

March 20, 2015

Public Utilities Commission
Capitol Building, 1st Floor
500 East Capitol Avenue
Pierre, SD 57501

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MAR 23 2015
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RE: HP14-002, In the Matter of the Application of Dakota Access, LLC for an Energy Facility Permit to Construct the Dakota Access Pipeline

Dear South Dakota Commissioners:

I am writing with great concern regarding the Dakota Access Pipeline project. At the January 22nd public meeting in Sioux Falls, Dakota Access representatives had dodged the majority of the questions that they were asked. On questions that were addressed, the answers were vague. Will this be the same way our questions will be addressed when a pipeline breaks?

You may remember that I had many questions that night regarding this pipeline project. After I stated my concerns, Joey Mahmoud stated that we have "already talked about most of these issues". I want you to know that this comment by Mr. Mahmoud is not true. None of the questions that I raised that night have ever been addressed to me or to my family - not that night and not to this day.

The aerial patrol pipeline monitoring is another concern. In the Dakota Access presentation, Mr. Mahmoud stated that an aerial patrol pilot would fly 500 feet to monitor the pipeline. The Code of Federal Regulations 91.119 states "Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:" (b) "over any congested area of a city, town or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle with a horizontal radius of 2,000 feet of the aircraft." I would believe that the development areas of Tea, Harrisburg and to the west of Wall Lake are congested areas. According to 91.119(a) "if a power unit fails, an emergency landing without undue hazard to persons or property on the surface", this would be hard to do in a congested area.

Furthermore, FAR 91.119(c) states that "the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure." If the pipeline is to be monitored by aerial patrol at 500 feet, how can it comply with the state statute SDCL 49-41B-22 (3) "The facility will not substantially impair the health, safety, or welfare of the inhabitants" and (1) "comply with all applicable laws and rules" when it should be flying at 1,000 feet in congested areas? Being in the aviation industry for over 30 years as a pilot myself, I know that it is quite a task to safely give vigilance to see and avoid other aircraft, towers and obstructions at 500 feet not to mention looking down at the ground to try to monitor a pipeline for leaks. Will the aerial

pipeline monitoring be flown as a single pilot operation? Who will be responsible for making sure the pilot(s) and company are in compliance with all the applicable FAR's? Who will monitor the pipeline company to make sure that the pipeline is being monitored on a continuing basis whether it is on the ground or in the air? And if they did fly at 1,000 feet in congested areas due to the FAR's, would they be able to monitor/see the pipeline sufficiently? Will the company need a special permit from the FAA to monitor this pipeline by aerial patrol?

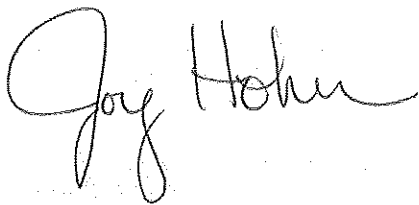
If the pipeline were approved, myself and other landowners will ask for our properties to be reassessed. Will the decrease in property taxes for years to come outweigh the "proposed" project benefits from Dakota Access?

Dakota Access has proven that they are negligent in making contact with the appropriate landowners. When the postman delivered the January 6, 2015 letter from May Adam, he brought two letters that day and asked "Would you like the letter that has your correct name and wrong address OR the letter with your correct address and wrong name?" If Dakota Access can not get the information correct (lack of attention to detail) on the proposed landowners that the pipeline will affect, how can we entrust them to put in a hazardous material pipeline correctly?

Please deny the Dakota Access pipeline.

Thank you for your time and consideration in this matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joy Hohn". The signature is written in black ink and is positioned above the typed name and address.

Joy Hohn
46178 263rd Street
Hartford, SD

§91.119 Minimum safe altitudes: General.

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

(a) *Anywhere*. An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.

(b) *Over congested areas*. Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

(c) *Over other than congested areas*. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

(d) *Helicopters, powered parachutes, and weight-shift-control aircraft*. If the operation is conducted without hazard to persons or property on the surface—

(1) A helicopter may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section, provided each person operating the helicopter complies with any routes or altitudes specifically prescribed for helicopters by the FAA; and

(2) A powered parachute or weight-shift-control aircraft may be operated at less than the minimums prescribed in paragraph (c) of this section.

[Doc. No. 18334, 54 FR 34294, Aug. 18, 1989, as amended by Amdt. 91-311, 75 FR 5223, Feb. 1, 2010]