

**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 THE DAKOTA ACCESS PIPELINE	HP14-002  PRE-FILED TESTIMONY OF SUE SIBSON
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STATE OF SOUTH DAKOTA) : SS  
COUNTY OF MINER )

1 Sue Sibson, being first duly sworn on his/her oath, deposes and states as follows:

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3 My name is Sue Sibson. My address is 23782 426<sup>th</sup> Ave, Howard SD

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5 My husband, Mike Sibson and I live in Roswell Township, Miner County and we are  
6 lifelong South Dakota residents. We currently raise grain, corn and beans. We raise feeder  
7 cattle on native grass. The native grass plays an important part in our cattle business.

8 We opposed TransCanada's Keystone One pipeline, which ultimately crossed our  
9 land, including crossing native grassland, farm ground, wetlands and a waterway. We were  
10 concerned about the effects that the pipeline would have on our land. Those fears have been  
11 born out, as TransCanada has not lived up to its promises and the conditions it's required to  
12 uphold with respect to the reclamation of our land.

13 The South Dakota Public Utilities Commission gave TransCanada many conditions to  
14 follow. We as landowners witnessed perhaps as few others can the devastation of pipeline  
15 construction. The burden of the conditions have been placed on the landowners to make the

16 **company responsible. Condition # 34 that TransCanada was to follow was that “Construction**  
17 **must be suspended when weather conditions are such that construction will cause irreparable**  
18 **damage, unless adequate protection measures approved by the commission are taken.” As of**  
19 **2015, our land has been irreparably damaged by TransCanada’s failure to follow the**  
20 **Commission’s conditions.**

21 **TransCanada failed to comply with applicable construction mitigation and**  
22 **reclamation plan as to reclamation and revegetation. The objectives of the plan were to return**  
23 **the disturbed areas to approximately preconstruction use and capability. TransCanada failed**  
24 **to live up to this commitment and requirement. Reclamation on our land has been a**  
25 **nightmare. The easement area has very little if any native grass growing. TransCanada’s**  
26 **experts planted thickspike wheatgrass which is not native to eastern South Dakota. When we**  
27 **asked TransCanada about this grass they said it was sterile and would die out in 1-2 years.**  
28 **We now are on almost six years and that grass has not died out. Our cattle will not eat this**  
29 **grass –we consider it a weed. We now have an easement area that cannot be used for grazing.**

30 **Condition # 41 sets forth TransCanada obligation for reclamation and maintenance of**  
31 **the right-of-way, which continue throughout the life of the pipeline. As landowners, we have**  
32 **continually had to get after TransCanada to do the reclamation work they are obligated to do.**  
33 **When TransCanada’s reclamation work was not effective and failing on our land,**  
34 **TransCanada actually then wanted us to take over the reclamation of our land. At this time**  
35 **we have no intention to ever sign off on our land.**

36 **As South Dakota landowners we should not have to carry the burden for the South**  
37 **Dakota Public Utilities conditions set forth on pipeline companies.**

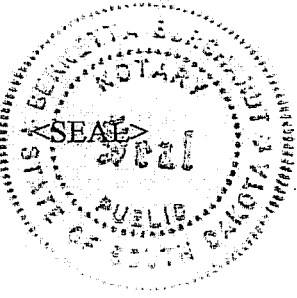
38 **Our land reclamation aerial video is found at <https://vimeo.com/133581096>.**

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Sue Sibson  
Sue Sibson

Subscribed and sworn before me this 13<sup>th</sup> day of August, 2015.



Dennis A. Rungtved  
Notary Public - South Dakota  
My Commission Expires: 11/15/15