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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

February 6, 2015

Chris Nelson
Kristie Fiegen
Gary Hanson
Public Utilities Commission
Capitol Building, 1st Floor
500 E. Capitol Ave.
Pierre, South Dakota 57501-5070

Brett Koenecke
May, Adam, Gerdes & Thompson LLP
503 South Pierre Street
PO Box 160
Pierre, South Dakota 57501-0160

Re: Permit to Construct the Dakota Access Pipeline

Dear PUC Commissioners and Attorney Koenecke,

This letter is written regarding the Dakota Access pipeline. My husband Tom Stofferahn and myself have received phone calls regarding giving a permanent easement to Dakota Access on land described as NW1/4 EX RY & PT W & S of RY & EX W 1208' N 373' & EX E 650.25', NW ¼ N HY 38 & EX N 1956.64' & PTSW1/4 N HY 38, Section 13, Township 102 North, Range 52 West, Minnehaha County, South Dakota. The address is [REDACTED], Humboldt, SD. The land is owned by Thomas Stofferahn and Ronald Stofferahn, as tenants in common.

In 2012 Tract 1 and Tract 2 in Stofferahn Farms Addition were formed on this land. Tract 2, 3.98 acres, is a farm and personal residence owned by Tom and Nancy Stofferahn. Tract 1, 3.96 acres, is owned by Stofferahn Farms, a South Dakota general partnership. On Tract 1 sits a 60'x120' Morton shed. This shed is leased to Nortec Seeds, Inc., a retail seed company, which is a South Dakota S Corp owned by Tom Stofferahn and Ron Stofferahn who have been in the family seed business for 40 years. The shed maintains a warehouse and office and is the principal place of business for Nortec Seeds, Inc.

From what I can ascertain from the phone calls Dakota Access does not know these Tracts exist and they plan to run the pipeline north or right behind the place of business of Nortec Seeds. Nortec Seeds is planning an expansion of the seed business by expanding the warehouse, putting up soybean seed bins and a soybean treatment facility. This expansion can only be north of the present place of the business in Tract 1 where the pipeline and the 100 feet of no building will be. The Tract land only goes 30 feet east, to the west there is a slough and to the south is Highway 38. No expansion is possible except to the North of the business in which the Dakota Access pipeline will prevent.

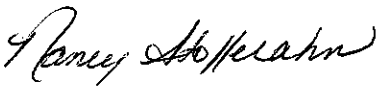
Nortec Seeds in 2014 had gross sales of over [REDACTED]. With no growth or expansion ever possible the result will be millions of dollars of lost income. With a [REDACTED] projected growth from the expansion that would be a loss of [REDACTED] in sales a year for the life of the easement which is forever. It would cost hundreds of thousands of dollars for Nortec Seeds to relocate. Land would have to be purchased on a prime site and a new warehouse and facility constructed. On page 2 of the Notice of Application sent to us it states "will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area". The pipeline location behind Nortec Seeds seems to impose a very great threat to the economic condition of a long standing South Dakota family business and the future of the business.

Another consideration for the PUC is that Stofferahn Farms, our family farm business, farms lands that has tile running into a 36 inch County cement tile in Minnehaha County. Dakota Access's planned route may cut or disturb this County cement tile. The tile was dug in by hand in the early 1900's. There are very few records or maps of these cement and clay County tiles but they are well known by local farmers. Once these cement and clay tiles are cut is there any way to repair them in like kind. I assume the cost would be quite high if it could be done at all. More due diligence has to be done by Dakota Access to know where these tiles are and all the lateral tiles feeding the County tiles. Is the PUC aware of where all the County tiles are in South Dakota. If they are not properly repaired it could result in costly damage to South Dakota farm land.

I have also been informed that Dakota Access is a shadow corporation and will not be in existence after 10 years. When a pipeline breaks after 10 years I am concerned about who will be responsible for the repair and cleaning up the land. Is this then the responsibility of the EPA, State of South Dakota, or will it be the landowner who has given a permanent easement? I am concerned whether the landowners of South Dakota know that it could possibly be their responsibility to fix the tile and clean up the land.

I have tried to explain to Dakota Access representatives the tremendous loss this will be on our family seed business Nortec Seeds but all we have heard is that it will happen anyway because Dakota Access will have eminent domain. That probably will be true but with this letter I am asking for consideration and that the pipeline be moved much farther north so that it will not affect our expansion and our business.

Sincerely,



Nancy Stofferahn

[REDACTED]
Humboldt, SD 57035
[REDACTED]
[REDACTED]