

Joye Braun  
Cheyenne River Sioux Tribal member  
Closing statement for the South Dakota Public Utilities Commission  
Re: Docket number HP14-001 Keystone XL

There are far better people than I who can argue legal precedent and findings as to why Keystone XL pipeline project should not be allowed to proceed.

At the beginning of the hearings I told the PUC Commission that this was an illegal hearing. I stand by that. The KXL project plans to cross lands that are governed by trust status, and federal law trumps state law. This commission should have recognized this at the very beginning of this process. Tribes were not consulted, tribal protocols were not followed and treaty councils were not contacted. This is an illegal aggressive act towards the Indigenous peoples of this territory by a corporation that promises to bring death and destruction. In my opinion, that is the definition of a terrorist organization.

Throughout the evidentiary hearing we heard time and again that the project had not met the conditions upon which to proceed. That is all this hearing was to decide. Had TransCanada met the conditions required to move forward. They have not. It is that simple.

It should be noted that this corporation has violated the airspace and trespassed on the Cheyenne River Sioux Reservation despite our sovereign laws saying that they cannot be on our territory. I know the tribal lawyers will be able to argue this far better than I ever could, but facts are facts. They are not allowed to cross our boundaries and be within our reservation.

We know that pipelines leak, from the pipeline itself or at the pumping stations. TransCanada testified that Keystone 1 leaked 14 times. Once is too many. They have testified that they plan to go under the Cheyenne River itself, but not to depths of other more stable rivers within the South Dakota. One TransCanada witness says oh your drinking water won't be affected yet turns around and says it is possible We, the people of the CRST reservation know that if the pipeline should break or leak into the Cheyenne River our water will be affected. There is no remedial plan for clean up along the Cheyenne River. Who will be responsible for clean up? The State can't come on to our reservation to clean up and they certainly won't have the money to do so. The tribe? We are one of the poorest in the nation; we don't have those kinds of funds. Simply put, this is a direct threat to the residents, both Native and non-Native who live within the boundaries of the Cheyenne River Sioux Reservation as our drinking water intake is on that river.

I know throughout this whole process bits and pieces of intervener testimony, or witness testimony has been stricken from the record placating TransCanada. With that in mind I am going to be open and frank. TransCanada said that they do not have the contracts in place to provide for the volume of tar sands to bring through KXL. They are losing money, and a recent news article states they may fire people. So why bring it through our state? Makes no sense to me.

The lead engineer, Kathari said that pipelines usually run through corridors believe TransCanada and other pipeline companies see South Dakota as near virgin

territory, and want to make our state a pipeline corridor. They have Keystone, they want KXL and others are in the process of seeking approval. Yet our state deserves better.

I recently came back from the Bakken about a week ago. Let me tell you something, and I have no scientific data for this, but that place is scary. The mancamps are scary; the pipelines that run next to train tracks that are right next to fracking operations are scary. The wildlife what there was is not like it used to be even five years ago, the open sores from VOC's in the air that I got are scary. You can see invisible like wavy lines coming up from the ground, which are offset chemicals. Remember in the hearings when the TransCanada said that if there was a benzene spill we would not be able to smell it but it could cause severe damage to the people around us? No we won't know when every kind of spill happens. And this is scary to me.

Let me tell you about emergency services right now. We don't have what is needed in place in rural communities of this state to handle a spill. Some places would require emergency or medical personal to drive over an hour to get to a spill site or other emergency situation. Just because we are rural doesn't mean we are not any less valuable. That is one of the sticking points that I would like for you to remember. Just because we are rural doesn't make us any less valuable. I would argue we are more valuable because our hunting, fishing, agriculture resources and natural resources and cultural recourses are more important because they are so much more rarer to find in other parts of the country.

The elders and other residents of the Cheyenne River Reservation have asked me to specifically tell you about the man camp proposed to be near Howes SD which is less than 14 miles from the school of Takini, near Bridger SD, Red Scaffold and Cherry Creek. They are terrified of this possible man camp. Not only would be housed on SD state Senator Wink's property, which I believe is a conflict of interest, but it would be close to a area where police would take over an hour to get to, right on the border of my reservation, near a school and near an impoverished "exotic" population. Our women, children and youth would be put at high risk from a group of mostly men with money to spend, and not many options except a few bars off reservation in Faith, for recreation. This would make a volatile social situation.

Like I said at the beginning, there are greater minds than mine at work on this issue. I can speak from the heart and sincerely urge you, the SD PUC to deny recertification of the Keystone XL permit. It is illegal, has not met the requirements and is detrimental to Native and non-Native interests of South Dakota. Please protect our people.

Sincerely,  
Joye Braun