

**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
Janice Elaine Petterson**

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF Lincoln

1 Janice Elaine Petterson, being first duly sworn on his/her oath, deposes and states as
2 follows:

3 **Please state your name and address.**

4 Janice Elaine Petterson

5 6401 S Lyncrest Ave Apt 307

6 Sioux Falls, SD 57108

7 **How are you involved with the Dakota Access Pipeline project?**

8 I am a landowner in Lincoln County, South Dakota affected by the proposed Dakota
9 Access Pipeline.

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

12 4/26/1883 Land was Homesteaded by Philip Eichhorn- he paid \$3.00 - toward the above
13 quarter. He was given a Patent (deed) September, 1887.

14
15 4-16-1896 sold to Paul Nichel for \$1800.
16

17 2/28/1920 Quit claim deed from Rose (daughter of Paul and Sophia Nichel) & Milo
18 Hoffman to Sophia Nichel.
19
20 4/23/1923 Sophia Nichel sold to Gilbert Schoffelman for \$18,000. \$112.50 per acre --
21
22 8-1-1930 Upon Gilbert's death distribution to heirs in 1931 -- Dora (wife) 1/3 and to
23 children remaining 2/3 rds (John, Hilda, Aldrich, Henry, Elmer, Laura, Esther)
24
25 10-27-1947 Dora Schoffelman sold 1.02 acres (Lot H1) to the state of South Dakota for
26 roads.
27
28 4-23-1959 Upon Elmer's death his share was conveyed to his mother (Dora).
29
30 6/11/1959 John Schoffelman purchased from his siblings and his mother for \$37,840 -
31 \$236.50 per acre.
32
33 12/4/1959 -- John added Leona's name
34
35 5/18/2004 -- termination of Leona's name on deed due to death
36
37 3/23/2004 -- John deeded to children - Janice Petterson, Mavis Parry, Linda Goulet,
38 Corliss Wiebers, Shirley Oltmanns, Marilyn Murray & Kevin Schoffelman w/John
39 having Life Estate
40
41 4/13/2012 -- Termination of John's Life Estate
42
43 The question of whether farming will be continued by future generations remains to be
44 determined.
45 Tillable acres will probably continue to be leased for row-crop farming and pasture acres
46 for cash rent for several years. However discussions have taken place for development of
47 the land starting with the 3 building eligibilities.
48

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

50 The tillable acres are farmed by Jerry and Bill Crevier and the pasture is rented by Scott
51 Daggett.
52

53 **To the best your knowledge, what area(s) of your property will the Dakota Access**

54 **Pipeline cross?**

55 Based on the most recent maps by Dakota Access and flags placed in the road ditch, the
56 pipeline would enter the NW corner going to the SE corner cutting diagonally across the
57 entire farm. This area includes crop production land as well as pasture.

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

60 Approximately 300 yards to the nearest building and 340 yards to the well.

61 It is planned to go under the creek which drains the watershed NW of Tea and flows into
62 the Sioux River.

63 The pipeline would cross the easement held by South Lincoln Rural Water.

64 As stated previously it would cross the grazing area.

65

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

69 The land is drain tiled, some of which is clay.

70 Open Waterway ditch running south on east side of property.

71 It currently has 3 housing eligibilities with potential for additional future longer term
72 development since Highway 17 runs on the west side of the property.

73

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

76 Initially, no access for daily operations on cropland on south half of property. Natural
77 waterways blocked and would need to be reconstructed. The tillable acres won't produce
78 the same and the quality of the pasture will be impaired.

79 Future development potential diminished due to restrictions of building on pipeline and
80 lack of desire for homeowners to live near pipeline. There is currently an existing
81 housing development ½ mile NE of our farm, located outside of the City of Tea as well
82 as a second development planned (zoning has been changed to agriculture/residential) ½
83 mile directly north of our farm. These developments are outside of the City of Tea growth
84 plan. Just because a particular city doesn't have these affected areas in their growth plan,
85 doesn't mean they won't be developed – unless of course pipeline easements restrict the
86 development.

87

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

91 Yes, it has been drain tiled and parts of it are clay tile. I am concerned that the tile may
92 crumble by excavating the ground near it, construction equipment going over it or by
93 additional underground pressure from settling afterwards.

94

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

97 Yes. Ruptures, oil leaks, environmental damages in the future. As steward of the land
98 our obligation is for also for future generations.

99 In February, the Wall Street Journal compared oil from 86 locations around the world and
100 found Bakken crude oil to be the most explosive. This was introduced December 11,
101 2014 in the Assembly Resolution No 191 State of New Jersey 216th Legislature.

102

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

105 Watershed damage as East Beaver Creek drains the Watershed North and West of Tea
106 and flows through our farm, eventually into the Big Sioux River and then the Missouri.
107 Will eliminate the potential for future development due to people not wanting to reside
108 near an oil pipeline.

109

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

115 Yes- I have been sued.

116 No- Dakota Access has not provided any legal authority (state statute).

117 Yes- I have incurred legal fees.

118

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

120 The fact that their plan is to run the pipeline through Minnehaha and Lincoln county
121 shows total disregard for the welfare of our state, it's inhabitants and the future
122 development in the this area. I'm concerned it will lower my property value.

123 In the past 3 years, three developers have asked us about purchasing our land.

124 Crop loss will be considerably more than 3 years. Farmers on the Lewis & Clark pipeline
125 have said 10 years later, the corn is between 1 and 3 feet shorter than the rest of the field.

126 No South Dakota funding in place for pipeline accidents? Governor Bill Janklow had to
127 deal with funding when Williams Pipeline problems leaking, etc had to be found and the
128 Hayward School across the road on W 12th St. had to be closed.
129 June 9th USA Today had an article "7 Major Countries (including US & Germany)
130 pledged the end of Fossil Fuels by the end of the century" Why would we put this huge
131 pipe in the ground with no decommissioning and leave the landowner stuck with it?
132 Also the pipeline company could do anything with it in the future. Their easement gives
133 them the right to enter **anywhere** on our land **anytime**, for **whatever purpose** they
134 claim. This is a takeover of our land.
135 We need a greener/cleaner form of energy to preserve the land, water and air to feed and
136 sustain not just us, but more importantly future generations.

137
138 **Would you be available to present testimony and respond to questions during the**
139 **formal hearing scheduled for September 29 through October 8, 2015?**

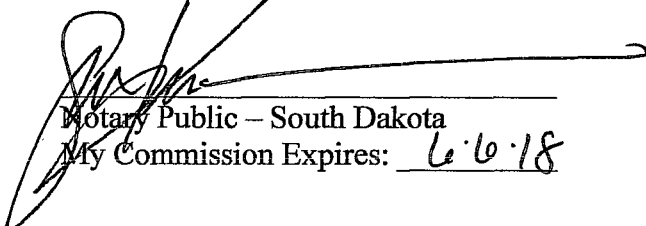
140 No, I will not present testimony during the hearing; however, I will be there to listen.

141
142 **Does that conclude your testimony?**

143 Yes.

144
145 *Janice Elaine Petterson*
146
147

148
149 Subscribed and sworn before me this 25th day of June, 2015.

150
151 
152
153 Notary Public – South Dakota
154 My Commission Expires: 6.6.18
155

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