

**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
DAKOTA ACCESS PIPELINE
PROJECT

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HP14-002

PREFILED REBUTTAL TESTIMONY
OF
DALLAS GOLDTOOTH, INDIGENOUS ENVIRONMENTAL NETWORK
ON BEHALF OF INDIGENOUS ENVIRONMENTAL NETWORK
AND DAKOTA RURAL ACTION

AUGUST 14, 2015

1. Please state your name, address and occupation for the record:

A. My name is Dallas Goldtooth. My address is 38731 Res Hwy 1, Morton MN 56270.

2. Please state your position and area of responsibility with respect to the Dakota Access pipeline.

I am the Keystone XL and US Pipeline Campaign Organizer for the non-profit Indigenous Environmental Network. My responsibility is to raise awareness of the negative impacts fossil fuel development places upon frontline communities and to help those communities organize against such projects. Our organization is based in Bemidji, Minnesota but works regionally, nationally, and internationally to support the Rights of Mother Earth and the inherent sovereign rights of Indigenous Peoples fighting to protect their life-ways, lands, water, and sacred sites from ecological destruction.

3. Please state your professional qualifications and education:

I attended the University of California, Berkeley as an Ethnic Studies Major and Minor in Education. I was also a Dakota language apprentice with Dakota Wicohan, a language education consortium. As a campaign organizer for the Indigenous Environmental Network I have spent the past 4 years working with grassroots, spiritual, traditional, academic, scientific, and political leaders from across North America who are directly and indirectly involved in the fight against fossil fuel development and its adverse effects upon land, air, peoples and climate change. As the KXL Campaign Organizer I have received on-the-job experience in the dangers such pipeline transportation systems place upon the land, water and surrounding communities - and the tactics their sponsoring corporations use to influence counties, towns, landowners, and tribal nations to accept their projects. As the US Pipeline Campaign organizer I employ oil market analysis as a means to help support groups working to curb/respond to development.

4. What is the purpose of your rebuttal testimony?

I am providing rebuttal to Joey Mahmoud's pre-filed direct testimony. I am also testifying in disapproval of Dakota Access's request for a permit to construct, install, operate, and maintain the South Dakota portion of the Dakota Access Pipeline.

5. Have you read the testimony of Joey Mahmoud?

Yes, I have.

6. Do you agree with this testimony?

No, I do not.

7. If the answer is no, why not?

Mr. Mahmoud's testimony on the demand for the facility (Line 121) fails to address that although U.S. production of Bakken oil has been robust in the short term—a review of production data from the Bakken region indicates that production will not be sustainable in the long term. Updated market analysis shows that Bakken oil production will be far below the U.S. Department of Energy's Energy Information Administration's (EIA) projected forecast. The longevity of U.S. shale oil production at meaningful rates is highly questionable. There have been widespread lay-offs and jobs cut as companies cut back on production. In April, the number of drilling rigs in play declined by 760, the lowest number since December 2010. Certainly production will rise in the short term, but with the very likely peaking of the Bakken region (which provide 62% of current U.S. oil output) in the 2016-2017 timeframe, the ability for Dakota Access, LLC to maintain a high-level of committed shippers must be called into question.

8. Are you familiar with or have you read South Dakota 49-41B-22 regarding the applicant's burden of proof in obtaining a permit to construct an energy facility?

Yes.

9. Do you believe the proposed facility will comply with all applicable laws and rules?

No. It must consult with tribal nations whose land the facility is proposed to cross and abide by any laws or rulings applied by those nations.

10. Do you believe the facility will pose a threat of serious injury to the environment or to the social and economic condition of inhabitants or expected inhabitants in the siting area?

Yes. I believe that given the documented history of pipeline failures and their adverse negative effects, this project does pose a serious threat to the natural resources and peoples of South Dakota.

11. Do you believe the facility will substantially impair the health, safety or welfare of the inhabitants?

Yes. I believe that given the documented history of pipeline failures and their adverse negative effects, this project does pose a serious threat to the natural resources and peoples of South Dakota. This project will also create greater incentive for Bakken Oil extraction, which will in turn further impair the health, safety and/or welfare of South

Dakota, citizens.

12. Do you believe the facility will not unduly interfere with the orderly development of the region with due consideration having been given the views of governing bodies of affected local units of government.

No.

13. Do you consider federally recognized Tribes to be "local units of government?"

Yes.

14. Does this conclude your prepared testimony?

Yes

/s/ Dallas Goldtooth

Dallas Goldtooth, Indigenous Environmental
Network
Keystone XL Campaign Organizer
Co-founder of The 1491s