

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

<p><b>IN THE MATTER OF THE APPLICATION OF DAKOTA ACCESS, LLC FOR AN ENERGY FACILITY PERMIT TO CONSTRUCT THE DAKOTA ACCESS PIPELINE</b></p>	<p><b>HP14-002</b></p> <p><b>PRE-FILED TESTIMONY OF Kevin John Schoffelman</b></p>
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STATE OF SOUTH DAKOTA )  
  :SS  
COUNTY OF Minnehaha

1           Kevin John Schoffelman, being first duly sworn on his/her oath, deposes and states as  
2 follows:

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

4           **Kevin John Schoffelman**

5           712 W 4th Ave

6           Lennox, SD 57039

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 per acre- toward  
13 the above quarter. He was given a Patent (deed) September, 1887.

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

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17          2/28/1920 Quit claim deed from Rose (daughter of Paul and Sophia Nichel) & Milo  
18 Hoffman to Sophia Nichel.

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4/23/1923 Sophia Nichel sold to Gilbert Schoffelman for \$18,000. \$112.50 per acre –

8-1-1930 Upon Gilbert's death distribution to heirs in 1931 – Dora (wife) 1/3 and to children remaining 2/3 rds (John, Hilda, Aldrich, Henry, Elmer, Laura, Esther)

10-27-1947 Dora Schoffelman sold 1.02 acres (Lot H1) to the state of South Dakota for roads.

4-23-1959 Upon Elmer's death his share was conveyed to his mother (Dora).

6/11/1959 John Schoffelman purchased from his siblings and his mother for \$37,840 - \$236.50 per acre.

12/4/1959 – John added Leona's name

5/18/2004 – termination of Leona's name on deed due to death

3/23/2004 – John deeded to children - Janice Petterson, Mavis Parry, Linda Goulet, Corliss Wiebers, Shirley Oltmanns, Marilyn Murray & Kevin Schoffelman w/John having Life Estate

4/13/2012 – Termination of John's Life Estate

The question of whether farming will be continued by future generations remains to be determined.

Tillable acres will probably continue to be leased for row-crop farming and pasture acres for cash rent for several years. However discussions have taken place for development of the land starting with the 3 building eligibilities.

**Please describe your current farming operations.**

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

**To the best your knowledge, what area(s) of your property will the Dakota Access 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 has 3 housing eligibilities with potential for additional future development since

72 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.

81

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

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

88

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

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

93 In February, the Wall Street Journal compared oil from 86 locations around the world and  
94 found Bakken crude oil to be the most explosive. This was introduced December 11,  
95 2104 in the Assembly Resolution No 191 State of New Jersey 216<sup>th</sup> Legislature.

96

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

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

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

Yes- I have been sued.

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

Yes- I have incurred legal fees.

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

No.

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

No.

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

The fact that their plan is to run the pipeline through Minnehaha and Lincoln county shows total dis-regard for the welfare of our state, it’s inhabitants and the future development in the this area. Lincoln County, and specifically north Lincoln County, is one of the fastest growing areas in the nation.

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

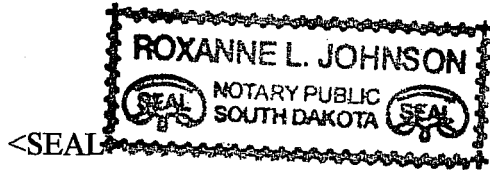
129 Yes

130 **Does that conclude your testimony?**

131 Yes.

132  
133 Kevin J. Schaffner  
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137 Subscribed and sworn before me this 24<sup>th</sup> day of June, 2015.  
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Roxanne L. Johnson  
Notary Public - South Dakota  
My Commission Expires: Aug 6, 2016