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**From:** Michael Zerr [REDACTED]  
**Sent:** Tuesday, September 08, 2015 8:22:22 PM  
**To:** PUC  
**Subject:** Re: HP14-002

Hi Gary, just thought I would throw some words toward the Dakota Access discussion. I attended one of the PUC hearings in Sioux Falls, and talked to folks from both sides of the discussion. I also am on a committee that works with [Dewey Gevik Outdoor Learning Area](#) on the west side of Wall Lake. As a geographer and naturalist, I took a good look at topographic and other maps showing the areas where the DAP would go.

At the hearing, when the DAP folks explained the PSI, leak response or shut off time, and related issues, I was aghast as to the possible damage to the Wall Lake area watershed.

The creek that feeds Dewey and Wall Lake starts in [Fensterman's Slough](#), which is really a nice sized lake, and winds up in Skunk Creek near Family Fishing Park in Sioux Falls. Based on the information they gave, before a shut off, enough chemical laden oil would get into the watershed to destroy Dewey and Wall Lake, and, if it happened in the Spring, or other high water time, it would eventually reach Skunk Creek. I am sure other areas along the pipeline route are in a similar situation.

Other major fears include:

- No bond for clean up, property damage, etc. nor for the time when it is abandoned.
- The fact that thousands of pipe sections are piled up near Canton and Aberdeen, with rail spurs just built for their access. All making it look like approval is a done deal, and any hearings are a sham.
- The lack of availability of close up maps of the pipeline route on line so folks could see the big picture. (The SF city GIS folks offered to put those maps on their site for public access, but that did not occur.)
- The use of Eminent Domain by a private for profit that has nothing to do with the public in SD. This is vital to both the Keystone XL, where a foreign entity is imposing it, and the DAP. The State of SD has the right through [Police Power](#), to prevent these impositions on the rights of property owners, or regulate them more.

At the least, the state should require bonding, limit Eminent Domain, and require movement away from sensitive areas such as lakes, rivers, and towns. Payments to landowners should not be one time only, but annually.

I know the PUC does not have authority to do many of the suggestions, but they can recommend them to the legislature or governor as a condition before blanket approval of DAP or Keystone.

Thanks for listening

Mick Zerr



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