

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE APPLICATION
OF DAKOTA ACCESS, FOR AN ENERGY
FACILITY PERMIT TO CONSTRUCT
THE DAKOTA ACCESS PIPELINE

HP14-002

**PRE-FILED TESTIMONY OF
Ruth E. Arends, Allan C. Arends,
Lorrie L. Bacon, and Sherrie K. Fines-Tracy**

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Please state your name and address.

Ruth E. Arends, 614 N. Willow, Pierre, SD 57501

Allan C. Arends, 192 W. Lake Drive, Arlington, SD 57212

Lorrie L. Bacon, 11 Woodland Drive, Humboldt, IA 50548

Sherrie K. Fines-Tracy, 614 N. Willow, Pierre, SD 57501

How are you involved with the Dakota Access Pipeline project?

We are landowners in Minnehaha County, South Dakota affected by the proposed Dakota Access Pipeline.

Please describe the history of your family's land ownership, and whether farming will be continued by younger generations.

This is a family farm purchased in 1952. Continuously occupied until 2009. Farmland leased since approximately 1985 with 58 crop acres, 24 pasture acres and 6 acres of buildings.

One of the owners has future plans to move back and build a new home on the farmstead.

18 **Please describe your current farming operations.**

19 Leased since the 1980's and the production of corn, soybeans and livestock is still
20 continuing today.

21

22 **To the best your knowledge, what area(s) of your property will the Dakota Access**
23 **Pipeline cross?**

24 Originally ¼ mile north to south of the west side, but we recently found out it cuts east to
25 west increasing to 3000 feet.

26

27 **How close is the pipeline to any building, bin or pen, water source, or farming**
28 **facilities (i.e., storage area, feedlot, grazing area, etc.)?**

29 The current proposed location of the pipeline would be within 250 feet of the building
30 site. The proposed pipeline is also very close to a stock dam and crossing a natural
31 flowing creek and wetlands.

32

33 **Please describe any special characteristics of your property and farmland, and/or**
34 **whether you plan to build any houses, outbuildings, shelter belts, or other structures**
35 **on your property.**

36 We have two (2) building eligibility's on the property one of which one of the current
37 owner's has plans of building a new home in the future. In addition to the eligibility's,
38 the northwest corner of the property is prime for commercial development due to two
39 busy black tops intersecting on that corner.

40

41 **Please describe which of your farming operations or other land uses will be**
42 **impaired by the Dakota Access Pipeline and how they will be impaired.**

43 The highly productive land used for raising our crops will be greatly impaired by the
44 pipeline. If the pipeline is built, our crops will never be the same. Disturbed soil from
45 pipeline installation and the heat produced from the pipeline after installation will both
46 have detrimental effects on crop land. It will never return to its highly productive state.
47 In addition, when an oil spill occurs, it will leave our farmland and crops saturated. That
48 land can no longer be farmed and is considered worthless. That was proven by the oil
49 spills in both Benton, MI on September 16, 2014 and in Bismarck, ND on September 29,
50 2013. We are also greatly concerned with stray voltage that may come from this
51 pipeline. The soil, mineral and moisture content of the land, in addition to steel posts are
52 all conductors of electricity. There is a well on the parcel of land. Our tenant runs
53 livestock and there is a stock dam and a natural creek running though the property. If
54 stray voltage were to occur, it could be hazardous and possibly deadly to the livestock.

55
56 **Has your farmland been improved with drain tile? If so, please describe whether**
57 **you are concerned that pipeline construction may damage and impair the drain tile**
58 **performance and investment.**

59 We are not aware of any.

60 **Do you believe that the Dakota Access Pipeline will pose a threat of serious injury to**
61 **the environment or the inhabitants within the siting area? If so, why?**

62 Yes!! We are very concerned about an oil leak which would get into our water supply.
63 In addition, the pipeline is proposed to run one-quarter mile to the west of Wall Lake,
64 which is approximately one mile north of our property. Wall Lake is part of the aquifer

65 system to the city of Sioux Falls and the overflow is the natural creek through our
66 property. It is the backup reservoir to our largest population city. An oil leak will have
67 devastating effects!

68

69 **Do you believe that the Dakota Access Pipeline will substantially impair the health,**
70 **safety and welfare of the inhabitants of the siting area? If so, why?**

71 Yes!! This proposed pipeline will be carrying HAZARDOUS MATERIAL! It is
72 extremely flammable. Bakken crude oil has a low flashpoint and may be more explosive
73 than conventional crude oil. It is also toxic!! The cancer-causing agent benzene, is
74 detected in the oil. Breathing benzene can cause drowsiness, dizziness, tachycardia
75 (rapid heart rate), headache, tremors, confusion, unconsciousness, and death. We are
76 very concerned for all the inhabitants in the sitting area.

77

78 **Have you been sued by Dakota Access Pipeline to compel court ordered access to**
79 **your land? If so, (1) Has Dakota Access Pipeline provided you any legal authority**
80 **(i.e., state statute) supporting its claim that you have no right to exclude Dakota**
81 **Access from your land at the time of said lawsuit? and (2) Have you incurred legal**
82 **fees in defending against said lawsuit?**

83 Yes, we have been served with a Summons and Complaint for Preliminary Injunction to
84 Provide Survey Access. No, Dakota Access has not provided us with any legal authority
85 supporting its claim. Yes, we have and will continue to incur legal fees.

86

87 **Has Dakota Access Pipeline made any statements to you that it is a "carrier" under**
88 **South Dakota law? If so, please describe.**

89 Not that we recall.

90

91 **Has any representative of Dakota Access Pipeline made any statements to you or**
92 **others that you believe are not true? If so, please explain.**

93 We don't recall any untrue statements, but there certainly has been a lack of
94 communication as we are absentee landowners. We were threatened by Collin Stephens
95 with a temporary restraining order if we did not sign the release to survey the property.

96

97 **Please state any other concerns you have regarding the Dakota Access Pipeline.**

98 **Our family are absentee landowners. From the very beginning we have never**
99 **received a single piece of information from anyone at DAPL that we didn't first**
100 **initiate, and we have found some things that never have been shared pertaining to**
101 **our property.**

102 Our first contact was when Peggy Hoogestraat told us it was going across our property in
103 early November 2014. Doug Bacon, husband of Lorrie, contacted Edwina Scroggins and
104 information was shared at that point. Our family decided to deny access for survey at
105 that time.

106 Our original papers were served to an Arnold Arends in Colton SD., no relation. At the
107 time of Doug's contact with Edwina in mid-November 2014 until the week of
108 February 15, 2015, there was no contact by DAPL. At this time a Collin Stephens from
109 DAPL was looking for Ruth to try and gain access for survey. They still had no clue
110 where any of us lived!! The bill for property taxes sure seems to arrive in Pierre where
111 Ruth lives.

112 Doug Bacon, as the family spokesman, had several conversations phone as well as email
113 with Collin, the last being March 19, 2015. An email sent to Collin offering to rent them
114 access for survey for \$3 per running foot of pipeline to do their survey. No response.
115 We have just found out this week that on March 19, 2015 DAPL filed with PUC a change
116 on the pipeline route. Previously it crossed our property on the west side somewhat north
117 to south for approximately 1200 feet. The new proposal has it entering at the same
118 northwest location but now running all the way across our property to the east, going out
119 the southeast corner, approximately 3000 feet in length. NO NOTIFICATION!! We
120 only learned of this from the tenant and by going to the PUC website. There were many
121 names on the change filed but not ours?

122 We are very concerned about the lack of communication! As in *NONE* unless they want
123 to serve us papers! We are just curious, usually when someone wants something from
124 someone else they communicate and share what is happening. Not these people!!!

125

126 **Would you be available to present testimony and respond to questions during the**
127 **formal hearing scheduled for September 29 through October 8, 2015?**

128 Mostly likely not, because of the distance and our employment status.

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130 **Does that conclude your testimony?**

131 Yes.

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Dated this 2 day of July, 2015

Ruth E. Arends

Ruth E. Arends

Allan C. Arends

Allan C. Arends

Lorrie L. Bacon

Lorrie L. Bacon

Sherrie K. Fines-Tracy

Sherrie K. Fines-Tracy