

In the Matter of the Petition of TransCanada Keystone Pipeline, LP
for the order accepting certification of permit issued in docket
HP09-001 to construct the Keystone XL Pipeline.

HP14-001

My testimony and discovery is based on any and all conditions of
permit and findings of fact that pertain to the reclamation of the
land.

April 21st, 2015

Diana Steskal ~ Individual Intervenor
707 East 2nd Street
Stuart NE 68780
402-924-3186

Diana Steskal ~ Testimony on the HP14-001

Hello, my name is Diana Steskal, from Stuart Nebraska, a concern citizen of the United States, acting as an individual intervener. I would like to state that I am not an expert farmer or photographer; I am here today to testify about my concerns of accepting the certification of a permit for TransCanada to construct the Keystone XL pipeline. I feel that TransCanada has not been a good neighbor to the people of United States. They have made statements about land reclamation ~ "How they will leave the land in better shape than they found it." I have witness an area in Miner County, where a land reclamation on an easement of the Keystone I, it has been on going since 2009. On November 7, 2014 ~ I visited the Mike and Sue Sibson farm, I asked question of the Sibson's, and took pictures of the easement area. This easement crosses native grass, farm ground, a wetland, native grass and ends up going thru a wetland and waterway. I believe that this easement area in 2014 after 5 years is NOT in better shape than before construction started, you can see by comparing it to the native grasses on the outer edge of the easement, shown in the pictures of Exhibit G. The easement looks like it has weeds, sparse habitat growing, and holes in the ground over the pipeline, due to the varmints burrowing into the higher temperature soil.

I would like to share from my Exhibit F ~ Reclamation Timeline by Sue Sibson:

- 1). September 30, 2009 ~ Reclamation and seeding native grasses
- 2). 2010: Easement area full of weeds not much grass growing. TC sprayed the easement area.
- 3). August 2011 ~ TC was back to do total reclamation on the mile and a quarter easement area. Native grass was once again reseeded (wrong seed mixture was planted in 2009).

- 4). August 2011 ~ Right of way ridges were leveled off, the ground cracks ~ areas were deep ripped to fill voids and leveled.
- 5). In 2009 ~ TC and landowner signed construction agreement ~ all rock was to be hauled away. Michels Construction Co. pushed and buried the rocks into the easement area during construction. August 2011 ~ 75 ton of rock was hauled off easement area.
- 6). September 2012 ~ TC is back again to do some more reclamation. The easement area by the county road is now dry enough to work on the land. Mowing, dirt work and native grass reseeding is the plan. The 80 acres will be reseeded over the top of the grass seed planted in 2011. There is little native grass growing in the easement area. The crop ground showed loss of crop again.
- 7). August 2013 ~ Frank Maddox & Eric Munz looked at easement area. The thickspike wheat grass is becoming more of a problem. Very little if any other native grass growing.
- 8). May 2014 ~ Easement area sprayed with roundup and area mowed. Frank has had trouble trying to get rid of the thickspike wheat grass using spray. Area had to be sprayed twice.
- 9). August 2014 ~ Easement area replanted with native grass mixture ~ have a tag.
- 10). November 7, 2014 ~ Terry & Cheri Frisch, Byron Steskal and myself visited the easement area. Took pictures (Exhibits G)

When we were visiting with the Sibson's they expressed concerns that it has taken 5 years for the reclamation of the ROW easement of their land which has been reseeded 4 times, along with loss of pasture for their cattle, (which the cattle would not eat the grasses that have been planted), and also having a crop loss. Commissioner Johnson in 2010 toured the Sibson easement ROW; he had concerns about Keystones ability to maintain quality control when it comes to clean up and reclamation. He discussed with the Sibson's some of their hardships they felt had suffered during the process from the trespass early in the project, trash left on the

ROW, and the reclamation issues they had in 2010. In September 2014, Commissioner Gary Hansen visited the Sibson farm to look at the ROW easement area, as it had been replanted in August of 2014.

I believe there is a big concern if TransCanada has the ability to have a quality control of their contractors when it comes to reclamation of the land therefore I believe that this is just one small tip of an iceberg of many things that need to be addressed before renewing TransCanada's Keystone XL permit.

The pipeline is not an asset on the landowner's balance sheet, it is a liability. The landowner should carry absolutely NO risk concerning pipelines or their abandonment. It is unreasonable to expect a landowner to cover these costs.

Diana L Steskal

HP 14-001

Diana Steskal ~ Testimony

Exhibit A ~ Property Addresses / Landowners / Witnesses

Exhibit B ~ TransCanada Keystone Pipeline Easement Area

Exhibit C ~ US Dept. of Agriculture Farm Service Agency

1 ~ 28-106N-57W

2 ~ 33-106N-57W

Exhibit D ~ Sue Sibson's Affidavit

Exhibit E ~ Terry & Cheri Frisch Affidavit

Exhibit F ~ Reclamation of Timeline (1-2)

Exhibit G ~ Sibson's Easement Pictures (1-31)

Pictures: Taken on November 07, 2014

Mike and Sue Sibson Property
23782 426th Ave
Howard SD 57349

Miner County ~ Roswell Township
Legal ~ S1/2SW1/4 28-106-57
NW1/4SW1/4 33-106-57

Witness: Byron and Diana Steskal
707 E. 2nd St.
Stuart NE 68780

Terry and Cheri Frisch
47591 875th Rd
Atkinson NE 68713

Mike and Sue Sibson
23782 426th Ave
Howard SD 57349

Exhibit B

LEGEND:

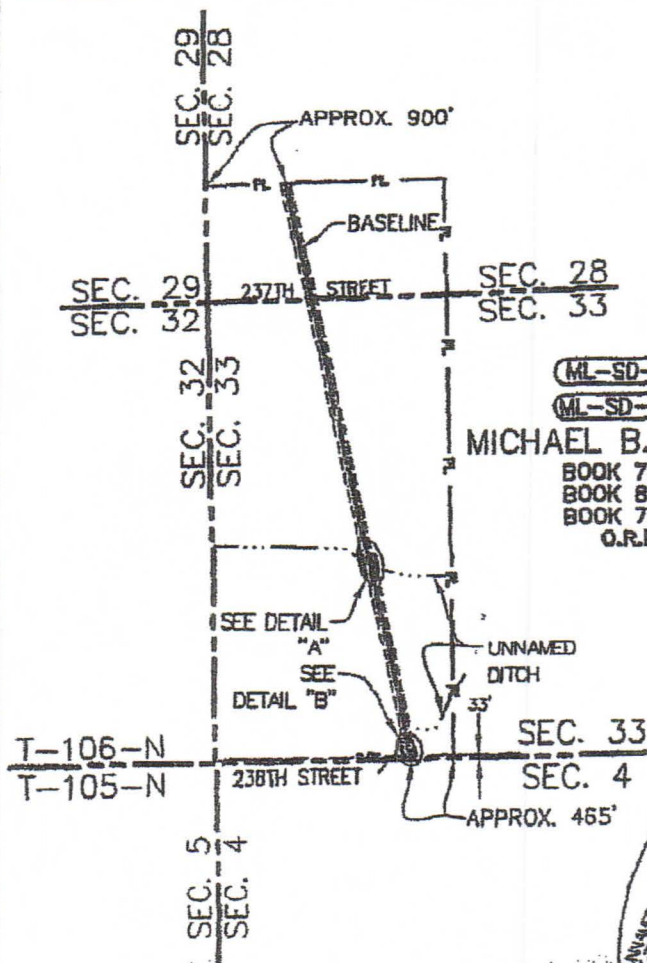
P/L
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APPROX.
EXIST.
TEMP.
SEC.

PIPELINE
PAGE
PROPERTY LINE
ADDITIONAL
EASEMENT
APPROXIMATELY
EXISTING
TEMPORARY
SECTION

O.R.M.C.S.D. OFFICE OF THE RECORDER OF MINER COUNTY, SOUTH DAKOTA

MINER COUNTY, SOUTH DAKOTA

T-106-N, R-57-W, SECTIONS 28 & 33



ML-SD-MN-0795.000

ML-SD-MN-0796.0000

MICHAEL B. SIBSON, ET UX

BOOK 79, PG. 656,
BOOK 80, PG. 64 &
BOOK 76, PG. 22
O.R.M.C.S.D.

DETAIL "A"
N.T.S.

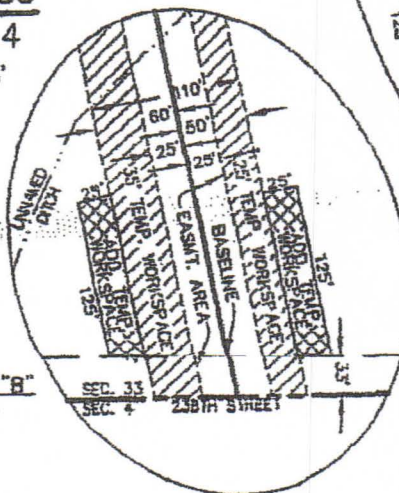
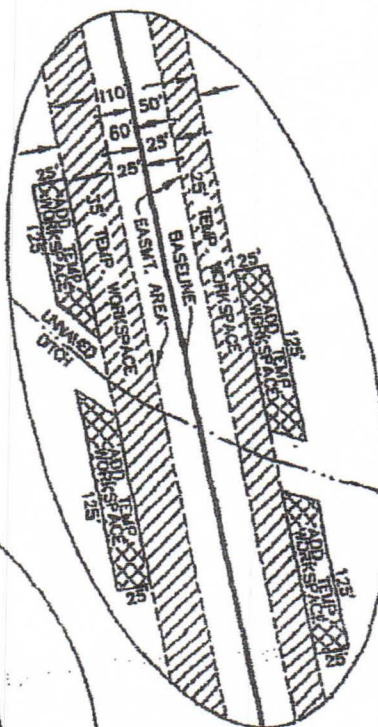
DETAIL "B"
N.T.S.

TRACT LEGAL DESCRIPTION:
S 1/2 OF SW 1/4 OF SECTION 28 &
W 1/2 OF SECTION 33,
T-106-N, R-57-W

TOTAL LENGTH: APPROX. 6,700 FT.
EASEMENT AREA: APPROX. 7.7 ACRES
TEMPORARY WORKSPACE: APPROX. 9.3 ACRES
ADDITIONAL TEMP. WORKSPACE: APPROX. 0.5 ACRES

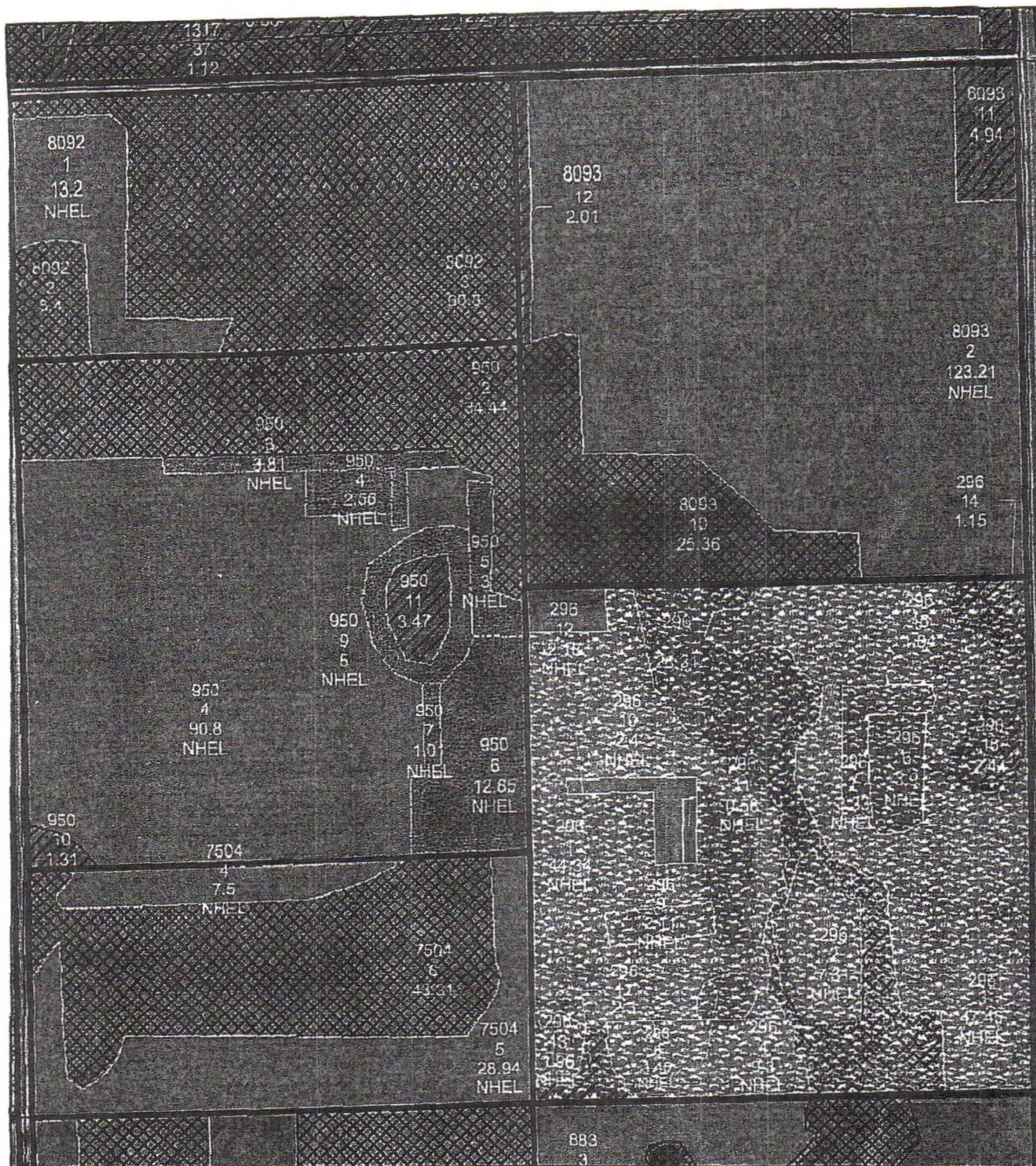
NOTE:

THIS SKETCH DOES NOT MEET THE MINIMUM
STANDARDS FOR PROPERTY BOUNDARY SURVEYS.
IT WAS NOT DERIVED FROM AN ON THE GROUND
SURVEY BUT IS INTENDED FOR RIGHT OF WAY
PURPOSES ONLY.



			KEYSTONE PIPELINE PROJECT																										
<table border="1"> <thead> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>ISSUED FOR REVIEW HOUSTON</td> <td>02/06/07</td> </tr> <tr> <td>2</td> <td>BASED ON SURVEY & TITLE</td> <td>05/16/07</td> </tr> <tr> <td>3</td> <td>CHANGED TRACT NO.</td> <td>05/16/07</td> </tr> <tr> <td>4</td> <td>APPROVED IN C</td> <td>05/04/07</td> </tr> <tr> <td>5</td> <td>ISSUED FOR ACQUISITION</td> <td>05/04/07</td> </tr> </tbody> </table>			NO.	REVISION	DATE	1	ISSUED FOR REVIEW HOUSTON	02/06/07	2	BASED ON SURVEY & TITLE	05/16/07	3	CHANGED TRACT NO.	05/16/07	4	APPROVED IN C	05/04/07	5	ISSUED FOR ACQUISITION	05/04/07	<table border="1"> <tr> <td colspan="2"> EASEMENT AREA ACROSS THE PROPERTY OF MICHAEL B. SIBSON, ET UX ML-SD-MN-(0795.0000, 0796.0000) </td> </tr> <tr> <td>PROJECT:</td> <td>9347.900</td> </tr> <tr> <td colspan="2"> EXHIBIT A </td> </tr> </table>			EASEMENT AREA ACROSS THE PROPERTY OF MICHAEL B. SIBSON, ET UX ML-SD-MN-(0795.0000, 0796.0000)		PROJECT:	9347.900	EXHIBIT A	
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1"=2,000'	01/10/07	DN	GTC	ML	K-48-P-7500-1191																								

Exhibit C-1



United States Department of Agriculture
Farm Service Agency

Miner County

1:8,588

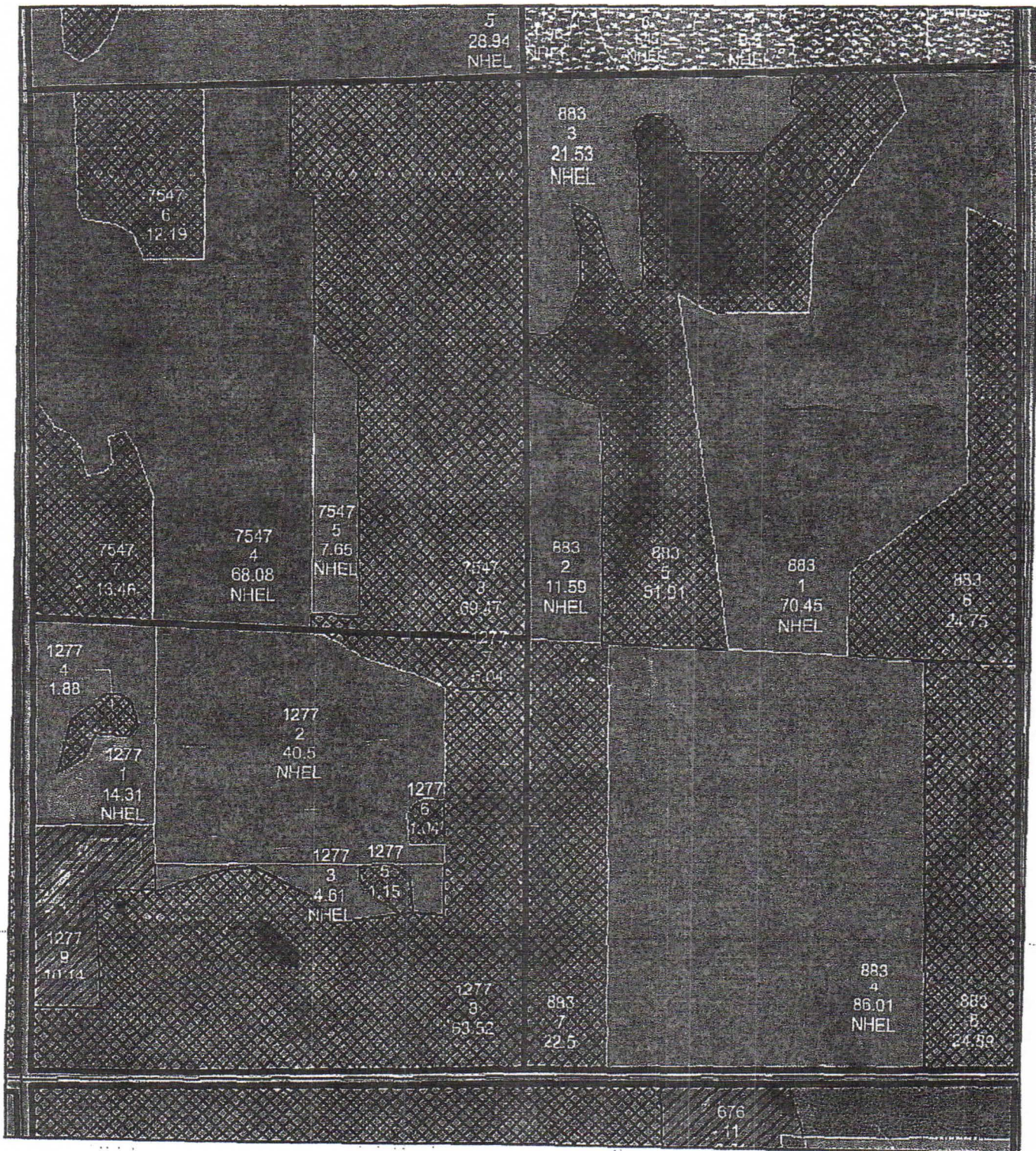


28-106N-57W

March 20, 2007

004817

Exhibit C2



United States Department of Agriculture
Farm Service Agency

Miner County

1:8,640



33-106N-57W

March 20, 2007

004818

Exhibit D

STATE of SOUTH DAKOTA

COUNTY OF MINER

SUSAN SIBSON came and appeared before me, the undersigned Notary, the within named Susan Sibson who is a resident of Miner County, State of South Dakota and makes this her statement and general affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of her knowledge.

On November 7, 2014

Diana and Terry Steskal , Cheryl and Terry Frisch were at our farm. They walked the TransCanada Keystone pipeline easement area and took photos of our land. Mike and I were asked many reclamation questions.

DATED this the 19th day Feb 20 15.

Susan Sibson

Signature of Affiant

SWORN to subscribed before me, this 19th day February 20 15.

Rebecca Broughton

NOTARY PUBLIC



My Commission Expires:

11/15/15

Exhibit E

Terry & Cheri Frisch
47591 9875th Road
Atkinson, NE 68713

To whom to may concern,

This is our affidavit that on November 7, 2014, we along with Byron and Diana Steskal, 707 East 2nd Street, Stuart NE 68780 met with Mike and Sue Sibson, 23782 426th Ave, Howard SD 57349. We took pictures of their ROW property and visited about the reclamation of their ROW property from the construction of the Keystone I pipeline.

DATED this the 28th day
Feb. 2015.

Terry Frisch

Cheryl Frisch
Signature of Affiants

SWORN to subscribed before me, this

28th day
Feb. 2015.

Roseanne Schiffern

NOTARY PUBLIC

My Commission Expires: 4-24-18



004820

Reclamation Timeline by Sue Johnson
Exhibit F-1

2009:

Grassland team determined native grass varieties

TC pipeline construction

9-30-09 Reclamation and seeding of native grass

2010: Easement area full of weeds not much grass growing. TC sprayed the easement area.

August 2011:

TC was back to do total reclamation on the mile and a quarter easement area.

The crew was here for about two weeks.

Native grass was once again reseeded (wrong seed mixture was planted in 2009)

ROW ridges were leveled off, the ground cracks –areas were deep ripped to fill voids and leveled.

The 2009 signed TC construction agreement –all rock was to be hauled away.

Michels Construction pushed and buried the rocks into the easement area during construction.

August 2011- 75 ton of rock was hauled off easement area.

September 25, 2012

TC is back again to do some more reclamation. The easement area by the county road is now dry enough to work on the land. Mowing, dirt work and native grass reseeding is in the plan. The 80 acres will be reseeded over top of the grass seed planted in 2011. There is little native grass growing in the easement area. The crop ground showed loss of crop again.

August 28 ,2013

Frank Maddox and Eric Munz looked at easement area. The thickspike wheat grass is becoming more of a problem. Very little if any other native grass growing.

May 21 2014

Easement area sprayed with roundup and area mowed. Frank has had trouble trying to get rid of the thickspike wheat grass using spray. Area had to be sprayed twice.

August 19, 2014

Winds were 10-20 from the south. Sunny

Easement area replanted with native grass mixture-have a tag.



#1 ~ 0074 ~ Easement area



#2 ~ 0075 ~ Weeds, tumbleweeds, and twisted clumps of thickspiked wheat grass



#3 ~ 0077 ~ easement area



#4 ~ 0079



#5 ~ 0082 and #6 ~ 0080 ~ Twisted Clumps of thickspiked wheat grass ~ Livestock will not eat.





#7 ~ 0086



#8 ~ 0087 ~ Native grasses on the right side of the easement area



#9 ~ 0093 ~ Native grasses on the left side and easement area of the right side of picture



#10 ~ 0090



#11 ~ 0095 ~ Native grasses on the left side of picture



#12 ~ 0098



#13 ~ 0107 ~ Varmint holes ~ The ground/soil is at a higher/warmer temperature over/above the pipeline.



#14 ~ 0104 ~ Varmint holes over the pipeline ~ they like the warmer soil.



#15 ~ 0102



#16 ~ 0110



#17 ~ 0113



#18 ~ 0113 ~ Easement area in the middle of the picture, where sky and land meet.



#19 ~ 0126



#21 ~ 0129



11.07.2014

#22 ~ 0131 ~ Twisted Clumps of thickspiked wheat grass ~ Livestock will not eat.



11.07.2014

#23 ~ 0134



#24 ~ 0140 ~ Easement area on the right and native grasses on the left



#25 ~ 0144 ~ Wetlands ~ Standing on 238th Street ~ looking north towards easement area



#26 & #28 ~ 0150 ~ Culvert ~ Wetlands on the south side of 238th Street



#29 ~ 0159 ~ Easement area south side of 238th St. ~ Looking south



#30 ~ 0165 ~ Pump Station north of the Sibson property



#31 ~ 0172 ~ Easement area on the north side of Pump Station



#27 ~ 0149 ~ Culvert ~ Wetlands north of 238th Street ~ looking north toward easement area

CERTIFICATE OF SERVICE

HP14-001

I certify that correct copies of my testimony, witness list and exhibit list were served electronically to the parties listed below:

Ms. Patricia Gerpen
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Mr. Frank James
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Mr. Paul Blackburn
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Ms. April McCart
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Also I sent correct copies of my testimony, my witness list and exhibit list to the following parties by U.S. mail:

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Midland SD 57552

Mr. Jerry Jones
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Midland SD 57552

Mr. Ronald Fees
17401 Fox Ridge Rd.
Opal, SD 57758

Ms. Elizabeth Lone Eagle
PO Box 160
Howes, SD 57748

Everything completed and sent on April 21, 2015

Diana L. Steskal ~ Individual Intervenor
707 East 2nd Street
Stuart NE 68780
402-924-3186