised report and Addendum I. A second addendum for the remaining surveys completed will be submitted in October.

INTERROGATORY NO. 30: Describe the status of the written manual for normal operations, maintenance activities, and handling abnormal operating and emergencies.

A. Identify the latest draft of the written manual and all prior drafts;

B. Identify all documents which support or were used to provide your answers.

ANSWER: The written manuals for the Dakota Access Pipeline have not yet been developed. DAPL will have all written manuals complete prior to putting the pipeline in service.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

INTERROGATORY NO. 42: Describe the contents of the “information concerning activities of concern” to be made available to landowners and others. Identify any documents which would support your respective answer.

ANSWER: The Dakota Access Pipeline Public Awareness Program (PAP) has not fully been developed. This program will meet or exceed all regulations and comply with 49 CFR 195 Subpart 195.440. This program will include educational and awareness information provided to landowners.

UPDATE: No update at this time.

INTERROGATORY NO. 43: Describe the worst-case scenario for landowners of a spill or leak from the proposed pipeline as well as other risks deemed “low” by the PUC. Identify any documents which would support your respective answer.

ANSWER: The Dakota Access team is currently evaluating the Spill Model for the pipeline. The results of this model will be incorporated into the Emergency Response Plan, which is under development.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

INTERROGATORY NO. 54: What is the current bond amount under SDCL §49-41B-38 for damage to highways, roads, bridges and other related facilities during and after construction.

ANSWER: The bond amount has not been determined by the PUC nor has Dakota Access agreed to a specific bond amount with the PUC or its staff.

UPDATE: See Joey Mahmoud prefled rebuttal testimony filed 8/14/2015 for DAPL’s current position on the road bond.

DAKOTA RURAL ACTION DISCOVERY REQUEST TWO

INTERROGATORY NO. 1. Describe the current status of the following permits and plans required prior to the start of construction of the Dakota Access Pipeline:

- A. Permits from US Army Corps of Engineers, S.D. Regulatory Office, including under:
- 1) §§404/401 of Clean Water Act, for authorization of discharge of fill material into waters of the United States including wetlands or other action;
 - 2) §10 Rivers and Harbors Act, for authorization of pipeline crossings of navigable waters of the United States or other action;
 - 3) Section 106 of the National Historic Preservation Act (NHPA), including consultation with potentially impacted Tribes and/or other action;

ANSWER:

- 1) **The Pre-Construction Notification (PCN) for jurisdictional wetlands and waterbodies was submitted to the USACE in December 2014. Updated PCN maps and crossing table were submitted to USACE in May 2015. The status of the permit verification is pending.**
- 2) **The May 2015 submittal to the USACE include the revised James River crossing, where workspace edits occurred. The James River is the only Section 10 crossing within South Dakota. The status of the permit verification is pending.**
- 3) **Section 106 consultations have been initiated with US Army Corps of Engineers – Omaha District regarding jurisdictional waterways traversed by the Project. The USACE is independently responsible for initiating consultation with federally-recognized tribes per Section 101 (d)(6)(B) of the National Historic Preservation Act of 1966. Section 106 consultation was initiated via the submittal of a cultural resources assessment technical report (dated 12/22/14) that details the results of Level III survey investigations within USACE-defined jurisdictional areas.**

UPDATE:

- 1) **Updated PCN maps and crossing table were submitted to USACE in August 2015. The status of the permit verification is pending.**
- 2) **Dakota Access understands that the USACE submitted consultation information to the tribes in September, 2015.**

- B. Permits from U.S. Fish and Wildlife Service, S.D. Ecological Services Field Office, including under the Endangered Species Act, Section 7 Consultation, to consider lead agency findings of impacts on federal-listed species, to provide a Biological Opinion if the Project is likely to adversely affect federally-listed or proposed species or their habitats, or other action;

ANSWER: The federally listed species assessment with anticipated effect determinations memo was submitted to the USFWS Project leads on May 22, 2015. The Biological Assessment (BA) will be filed with the USFWS in July 2015, and the USFWS Biological Opinion is expected 60-120 days from the date of BA submittal.

UPDATE: Dakota Access intends utilize take for the Topeka Shiner through use of the Programmatic Biological Opinion for the Issuance of Selected Nationwide Permits impacting the Topeka shiner in South Dakota for the crossing of known or expected occurrence of the species that are being open cut.

- C. Permits from the Pipeline and Hazardous Materials Safety Administration (PHMSA), including under 49 CFR Parts 194 and 195, for development of an Integrity Management Plan (IMP) and Emergency Response Plan (ERP), or other action;

ANSWER: The Integrity Management Plan (IMP) is not required to be in place prior to construction per DOT Part 195 Subpart F Section 195.452. Dakota Access is currently preparing a draft of the IMP.

The Emergency Response Plan (or Facility Response Plan, FRP), must be submitted to PHMSA prior to operation per DOT Part 194 Section 194.7. Dakota Access is currently in the process of developing the Emergency Response Plan.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

- D. Any Updated Review and Comment from S.D. State Historical Society, State Preservation Office, under §106 of the NHPA, on activities regarding jurisdictional cultural resources;

ANSWER: The Level III Cultural Report was submitted to the SD State Historic Preservation Office on June 8, 2015. To date, no comments or correspondence have been received from the SD State Historical Society regarding jurisdictional cultural resources.

UPDATE: Through pre-filed testimony from Paige Olson, Dakota Access received comments on the Cultural Resource report. Edits were provided accordingly as well as an Addendum report. The SD SHPO has concurred with the findings. Comments were also received and edits made on the draft Unanticipated Discovery Plan.

INTERROGATORY NO. 38: Second Request for Information. Describe the worst case scenario of a leak/spill which could occur at the site of the water body crossing, of at least the magnitude of the spill/leak into the Kalamazoo River in 2010, if such were to occur into the Missouri River and Big Sioux River water body crossings.

ANSWER: Dakota Access LLC is in the process of finalizing the pipeline spill model. This spill model evaluates the worst case outcome of a pipeline break at intervals along the pipeline.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

INTERROGATORY NO. 54: What is the status of determining the current bond amount under SDCL §49-41B-38 for damage to highways, roads, bridges and other related facilities during and after construction. Please provide any and all communication with PUC staff regarding this issue.

ANSWER: No communications with PUC staff on this subject have taken place. The applicant will engage in the process when it is timely to do so.

UPDATE: See Joey Mahmoud prefiled rebuttal testimony filed 8/14/2015 for DAPL's current position on the road bond.

INTERROGATORY NO. 57: Identify the most recent IMP submitted to the Commission and other appropriate agencies, including but not limited to HCAs. Please provide copies of any and all draft IMP.

ANSWER: No IMP has been submitted at this time.

UPDATE: Dakota Access IMP is being integrated into Sunoco Logistics existing IMP.

PEGGY HOOGESTRAT DISCOVERY REQUEST ONE

13. Identify the amounts, types, and locations of proposed oil leak/spill/contamination/release (a "release") response equipment (including fire response/retardant materials) owned by Dakota Access and which would be used to respond to a release from the proposed Dakota Access Pipeline.

ANSWER: The Dakota Access Pipeline team is currently evaluating the locations of oil response equipment. The requested information is not yet determined and will be a part of the Emergency Response Plan, which is under development. The plan will be filed as required by state and federal law prior to operation.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

14. Identify the amounts, types, and locations of proposed oil release response equipment (including fire response/retardant materials) owned by someone other than Dakota Access and which would be used to respond to an oil release from the proposed Dakota Access Pipeline, and who is responsible to purchase such equipment and materials.

ANSWER: See response to #13. Oil spill response equipment may be a combination of Dakota Access Pipeline owned equipment and outside company resources. We are currently evaluating the available resources and have met in person with each county emergency response team along the pipeline corridor. This will be part of the Emergency Response Plan, which is under development. The plan will be filed as required by state and federal law prior to operation.

UPDATE: See response to #13.

ROSEBUD SIOUX TRIBE DISCOVERY REQUEST ONE

10. Since the time of answering Dakota Rural Action's Interrogatory No. 3, has anything changed regarding your initial answer that would cause you to change the answer as of the date of answering these interrogatories? If so, please provide updated information accordingly. Identify all documents relied on for your answers.

ANSWER: Update/revisions to the response provided for the Dakota Rural Action's Interrogatory are as follows (if the response ID isn't listed, then the filed response still applies).

A.2. A Pre-construction notification (PCN) for nationwide permit 12 was submitted for the St. James River, which is the only Section 10 water the project crosses in South Dakota. A copy of the PCN is included as Interrogatory No. 10 – Attachment No. 1. The status of the permit verification is pending.

C. Dakota Access is now aware of 17 tracts containing Crop Reserve Easements, twelve of which we have acquired easements across, the remaining are pending.

E.3. Dakota Access anticipates submitting the required Oil Spill Operation Response Plan to the DENR in accordance with SDCL Ch 34A-18 in 2016 prior to operating the system.

G. A Class III report for all survey activities performed in 2014 and 2015 was submitted to the SHPO on June 5, 2015; no comments have been received to date. A Class III report for all areas under jurisdiction of the USFWS easements in SD was provided to the USFWS Region 6 archeologist (May 7 for all but one tract that remained to be surveyed and an addendum for the outstanding tract on June 2); no comments on the reports have been received to date.

UPDATES: Generally, please see DRA #3 above.

A. No update.

B. USFWS review for ESA compliance for the NWP 12 verifications is pending. Potential impacts to the Topeka shiner are proposed to be covered under the existing Programmatic Biological Opinion for the Issuance of Selected Nationwide Permits Impacting the Topeka shiner in South Dakota. A copy of the Programmatic BO is attached.

C. Dakota Access is aware of eighteen tracts containing Crop Reserve Easements; eleven of which Dakota Access has acquired an easement across, the remaining are pending. No authorizations or consents are needed from the Farm Service Agency.

E. No updates.

G. An updated Class III Report, an Addendum I report, and a revised Unanticipated Discovery Plan was submitted to the SD SHPO on August 7, 2015.

12. Describe the status of the written manual for normal operations, maintenance activities, and handling abnormal operating and emergencies.

- a) Identify the latest draft of the written manual and all prior drafts.
- b) Identify all documents used to provide your answers.

ANSWER: Currently, the emergency response plans are being developed and are in draft form. Written manuals for normal operations and maintenance activities will be based off of existing crude oil pipeline manuals. A copy of the draft plan will be filed with the PUC the week of June 15, 2015 for informational purposes.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

13. Has the applicant calculated the worst case discharge scenario containing a detailed description of the worst case discharge scenario that would result from damage caused to the project located in any area identified as a karst formation or aquifer. Identify locations where this could be expected to occur. Identify documents used to support your answers.

ANSWER: The spill model is currently under development and a draft version is being finalized and will be filed with the PUC the week of June 15, 2015. The spill model will allow the worst case discharge to be identified for the pipeline.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

14. Has the applicant calculated the worst case discharge containing a detailed description of the worst case discharge scenario that would result from damage caused to the project from landslides located in any area identified as Pierre Shale? Identify locations where this could be expected to occur.

ANSWER: The spill model is currently under development and a draft version is being finalized and will be filed with the PUC the week of June 15, 2015. The spill model will allow the worst case discharge to be identified for the pipeline.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

31. What is the status of the Applicants cultural resources unanticipated discovery plan?

- a. By what date does Dakota Access anticipate that plan to be complete.
- b. Provide all of Dakota Access documents that are directly related to the development of the unanticipated discovery plan.
- c. Identify all agencies, local governments or any other entities that Dakota Access communicated with regarding the plan and all documents associated with communications with each of the identified entities.

ANSWER:

- a. A draft of the unanticipated discovery plan has been completed and is included as Interrogatory No. 31 – Attachment No. 1.

- b. **Dakota Access utilized South Dakota Archaeology State Plan (Section 4-1) and South Dakota Codified Law 34-27-25 to prepare the unanticipated discovery plan for the project. A copy of the Plan has been attached to this submittal.**
- c. **Dakota Access has submitted the draft unanticipated discovery plan to the SHPO for review; no response has been received to date.**

UPDATE: SD SHPO comments were received on the Unanticipated Discovery Plan and a revised plan was submitted.

YANKTON SIOUX TRIBE DISCOVERY REQUEST ONE

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 archeologists 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 of assessment of Traditional Cultural Properties (TCPs) as the location of such properties is typically information protected by the Tribal entities.

UPDATE: To date, approximately 98% 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 and state regulations.

YANKTON SIOUX TRIBE DISCOVERY REQUEST TWO

INTERROGATORY NO. 54:

- A. **When Dakota Access does apply for water use or discharge permits within the State of South Dakota, from which agency or agencies do you anticipate applying?**
- B. **What water sources in South Dakota does Dakota Access intend to use for the proposed project?**
- C. **How much water does Dakota Access anticipate the proposed project will require from water sources in South Dakota?**
- D. **How does Dakota Access intend to dispose of waste water or other discharged water resulting from the proposed project in the State of South Dakota?**
- E. **What byproducts, chemicals, or other substances will be contained in waste water or other discharged water resulting from the proposed project?**

ANSWER

A) Applicable water appropriation and discharge permits will be sought from the South Dakota Department of Environment and Natural Resources. We anticipate submitting applications in the third quarter of 2015.

B) Water sources to be utilized for the project have not been determined.

C) The volume and sources of test water are still being investigated. It is not known if the all of the water for testing needs in South Dakota will be sourced from South Dakota. Some volumes may be “pushed” from one test segment to another in lieu of discharging and filling each test section. Additionally, test sections cross state lines, and the source for that segment may originate at either end, or be pushed from a test segment on either side.

D) As stated in the December 2014 PUC Application, two types of discharges will occur during Project construction; hydrostatic testing and trench dewatering. Typically water is discharged to vegetated upland areas through appropriate energy dissipating devices and/or discharge structures and monitored. All discharges will be done in accords with applicable permit conditions.

E) No byproducts or chemicals will be contained in the discharge water.

UPDATE: Dakota Access anticipates submitting applicable water appropriation and discharge permits in the third or fourth quarter of 2015.

INTERROGATORY NO. 57:

- A. Why has Dakota Access not yet completed cultural surveys of the entirety of the proposed route?
- B. When does Dakota Access anticipate surveying the land along the proposed pipeline route that has not yet been surveyed?
- C. Please identify the location(s) of land along the proposed pipeline route that has not yet been surveyed.

ANSWER:

- A. To date, inventory surveys have been completed across all land tracts where access was voluntarily granted by individual landowners, which constitutes 97.3% of the route and 100% of the areas requiring surveys based on the probability model submitted to the SHPO in August of 2014.**
- B. Dakota Access maintains a stand-by archaeological field crew that is responsible for conducting additional surveys as needed.**
- C. Tracts that are not 100% complete for cultural survey include 1.2 miles in Spink, 3.6 miles in Minnehaha, 0.4 miles in Turner, and 2.3 miles in Lincoln Counties.**

UPDATE:

- A. To date, inventory surveys have been completed across all land tracts where access was voluntarily granted by individual landowners, which constitutes 98.3% of the route and 100% of the areas requiring surveys based on the probability model submitted to the SHPO in August of 2014.
- B. Tracts that are not 100% complete for cultural survey include 2.8 miles in Minnehaha and 1.7 miles in Lincoln Counties.

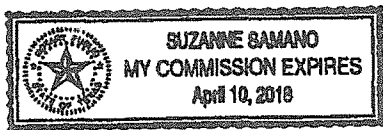
Dated this 21st day of September, 2015.

BY: Stephen Veatch

State of Texas)
)ss
County of HARRIS)

On this the 21st day of September, 2015, before me the undersigned officer, personally appeared Stephen Veatch, who acknowledged himself as being authorized so to do, and executed the foregoing in the name of the corporation.

IN WITNESS WHEREOF I hereunto set my hand and official seal this 21st day of September, 2015



(SEAL)

Suzanne Samano

Notary Public

Notary Print Name: SUZANNE SAMANO

My Commission Expires: APRIL 10, 2018

MAY, ADAM, GERDES & THOMPSON LLP

BY: 

KARA C SEMMLER

Attorneys for Dakota Access, LLC

503 South Pierre Street

PO Box 160

Pierre, SD 57501-0160

kcs@mayadam.net

CERTIFICATE OF SERVICE

Kara Semmler of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 21 day of September, 2015, she electronically sent, a true and correct copy of the foregoing in the above-captioned action to the following at his last known addresses, to-wit:

his or her

Matthew L. Rappold: matt.rappold01@gmail.com

Thomasina Real Bird: trealbird@ndnlaw.com

Jennifer Baker: JBaker@ndnlaw.com

Kimberly Craven: kimecraven@gmail.com

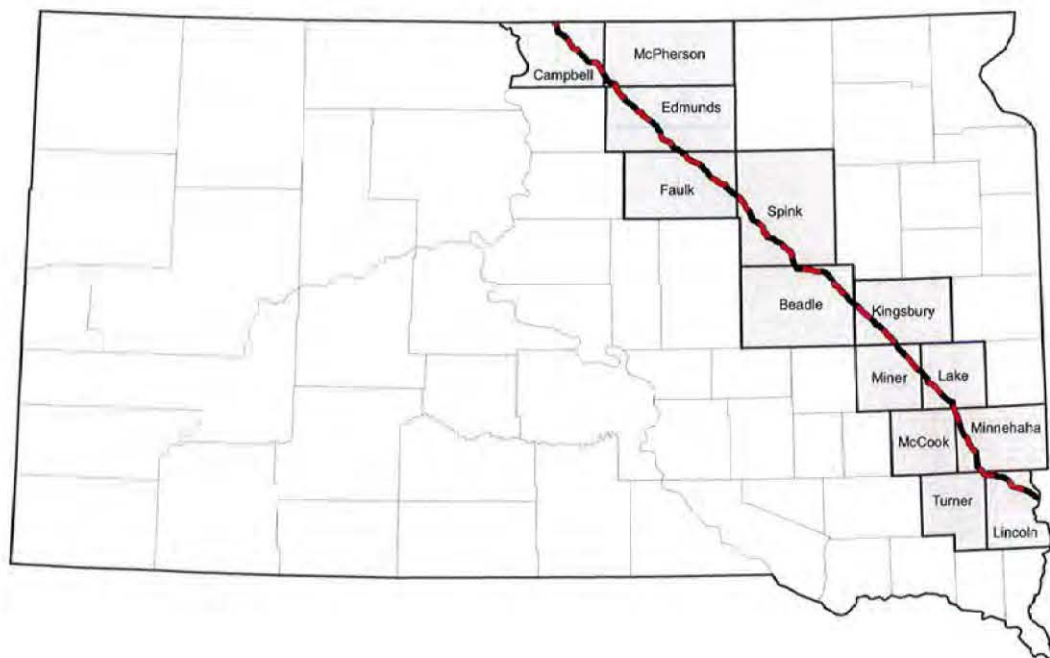
Glenn Boomsma: glenn@breitlawpc.com

Kristen Edwards: Kristen.Edwards@state.sd.us



KARA C. SEMMLER

YST



**Dakota Access, LLC
Dakota Access Pipeline Project
South Dakota Vicinity Map**

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

**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

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.

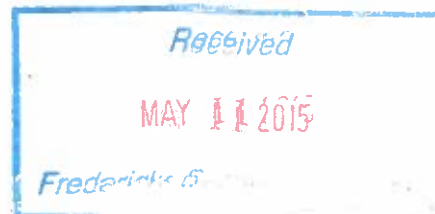
Joey Mahmoud
Vice President - Engineering
1300 Main Street
Houston, TX 77002

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

YST____



004997

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

Damon Daniels
Vice President – Commercial Operations
1300 Main Street
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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
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

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

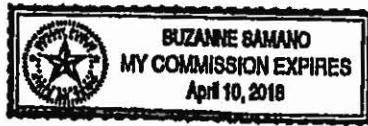
State of Texas)

County of HARRIS)^{ss}

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 8th day of May, 2015.

MAY, ADAM, GERDES & THOMPSON LLP

BY: *[Signature]*

BRETT KOENECKE

KARA C SEMMLER

Attorneys for Dakota Access, LLC

503 South Pierre Street

PO Box 160

Pierre, SD 57501-0160

kcs@mayadam.net

CERTIFICATE OF SERVICE

Brett Koenecke of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 8th 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

[Signature]

BRETT KOENECKE

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

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

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

HP14-002

Answering Dakota Rural Action's First Interrogatories to Dakota Access, LLC, Dakota Access, LCC states and alleges as follows:

INTERROGATORIES

INTERROGATORY NO. 43:

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

ANSWER:

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.

YST____

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

Todd Stamm
Vice President – Pipeline Operations
One Flour Daniel Drive
Sugar Land, TX 77478

INTERROGATORY NO. 44:

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 the response to INTERROGATORY NO. 43.

INTERROGATORY NO. 45:

What is the legal relationship between Dakota Access and Energy Transfer Partners, L.P. (ETP)?

ANSWER: Dakota Access Holdings, LLC is owned 100 percent by Energy Transfer Partners, L.P. ("ETP"), a master limited partnership publicly traded on the New York Stock Exchange ("NYSE"). Energy Transfer Equity, L.P. ("ETE"), also a master limited partnership publicly traded on the NYSE, indirectly owns the general partner of ETP and certain of that partnership's limited partner units. ETP owns the general partner of Sunoco Logistics Partners, L.P. ("SXL") and certain of its limited partner units. (ETE and ETP are together referred to herein as "Energy Transfer"). Energy Transfer maintains its corporate headquarters at 3738 Oak Lawn Avenue, Dallas, Texas 75219.

INTERROGATORY NO. 46:

What is the legal relationship between Dakota Access and Energy Transfer Equity, L.P.?

ANSWER: Dakota Access Holdings, LLC is owned 100 percent by Energy Transfer Partners, L.P. ("ETP"), a master limited partnership publicly traded on the New York Stock Exchange ("NYSE"). Energy Transfer Equity, L.P. ("ETE"), also a master limited partnership publicly traded on the NYSE, indirectly owns the general partner of ETP and certain of that partnership's limited partner units. ETP owns the general partner of Sunoco Logistics Partners, L.P. ("SXL") and certain of its limited partner units. (ETE and ETP are together referred to herein as "Energy Transfer"). Energy Transfer maintains its corporate headquarters at 3738 Oak Lawn Avenue, Dallas, Texas 75219.

INTERROGATORY NO. 47:

What is the relationship between the Dakota Access pipeline and the Energy Transfer Crude Oil (ETCO) pipeline?

ANSWER: Objection. The question is vague.

INTERROGATORY NO. 48:

- A. What is the status of construction and/or conversion and/or operation of the ETCO pipeline?
- B. If this pipeline is not already operational, when is the expected date of operation?

ANSWER: Objection. The requested information is not relevant to the proposed Dakota Access pipeline.

INTERROGATORY NO. 49:

- A. Does Dakota Access own or operate any crude oil pipelines that are currently operational?
- B. If so, please identify these pipelines.
- C. Has Dakota Access ever owned or operated any crude oil pipelines in the past?
- D. If so, please identify these pipelines and the reasons they are no longer owned or operated by Dakota Access.
- E. Please identify any non-crude oil pipelines owned or operated by Dakota Access and the product transported by said pipelines,

ANSWER: None.

INTERROGATORY NO. 50:

- A. Does ETP own or operate any crude oil pipelines that are currently operational?
- B. If so, please identify these pipelines.
- C. Has ETP ever owned or operated any crude oil pipelines in the past?
- D. If so, please identify these pipelines and the reasons they are no longer owned or operated by ETP.
- E. Please identify any non-crude oil pipelines owned or operated by ETP and the product transported by said pipelines.

ANSWER: ETP and ETP affiliates operate and have ownership interest in 5,848 miles of crude oil pipeline. ETP owns and operates the Rio Bravo pipeline. In addition to the ETP crude oil pipeline, the Sunoco Logistics Crude Oil Pipeline System contains approximately 5,800 miles of crude oil trunk and gathering pipelines. The Sunoco Logistics Crude Oil Pipeline System includes the West Texas Gulf Pipe Line Company ("West Texas Gulf"), a wholly-owned subsidiary containing approximately 600 miles of crude pipelines, a controlling financial interest in Mid-Valley Pipeline Company ("Mid-Valley") containing approximately 1,000 miles of pipeline, and an equity interest in SunVit Pipeline LLC ("SunVit"). In addition, SXL owns a 37 percent undivided interest in the approximately 100-mile Mesa Pipe Line.

INTERROGATORY NO. 51:

Are there any potential points of destination along the proposed pipeline route before it reaches the terminus at Patoka, Illinois? If so, please identify the facility and location of each potential point of destination.

ANSWER: Objection. Calls for speculation.

INTERROGATORY NO. 52:

What is the final destination for the product transported by the proposed pipeline at which the product will be refined?

ANSWER: Objection. Calls for speculation. The applicable transports the product; it is not the party determining to which refineries in particular such product is ultimately transported.

INTERROGATORY NO. 53:

What will the product transported by the proposed pipeline be used for at the consumer consumption level?

ANSWER: Objection. Calls for speculation, the applicant transports the product.

INTERROGATORY NO. 54:

- A. When Dakota Access does apply for water use or discharge permits within the State of South Dakota, from which agency or agencies do you anticipate applying?
- B. What water sources in South Dakota does Dakota Access intend to use for the proposed project?
- C. How much water does Dakota Access anticipate the proposed project will require from water sources in South Dakota?
- D. How does Dakota Access intend to dispose of waste water or other discharged water resulting from the proposed project in the State of South Dakota?
- E. What byproducts, chemicals, or other substances will be contained in waste water or other discharged water resulting from the proposed project?

ANSWER:

A) Applicable water appropriation and discharge permits will be sought from the South Dakota Department of Environment and Natural Resources. We anticipate submitting applications in the third quarter of 2015.

B) Water sources to be utilized for the project have not been determined.

C) The volume and sources of test water are still being investigated. It is not known if the all of the water for testing needs in South Dakota will be sourced from South Dakota. Some volumes may be "pushed" from one test segment to another in lieu of discharging and filling each test section. Additionally, test sections cross state lines, and the source for that segment may originate at either end, or be pushed from a test segment on either side.

D) As stated in the December 2014 PUC Application, two types of discharges will occur during Project construction; hydrostatic testing and trench dewatering. Typically water is discharged to vegetated upland areas through appropriate energy dissipating devices and/or discharge structures and monitored. All discharges will be done in accords with applicable permit conditions.

E) No byproducts or chemicals will be contained in the discharge water.

INTERROGATORY NO. 55:

When does Dakota Access expect to hire or retain contractors for construction of the proposed project?

ANSWER: The date has not been determined.

INTERROGATORY NO. 56:

When does Dakota Access expect to begin construction in South Dakota if a permit is granted by the PUC?

ANSWER: 1st Quarter 2016.

INTERROGATORY NO. 57:

- A. Why has Dakota Access not yet completed cultural surveys of the entirety of the proposed route?
- B. When does Dakota Access anticipate surveying the land along the proposed pipeline route that has not yet been surveyed?
- C. Please identify the location(s) of land along the proposed pipeline route that has not yet been surveyed.

ANSWER:

- A. To date, inventory surveys have been completed across all land tracts where access was voluntarily granted by individual landowners, which constitutes 97.3% of the route and 100% of the areas requiring surveys based on the probability model submitted to the SHPO in August of 2014.**
- B. Dakota Access maintains a stand-by archaeological field crew that is responsible for conducting additional surveys as needed.**
- C. Tracts that are not 100% complete for cultural survey include 1.2 miles in Spink, 3.6 miles in Minnehaha, 0.4 miles in Turner, and 2.3 miles in Lincoln Counties.**

INTERROGATORY NO. 58:

What tools and/or training will be provided to inspectors and contractors to enable them identify an unanticipated discovery as such?

ANSWER: All inspectors and contractors will receive project specific training on the identification of cultural resources in the field and on the requirements of the unanticipated discovery plan for the Project prior to initiating work on the right-of-way. Contractors and Inspection staff will have stop work authority to cease operations in any given area if any potential resources are identified. Environmental inspection staff will receive additional training in the identification of cultural resources and will have direct access to Company environmental management and qualified archaeologists to confirm any finds and communicate with the respective agencies as detailed in the unanticipated discovery plan.

INTERROGATORY NO. 59:

- A. Is or has the U.S. Army Corps of Engineers or any other federal agency conducting or conducted an Environmental Assessment (EA) of the proposed project?
- B. If so, what is the status of the EA?

ANSWER: In South Dakota, a draft EA is under review by the US Fish and Wildlife Service for respective federal easements crossed South Dakota (please note this EA includes 5 easements in North Dakota).

INTERROGATORY NO. 60:

What goods and services, and in what quantities, will Dakota Access procure from local businesses in South Dakota in conjunction with construction of the proposed pipeline?

ANSWER: Objection. Calls for speculation and the question is overly broad and unduly burdensome.

INTERROGATORY NO. 61:

How is the share of Bakken oil production that Dakota Access plans to transport by pipeline currently being transported, and by whom?

ANSWER: Objection. The request is irrelevant.

INTERROGATORY NO. 62:

- A. In which towns in South Dakota and for what duration of time will construction workers for the proposed pipeline temporarily reside during the construction process?
- B. How many workers will be temporarily located in a particular town at a time?
- C. Have you identified lodging for these workers?
- D. If not, how do you know adequate lodging exists at these locations?

ANSWER:

- A. The temporary construction workers will typically exhaust all options available to meet their housing needs. The options include, but are not limited to, hotels or motels, rental properties, and trailer camp sites. The warehouse locations to be utilized for the Project are strategically placed for not only logistic efficiencies, but to take advantage of the local living accommodations for the workforce.**
- B. The temporary construction workers will typically exhaust all options available to meet their housing needs. The options include, but are not limited to, hotels or motels, rental properties, and trailer camp sites. The warehouse locations to be utilized for the Project are strategically placed for not only logistic efficiencies, but to take advantage of the local living accommodations for the workforce.**
- C. The temporary construction workers will typically exhaust all options available to meet their housing needs. The options include, but are not limited to, hotels or motels, rental properties, and trailer camp sites. The warehouse locations to be utilized for the Project are strategically placed for not only logistic efficiencies, but to take advantage of the local living accommodations for the workforce.**
- D. The temporary construction workers will typically exhaust all options available to meet their housing needs. The options include, but are not limited to, hotels or motels, rental properties, and trailer camp sites. The warehouse locations to be utilized for the Project are strategically placed for not only logistic efficiencies, but to take advantage of the local living accommodations for the workforce.**

REQUESTS FOR PRODUCTION OF DOCUMENTS

DOCUMENT REQUEST NO. 8:

Please provide a copy of any Environmental Assessment or Environmental Impact Statement prepared in anticipation of the proposed project. If only a draft of said document has been released, please provide a copy of the draft.

RESPONSE: See Yankton Sioux Tribe – Second Interrogatories – Document Request No. 8. Please note that this is a draft and subject to change.

DOCUMENT REQUEST NO. 9:

Please provide all interrogatories posed by each intervener to Dakota Access and all corresponding responses submitted by the respective intervener.

RESPONSE: Due to the volume of materials, a drop box link will be provided via e-mail.

DOCUMENT REQUEST NO. 10:

Please provide all requests for production of documents served by each intervener on Dakota Access and all corresponding responses submitted by the respective intervener.

RESPONSE: Due to the volume of materials, a drop box link will be provided via e-mail.

Dated this ____ day of June, 2015.

BY: _____

State of Texas)
)ss
County of Harris _____)

On this the ____ day of June, 2015, before me the undersigned officer, personally appeared Stephen Veatch, who acknowledged himself to be an authorized individual of Dakota Access, LLC, a corporation, and that he being authorized so to do, executed the foregoing name of the corporation by himself as Stephen Veatch.


IN WITNESS WHEREOF I hereunto set my hand and official seal this ____ day of June, 2015.

(SEAL)

Notary Public
Notary Print Name:
My Commission Expires:

As to the objections, these interrogatory answers are signed by Kara C. Semmler this 22 day of June, 2015.


MAY, ADAM, GERDES & THOMPSON LLP

BY: 
KARA C SEMMLER
Attorneys for Dakota Access, LLC
503 South Pierre Street
PO Box 160
Pierre, SD 57501-0160
kcs@mayadam.net

CERTIFICATE OF SERVICE

Kara Semmler of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 22 day of June, 2015, she 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 her last known addresses, to-wit:

THOMASINA REAL BIRD
FREDERICKS PEEBLES & MORGAN LLP
1900 Plaza Drive
Louisville, Colorado 80027
T: (303) 673-9600
F: (303) 673-9155
E: trealbird@ndnlaw.com


KARA C. SEMMLER

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

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

**ANSWERS TO THE YANKTON
SIOUX TRIBE'S THIRD
INTERROGATORIES
AND REQUESTS FOR PRODUCTION
OF DOCUMENTS**

HP14-002

TO: Yankton Sioux Tribe and its attorney Thomasina Real Bird:

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

INTERROGATORIES

INTERROGATORY NO. 63:

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

ANSWER: See below.

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Houston, TX 77002

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

Keegan Pieper
Associate General Counsel
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005020

Monica Howard
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Jack Edwards
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Sioux Falls, South Dakota, 57106

Micah Rorie
Senior Manager – ROW
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Houston, TX 77002

Stephen Veatch
Senior Director – Certificates
1300 Main Street
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Kara Semmler
May, Adam, Gerdes & Thompson LLP
503 S. Pierre St.
PO Box 160
Pierre, SD 57501

Brett Koenecke
May, Adam, Gerdes & Thompson LLP
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Pierre, SD 57501

INTERROGATORY NO. 64:

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. 65:

Have any tribes been invited to conduct cultural resource surveys along the route of the proposed project?

ANSWER:

No tribes have been invited to perform cultural resource surveys along the route, nor have any tribes requested to perform such surveys.

INTERROGATORY NO. 66:

How far is the centerline of the proposed pipeline route from archaeological site no. 39LN21?

ANSWER:

The proposed pipeline centerline crosses Site 39LN21. However, impacts to the site will be avoided as the pipeline will be installed using horizontal directional drilling (HDD) under the Big Sioux River and the adjacent area where this site is located. The SD SHPO has concurred with our findings and avoidance measures at this location.

INTERROGATORY NO. 67:

How far is the closest point of the area of potential effect of the proposed pipeline route from archaeological site no. 39LN21?

ANSWER:

The HDD staging area will be off-set from the site boundary by approximately 126 ft. (39 m) and there will be no direct impact to the site. The SD SHPO has concurred with our findings and avoidance measures relative to this site.

INTERROGATORY NO. 68:

How far is the centerline of the proposed pipeline route from archaeological site no. 30BE90?

ANSWER:

Site 39BE90 has been entirely avoided by pipeline route and no impacts to it are expected. The proposed pipeline centerline is approximately 844 ft. (257 m) to the west of the site boundary.

INTERROGATORY NO. 69:

How far is the closest point of the area of potential effect of the proposed pipeline route from archaeological site no. 39BE90?

ANSWER:

The pipeline workspace is approximately 765 ft. (235 m) to the west of the boundary of Site 39BD90.

INTERROGATORY NO. 70:

Will Dakota Access or its contractors utilize roads or highways on the Yankton Sioux Tribe Reservation during construction if the proposed pipeline is built?

ANSWER:

Dakota Access has no plans to use roads on the Yankton Sioux Tribe Reservation.

INTERROGATORY NO. 71:

If the answer to Interrogatory No. 69 is yes, which roads or highways will it use?

ANSWER:

N/A

INTERROGATORY NO. 72:

Which units of government have you identified as affected local units of government?

ANSWER:

The project identified local units of government as being those through which the proposed pipeline route passes.

INTERROGATORY NO. 73:

How did you identify affected local units of government as such?

ANSWER: The proposed route dictated the affected units of local government.

INTERROGATORY NO. 74:

What are the planned sources of water for the hydrostatic testing?

ANSWER:

Sources of water for hydrostatic testing have not been determined at this time.

INTERROGATORY NO. 75:

Following the hydrostatic testing, will the used water be returned to the source(s)?

ANSWER:

Yes. Discharge locations for the hydrostatic testing have not been determined to date. Options are to discharge back to the source, or at either end of any test section. Discharge locations will be determined in coordination with the selected contractor and in accordance with all applicable and requires permits.

INTERROGATORY NO. 76:

Does Dakota Access anticipate applying for any permits to conduct the hydrostatic testing?

ANSWER:

Dakota Access will apply for all applicable and required permits for the project.

INTERROGATORY NO. 77:

If Dakota Access does anticipate applying for permits,

- a. Which permits does Dakota Access plan to apply for?
- b. What is the status of those permit applications?

ANSWER:

Dakota Access anticipates obtaining coverage under SDG070000 from the South Dakota Department of Environmental and Natural Resources for coverage pertaining to hydrostatic testing, as required. Applicable permit coverage will be applied for in December, 2015.

INTERROGATORY NO. 78:

Does the proposed project route cross directly over any aquifer or formation?

ANSWER:

Yes. An aquifer is any rock or sediment with adequate porosity to hold and allow movement of water. As such, the vast majority of eastern South Dakota is underlain by some form of water bearing geologic feature; many of which are overlapping.

INTERROGATORY NO. 79:

If the proposed project would cross directly over aquifer(s) or formation(s),

- a. Which aquifer(s) and/or formation(s) would it cross?
- b. What is the distance of pipeline that would cross such aquifer(s) and/or formation(s)?

ANSWER:

As noted in response to Interrogatory 78, there are many unnamed and undefined areas of potential aquifer which the pipeline traverses. In an attempt to respond to directly to this question, Dakota Access has consulted with the South Dakota Geologic Survey and compiled the available information regarding named aquifers in the State. The following table provides the names and associated crossing distances of these aquifers along the proposed Dakota Access pipeline.

Aquifer	Distance Crossed (Miles)
Big Sioux	1.15
Codell	12.80
Dakota	27.35
Elm	4.98
Grand	29.75
Harrisburg	7.72
Howard	2.70
Local Aquifers	6.57

Minor Aquifer	2.85
Niobrara Formation	33.51
Quartzite	10.85
Selby	13.28
Shindler	14.50
Split Rock Creek	0.91
Spring Creek	25.35
Tulare	46.95
Vermillion-East-Fork	3.24
Wall Lake	10.15

INTERROGATORY NO. 80:

- a. What are the closest aquifers or formations to the proposed project route?
- b. Provide the distance between the proposed pipeline and the closest aquifer(s) and/or formation(s) and supply copies of maps depicting the proposed route in relation to the closest aquifer(s) and/or formation(s).

ANSWER:

The closest distance is not applicable as the centerline crosses over a number of aquifers and formations.

REQUESTS FOR PRODUCTION OF DOCUMENTS

DOCUMENT REQUEST NO. 11:

Please provide all interrogatories posed by each intervener to Dakota Access and all corresponding responses submitted by the respective intervener that have not previously been produced to Yankton.

ANSWER:

Previously provided.

DOCUMENT REQUEST NO. 12:

Please provide all requests for production of documents served by each intervener on Dakota Access and all corresponding responses submitted by the respective intervener that have not previously been produced to Yankton.

ANSWER:

Previously provided.

DOCUMENT REQUEST NO. 13:

If any permit applications have been submitted as inquired about in Interrogatory No. 77, please supply copies of the permit application(s) including attachments.

ANSWER:

No permit applications relative to Interrogatory No. 77 have been submitted to date.

DOCUMENT REQUEST NO. 14:

If any permits have been received as inquired about in Interrogatory No. 77, please supply copies of the permit(s).

ANSWER:

No permits have been received regarding Interrogatory No. 77

DOCUMENT REQUEST NO. 15:

If the proposed project would cross directly over aquifer(s) or formation(s), please supply copies of maps depicting the proposed route in relation to the aquifer(s) and/or formation(s).

ANSWER:

Maps relative to the aquifers crossed by the project are provided.

Dated this 21st day of September, 2015.

BY: Stephen Veatch

State of Texas)
)ss
County of Harris)

On this the 21st day of September, 2015, before me the undersigned officer, personally appeared Stephen Veatch, who acknowledged himself to be an authorized individual of Dakota Access, LLC, a corporation, and that he being authorized so to do, executed the foregoing name of the corporation by himself as Stephen Veatch.

IN WITNESS WHEREOF I hereunto set my hand and official seal this 21st day of September, 2015.



Suzanne Samano
Notary Public
Notary Print Name: SUZANNE SAMANO
My Commission Expires: April 10, 2018

As to the objections, these answers are signed by Kara C. Semmler this 21 day of September, 2015.

MAY, ADAM, GERDES & THOMPSON LLP

BY: Kara C Semmler
KARA C SEMMLER
Attorneys for Dakota Access, LLC
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August 12, 2015

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VIA EMAIL ONLY: trealbird@ndnlaw.com

**RE: APPLICATION TO THE SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION FOR A PERMIT FOR THE DAKOTA ACCESS PIPELINE
UNDER THE ENERGY CONVERSION AND TRANSMISSION FACILITY ACT;
HP14-002
Our file: 0300**

Dear Ms. Real Bird:

We are in receipt of your July 27, 2015 correspondence. Answers to your follow up questions are as follows:

INTERROGATORY NO. 47:

- A. Is the Dakota Access Pipeline expected to connect to the Energy Transfer Crude Oil Pipeline?

ANSWER: Objection, the requested information is irrelevant. Without waiving the objection, yes.

- B. Is crude oil from the Dakota Access pipeline expected to be transported through the Energy Transfer Crude Oil pipeline?

ANSWER: Objection, the requested information is irrelevant. Without waiving the objection, yes.

INTERROGATORY NO. 48:

- A. What is the status of construction and/or conversion and/or operation of the ETCO pipeline?

MAY, ADAM, GERDES & THOMPSON LLP
503 SOUTH PIERRE STREET • P.O. Box 160
PIERRE, SOUTH DAKOTA 57501-0160

YST____

005029

ANSWER: Objection, the requested information is irrelevant. Without waiving the objection: Trunkline Gas Company is currently performing the abandonment of the pipeline to be acquired by ETCO and bi-weekly reports regarding the abandonment are currently being filed with the FERC in Docket No. CP12-491-000.

B. If this pipeline is not already operational, when is the expected date of operation?

ANSWER: Objection, the requested information is irrelevant. Without waiving the objection: Assuming the receipt of the necessary regulatory approvals, construction of the ETCO pipeline is anticipated to commence in the fourth quarter of 2015, with an in-service date of the fourth quarter of 2016. (pulled from the ETCO application with the ICC)

INTERROGATORY NO. 51: Where are the various points of destination along the pipeline as referred to on DAPL's website?

ANSWER: Objection, the requested information is irrelevant and calls for speculation. Without waiving the objection: The only destination on DAPL is currently the multiple points/terminal hub at Patoka, Illinois. If there were a market justification for the establishment of other potential points of destination along the pipeline, it is possible that DAPL would establish such points of destination in the future.

INTERROGATORY NO. 52: To your knowledge, what is/are the planned destinations(s) for the product transported by the proposed pipeline, at which the product will be refined?

ANSWER: Objection, the requested information is irrelevant and calls for speculation. Without waiving the objection, DAPL delivers to the crude oil terminalling hub at Patoka, Illinois, from where that crude oil can reach refineries throughout the Midwest and the Gulf Coast through other pipeline systems. DAPL anticipates refineries in those areas are likely to be significant refining markets for the crude oil transported by DAPL. Thus, as the transporter of the crude oil, DAPL does not have knowledge of which of the specific refineries will actually refine the crude oil that it transports.

INTERROGATORY NO. 54:

1. What is test water, what is its purpose, and how is it used?

ANSWER: Test water refers to the water used for hydrostatically testing of the completed pipeline. Water is pressurized using high pressure pumps. Testing of completed pipeline is performed in accordance with CFR 195 Subpart E and company specifications.

2. What type of testing requires water as indicated by your answer?

ANSWER: See above

3. How is water "pushed?"

ANSWER: The test water is moved from one section to other sections using pipeline pigs and compressed air.

4. What is a test segment?

ANSWER: A length of pipe being hydrostatically tested.

5. What is a test section and how does it differ from a test segment?

ANSWER: They are the same.

6. Is testing the only activity or use the proposed project will have for water?

ANSWER: No, water is required for horizontal directional drills.

7. What is hydrostatic testing? What does it consist of? What are the byproducts of this process?

ANSWER: Hydrostatic testing insures the integrity of the completed pipeline. Using pressurized water at a minimum of 125% of the maximum operating pressure. There are no byproducts

8. What is trench dewatering? What does it consist of? What are the byproducts of this process?

ANSWER: See the SWPPP plan and documents filed with the PUC.

9. What are considered appropriate energy dissipating devices?

ANSWER: See the SWPPP plan and documents filed with the PUC.

10. What are considered appropriate discharge structures?

ANSWER: See the SWPPP plan and documents filed with the PUC.

11. How is discharge monitored?

ANSWER: See the SWPPP plan and documents filed with the PUC.

INTERROGATORY NO. 60: Identify what goods and in what quantities the “\$486 million” assertion of “goods and services will be procured from local businesses along the entire route” is based on.

ANSWER: See attached Exhibit A.

INTERROGATORY NO. 61:

How is the share of Bakken oil production that Dakota Access plans to transport by pipeline currently being transported, and by whom?

ANSWER: Objection. The requested information is irrelevant and calls for speculation. Dakota Access is not able to provide additional information.

INTERROGATORY NO. 62:

- B. How many workers will be temporarily located in a particular town at a time?
- C. Have you identified lodging for these workers?
- D. If not, how do you know adequate lodging exists at these locations?

ANSWER: Objection. Requires speculation. Dakota Access restates its previous answer.

Very truly yours,

MAY, ADAM, GERDES & THOMPSON LLP



KARA C. SEMMLER

KCS/mnf

Enclosure

CERTIFICATE OF SERVICE

I certify that on this 23rd day of September, 2015 **YANKTON SIOUX TRIBE'S WITNESS AND EXHIBIT LISTS** was filed on the Public Utilities Commission of the State of South Dakota e-filing website. Also on this day, a true and accurate copy was sent via email (and/or US Mail first class postage prepaid where indicated) to the following:

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