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

IN THE MATTER OF THE PETITION OF
DAKOTA ACCESS, LLC PIPELINE, LP FOR
A PERMIT TO CONSTRUCT THE DAKOTA
ACCESS PIPELINE

HP14-002
SUPPLEMENTAL DISCOVERY
ANSWERS TO:
DAKOTA RURAL ACTION FIRST AND
SECOND DISCOVERY REQUESTS;
PEGGY HOOGESTRAT FIRST
DISCOVERY REQUEST;
ROSEBUD SIOUX TRIBE FIRST
DISCOVERY REQUEST; AND,
YANKTON SIOUX TRIBE FIRST AND
SECOND DISCOVERY REQUESTS.

To supplement answers to Dakota Rural Action, Peggy Hoogestrat, Rosebud Sioux Tribe and Yankton Sioux Tribe's prior discovery requests, Dakota Access, LLC states and alleges as follows:

DAKOTA RURAL ACTION DISCOVERY REQUEST ONE

INTERROGATORY NO. 3. Describe the current status of the following permits and plans required prior to the start of construction of the Dakota Access Pipeline:

- A. Permits from US Army Corps of Engineers, S.D. Regulatory Office, including under:
- 1) §§404/401 of Clean Water Act, for authorization of discharge of fill material into waters of the United States including wetlands or other action;
 - 2) §10 Rivers and Harbors Act, for authorization of pipeline crossings of navigable waters of the United States or other action;
 - 3) Section 106 of the Natural Historic Preservation Act (NHPA), including consultation with potentially impacted Tribes and/or other action;

YST____

- B. Permits from U.S. Fish and Wildlife Service, S.D. Ecological Services Field Office, including under the Endangered Species Act, Section 7 Consultation, to consider lead agency findings of impacts on federal-listed species, to provide a Biological Opinion if the Project is likely to adversely affect federally-listed or proposed species or their habitats, or other action;
- C. Permits from Farm Service Agency of the Natural Resources Conservation Service, including the Crop Reserve Program, for authorization of crossing areas enrolled in the Crop Reserve Program, or other action;
- D. Permits from the Pipeline and Hazardous Materials Safety Administration (PHMSA), including under 49 CFR Parts 194 and 195, for development of an Integrity Management Plan (IMP) and Emergency Response Plan (ERP), or other action;
- E. Permit(s) from or Plan(s) Required to the S.D. Department of Environment and Natural Resources (DENR), including under:
 - 1) National Pollutant Discharge Elimination System General Permit for Discharges of Hydrostatic Test Water, regarding proposed discharge into waters of the United States and construction dewatering of waters of the State, or other action;
 - 2) Surface Water Withdrawal Permit, for temporary surface water withdrawal, or other action;
 - 3) SDCL Chapter §34A-18, required submission of an Oil Spill Response Plan or Updated Plan to DENR, or other action;
- F. Consultation with SD Game Fish and Parks Department, under State Listed Threatened and Endangered Species;
- G. Any Updated Review and Comment from S.D. State Historical Society, State Preservation Office, under §106 of the NHPA, on activities regarding jurisdictional cultural resources;
- H. Crossing Permits from S.D. Department of Transportation for crossing State highways;
- I. Crossing Permits from County Road Departments for crossing of county roads;
- J. Flood plain, Conditional Use, and building permits where required from County and Local Authorities.

ANSWER

A.1 Pre-Construction Notifications for NWP 12 verifications have been submitted and the status is pending.

A.2. Not applicable. The project does not cross any Section 10 waters under the jurisdiction of the SD Regulatory Office

A.3. Formal tribal consultation is performed government (USACE) to government (THPO) and the applicant does not participate unless requested. Dakota Access has submitted information relative to Section 106 review for NWP 12 verifications to the SD Regulatory Office; the status of that review is pending.

B. USFWS review for ESA compliance for the NWP 12 verification is pending. There are no expected adverse effects to listed species under the jurisdiction of the S.D. Ecological Services Field Office.

C. Dakota Access is aware of fifteen tracts containing Crop Reserve Easements; eleven of which Dakota Access has acquired an easement across, the remaining are pending. No other authorizations or consents are needed from the Farm Service Agency.

E.1. There are currently no National Pollutant Discharge Elimination System permits required. If upon finalization of the hydrostatic testing plan authorization for discharge to waters of the United States is needed, an application will be submitted.

E.2 Potential surface water withdrawal locations are currently being evaluated. Applicable permits will be sought when locations and volumes are determined.

F. Dakota Access has been in contact with the agency since June 2014. Consultation is ongoing through the PUC process.

G. A management summary of cultural resource review and surveys performed to date was sent to the SD SHPO office on April 25, 2015. A Phase I report for jurisdictional areas will be submitted by May 8, 2015.

H. Dakota Access has not yet applied for the highway crossing permit.

I. Dakota Access has not yet applied for the highway crossing permits.

J. Dakota Access has not applied for any flood plain, conditional use and/or building permits.

UPDATES:

Permits/Consultation List and Status for South Dakota Segment of DAPL			
Agency	Permit	Agency Action	Status as of June 2015
Federal			
U.S. Army Corps of Engineers, Omaha District – South Dakota Regulatory	Sections 404/401 Clean Water Act Nationwide Permit 12	Authorization of discharge of fill material into waters of the U.S., including wetlands	Submitted in December 2014, updated Pre-Construction Notification areas were submitted in April 2015. USACE review is

Permits/Consultation List and Status for South Dakota Segment of DAPL			
Agency	Permit	Agency Action	Status as of June 2015
Office	Section 10 Rivers and Harbors Act	Authorization of pipeline crossings of navigable waters of the U.S.	ongoing.
	Section 106 Archaeological Resources Protection Act	Section 106 consultation through the Nationwide Permit 12 process	
U.S. Fish and Wildlife Service, South Dakota Ecological Services Field Office	Endangered Species Act Section 7 Consultation	Consider lead agency findings of impacts on federally listed species; provide Biological Opinion if the Project is likely to adversely affect federally listed or proposed species or their habitats	Topeka shiner is the only protected species potentially affected at three streams. The USACE review is ongoing and no agency to agency consultation with USFWS has been initiated that Dakota Access is aware of.
U.S. Fish and Wildlife Service, Sand Lake National Wildlife Refuge Complex	Wetland and Grassland Easements– Special Use Permit	Issuance of a one-time use permit, valid for 5 years, for construction of pipeline through protected features within U.S. Fish and Wildlife Service easements	Draft Environmental Assessment for Special Use Permit and right-of-way easement submitted to the USFWS in April 2015, USFWS provided comments in May 2015, the revised draft Environmental Assessment was submitted to the USFWS in June 2015. USFWS review is ongoing and the agency is responsible for any government to government consultation with tribes.
	Wetland and Grassland Easements– Right-of-Way easement	Issuance of a 30-year-term right-of-way easement after construction, for long-term maintenance and management of pipeline	
Pipeline and Hazardous Materials Safety Administration	49 CFR Part 194 and 195	Integrity Management Plan and Emergency Response Plan	Plans to be submitted in September 2016. No permit required.
State			
South Dakota Department of Environment and Natural Resources	National Pollutant Discharge Elimination System General Permit for Discharges of Hydrostatic Test Water (SDG070000)	Consider issuance of General Permit for hydrostatic test water discharge to waters of the U.S., construction dewatering to waters of the state	Anticipate submitting in December 2015.
	Surface Water Withdrawal Permit	Consider issuance of surface water withdrawal permit for temporary use	

Permits/Consultation List and Status for South Dakota Segment of DAPL			
Agency	Permit	Agency Action	Status as of June 2015
	South Dakota Codified Law Sec 34A-18 Oil Spill Response Plan	Oil Spill Response Plan	To be submitted in September 2016. No permit required.
South Dakota Game Fish and Parks	State Listed Threatened and Endangered Species	Consultation on natural resources	Agency stated they would comment through the PUC process and that no formal authorization is required.
South Dakota State Historical Society, State Historic Preservation Office	Section 106 of National Historic Preservation Act	Review and comment on activities regarding jurisdictional cultural resources	A revised Class III report and updated Unanticipated Discovery Plan was submitted on August 7. Federal agencies will be consulting directly with the SHPO in relation to jurisdictional crossings.
South Dakota Department of Transportation	Crossing Permits	Consider issuance of permits for crossing state highways	Currently completing applications and have planning meetings scheduled.
Local			
County Road Departments	Crossing Permits	Issuance of permits for crossing of county roads	Currently completing applications and have planning meetings scheduled.
County and Local Authorities	Floodplain, Conditional Use, and building permits where required	Review under county approval process	Evaluating the need for respective permits, applications will be submitted as required.

INTERROGATORY NO. 27: Identify Section 106 type “cultural resource” studies of which you have knowledge in the proximate location of the currently proposed Dakota Access pipeline route and identify any documents which would support your answers.

ANSWER: See Section 23.6 of the filed Application. Additional cultural resource surveys have been completed at all locations where landowners have voluntarily granted access, this represents approximately 96% of the proposed route.

UPDATE:

Cultural Resource surveys are 98% complete for the project, SD SHPO has concurred with our findings of the revised report and Addendum I. A second addendum for the remaining surveys completed will be submitted in October.

INTERROGATORY NO. 30: Describe the status of the written manual for normal operations, maintenance activities, and handling abnormal operating and emergencies.

A. Identify the latest draft of the written manual and all prior drafts;

B. Identify all documents which support or were used to provide your answers.

ANSWER: The written manuals for the Dakota Access Pipeline have not yet been developed. DAPL will have all written manuals complete prior to putting the pipeline in service.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

INTERROGATORY NO. 42: Describe the contents of the “information concerning activities of concern” to be made available to landowners and others. Identify any documents which would support your respective answer.

ANSWER: The Dakota Access Pipeline Public Awareness Program (PAP) has not fully been developed. This program will meet or exceed all regulations and comply with 49 CFR 195 Subpart 195.440. This program will include educational and awareness information provided to landowners.

UPDATE: No update at this time.

INTERROGATORY NO. 43: Describe the worst-case scenario for landowners of a spill or leak from the proposed pipeline as well as other risks deemed “low” by the PUC. Identify any documents which would support your respective answer.

ANSWER: The Dakota Access team is currently evaluating the Spill Model for the pipeline. The results of this model will be incorporated into the Emergency Response Plan, which is under development.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

INTERROGATORY NO. 54: What is the current bond amount under SDCL §49-41B-38 for damage to highways, roads, bridges and other related facilities during and after construction.

ANSWER: The bond amount has not been determined by the PUC nor has Dakota Access agreed to a specific bond amount with the PUC or its staff.

UPDATE: See Joey Mahmoud prefiled rebuttal testimony filed 8/14/2015 for DAPL’s current position on the road bond.

DAKOTA RURAL ACTION DISCOVERY REQUEST TWO

INTERROGATORY NO. 1. Describe the current status of the following permits and plans required prior to the start of construction of the Dakota Access Pipeline:

- A. Permits from US Army Corps of Engineers, S.D. Regulatory Office, including under:
- 1) §§404/401 of Clean Water Act, for authorization of discharge of fill material into waters of the United States including wetlands or other action;
 - 2) §10 Rivers and Harbors Act, for authorization of pipeline crossings of navigable waters of the United States or other action;
 - 3) Section 106 of the Natural Historic Preservation Act (NHPA), including consultation with potentially impacted Tribes and/or other action;

ANSWER:

- 1) **The Pre-Construction Notification (PCN) for jurisdictional wetlands and waterbodies was submitted to the USACE in December 2014. Updated PCN maps and crossing table were submitted to USACE in May 2015. The status of the permit verification is pending.**
- 2) **The May 2015 submittal to the USACE include the revised James River crossing, where workspace edits occurred. The James River is the only Section 10 crossing within South Dakota. The status of the permit verification is pending.**
- 3) **Section 106 consultations have been initiated with US Army Corps of Engineers – Omaha District regarding jurisdictional waterways traversed by the Project. The USACE is independently responsible for initiating consultation with federally-recognized tribes per Section 101 (d)(6)(B) of the National Historic Preservation Act of 1966. Section 106 consultation was initiated via the submittal of a cultural resources assessment technical report (dated 12/22/14) that details the results of Level III survey investigations within USACE-defined jurisdictional areas.**

UPDATE:

- 1) **Updated PCN maps and crossing table were submitted to USACE in August 2015. The status of the permit verification is pending.**
- 2) **Dakota Access understands that the USACE submitted consultation information to the tribes in September, 2015.**

- B. Permits from U.S. Fish and Wildlife Service, S.D. Ecological Services Field Office, including under the Endangered Species Act, Section 7 Consultation, to consider lead agency findings of impacts on federal-listed species, to provide a Biological Opinion if the Project is likely to adversely affect federally-listed or proposed species or their habitats, or other action;

ANSWER: The federally listed species assessment with anticipated effect determinations memo was submitted to the USFWS Project leads on May 22, 2015. The Biological Assessment (BA) will be filed with the USFWS in July 2015, and the USFWS Biological Opinion is expected 60-120 days from the date of BA submittal.

UPDATE: Dakota Access intends utilize take for the Topeka Shiner through use of the Programmatic Biological Opinion for the Issuance of Selected Nationwide Permits impacting the Topeka shiner in South Dakota for the crossing of known or expected occurrence of the species that are being open cut.

- C. Permits from the Pipeline and Hazardous Materials Safety Administration (PHMSA), including under 49 CFR Parts 194 and 195, for development of an Integrity Management Plan (IMP) and Emergency Response Plan (ERP), or other action;

ANSWER: The Integrity Management Plan (IMP) is not required to be in place prior to construction per DOT Part 195 Subpart F Section 195.452. Dakota Access is currently preparing a draft of the IMP.

The Emergency Response Plan (or Facility Response Plan, FRP), must be submitted to PHMSA prior to operation per DOT Part 194 Section 194.7. Dakota Access is currently in the process of developing the Emergency Response Plan.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

- D. Any Updated Review and Comment from S.D. State Historical Society, State Preservation Office, under §106 of the NHPA, on activities regarding jurisdictional cultural resources;

ANSWER: The Level III Cultural Report was submitted to the SD State Historic Preservation Office on June 8, 2015. To date, no comments or correspondence have been received from the SD State Historical Society regarding jurisdictional cultural resources.

UPDATE: Through pre-filed testimony from Paige Olson, Dakota Access received comments on the Cultural Resource report. Edits were provided accordingly as well as an Addendum report. The SD SHPO has concurred with the findings. Comments were also received and edits made on the draft Unanticipated Discovery Plan.

INTERROGATORY NO. 38: Second Request for Information. Describe the worst case scenario of a leak/spill which could occur at the site of the water body crossing, of at least the magnitude of the spill/leak into the Kalamazoo River in 2010, if such were to occur into the Missouri River and Big Sioux River water body crossings.

ANSWER: Dakota Access LLC is in the process of finalizing the pipeline spill model. This spill model evaluates the worst case outcome of a pipeline break at intervals along the pipeline.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

INTERROGATORY NO. 54: What is the status of determining the current bond amount under SDCL §49-41B-38 for damage to highways, roads, bridges and other related facilities during and after construction. Please provide any and all communication with PUC staff regarding this issue.

ANSWER: No communications with PUC staff on this subject have taken place. The applicant will engage in the process when it is timely to do so.

UPDATE: See Joey Mahmoud prefiled rebuttal testimony filed 8/14/2015 for DAPL's current position on the road bond.

INTERROGATORY NO. 57: Identify the most recent IMP submitted to the Commission and other appropriate agencies, including but not limited to HCAs. Please provide copies of any and all draft IMP.

ANSWER: No IMP has been submitted at this time.

UPDATE: Dakota Access IMP is being integrated into Sunoco Logistics existing IMP.

PEGGY HOOGESTRAT DISCOVERY REQUEST ONE

13. Identify the amounts, types, and locations of proposed oil leak/spill/contamination/release (a "release") response equipment (including fire response/retardant materials) owned by Dakota Access and which would be used to respond to a release from the proposed Dakota Access Pipeline.

ANSWER: The Dakota Access Pipeline team is currently evaluating the locations of oil response equipment. The requested information is not yet determined and will be a part of the Emergency Response Plan, which is under development. The plan will be filed as required by state and federal law prior to operation.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

14. Identify the amounts, types, and locations of proposed oil release response equipment (including fire response/retardant materials) owned by someone other than Dakota Access and which would be used to respond to an oil release from the proposed Dakota Access Pipeline, and who is responsible to purchase such equipment and materials.

ANSWER: See response to #13. Oil spill response equipment may be a combination of Dakota Access Pipeline owned equipment and outside company resources. We are currently evaluating the available resources and have met in person with each county emergency response team along the pipeline corridor. This will be part of the Emergency Response Plan, which is under development. The plan will be filed as required by state and federal law prior to operation.

UPDATE: See response to #13.

ROSEBUD SIOUX TRIBE DISCOVERY REQUEST ONE

10. Since the time of answering Dakota Rural Action's Interrogatory No. 3, has anything changed regarding your initial answer that would cause you to change the answer as of the date of answering these interrogatories? If so, please provide updated information accordingly. Identify all documents relied on for your answers.

ANSWER: Update/revisions to the response provided for the Dakota Rural Action's Interrogatory are as follows (if the response ID isn't listed, then the filed response still applies).

A.2. A Pre-construction notification (PCN) for nationwide permit 12 was submitted for the St. James River, which is the only Section 10 water the project crosses in South Dakota. A copy of the PCN is included as Interrogatory No. 10 – Attachment No. 1. The status of the permit verification is pending.

C. Dakota Access is now aware of 17 tracts containing Crop Reserve Easements, twelve of which we have acquired easements across, the remaining are pending.

E.3. Dakota Access anticipates submitting the required Oil Spill Operation Response Plan to the DENR in accordance with SDCL Ch 34A-18 in 2016 prior to operating the system.

G. A Class III report for all survey activities performed in 2014 and 2015 was submitted to the SHPO on June 5, 2015; no comments have been received to date. A Class III report for all areas under jurisdiction of the USFWS easements in SD was provided to the USFWS Region 6 archeologist (May 7 for all but one tract that remained to be surveyed and an addendum for the outstanding tract on June 2); no comments on the reports have been received to date.

UPDATES: Generally, please see DRA #3 above.

A. No update.

B. USFWS review for ESA compliance for the NWP 12 verifications is pending. Potential impacts to the Topeka shiner are proposed to be covered under the existing Programmatic Biological Opinion for the Issuance of Selected Nationwide Permits Impacting the Topeka shiner in South Dakota. A copy of the Programmatic BO is attached.

C. Dakota Access is aware of eighteen tracts containing Crop Reserve Easements; eleven of which Dakota Access has acquired an easement across, the remaining are pending. No authorizations or consents are needed from the Farm Service Agency.

E. No updates.

G. An updated Class III Report, an Addendum I report, and a revised Unanticipated Discovery Plan was submitted to the SD SHPO on August 7, 2015.

12. Describe the status of the written manual for normal operations, maintenance activities, and handling abnormal operating and emergencies.

- a) Identify the latest draft of the written manual and all prior drafts.
- b) Identify all documents used to provide your answers.

ANSWER: Currently, the emergency response plans are being developed and are in draft form. Written manuals for normal operations and maintenance activities will be based off of existing crude oil pipeline manuals. A copy of the draft plan will be filed with the PUC the week of June 15, 2015 for informational purposes.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

13. Has the applicant calculated the worst case discharge scenario containing a detailed description of the worst case discharge scenario that would result from damage caused to the project located in any area identified as a karst formation or aquifer. Identify locations where this could be expected to occur. Identify documents used to support your answers.

ANSWER: The spill model is currently under development and a draft version is being finalized and will be filed with the PUC the week of June 15, 2015. The spill model will allow the worst case discharge to be identified for the pipeline.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

14. Has the applicant calculated the worst case discharge containing a detailed description of the worst case discharge scenario that would result from damage caused to the project from landslides located in any area identified as Pierre Shale? Identify locations where this could be expected to occur.

ANSWER: The spill model is currently under development and a draft version is being finalized and will be filed with the PUC the week of June 15, 2015. The spill model will allow the worst case discharge to be identified for the pipeline.

UPDATE: The Draft Dakota Access Facility Response Plan was filed with the PUC on July 8, 2015.

31. What is the status of the Applicants cultural resources unanticipated discovery plan?

- a. By what date does Dakota Access anticipate that plan to be complete.
- b. Provide all of Dakota Access documents that are directly related to the development of the unanticipated discovery plan.
- c. Identify all agencies, local governments or any other entities that Dakota Access communicated with regarding the plan and all documents associated with communications with each of the identified entities.

ANSWER:

- a. **A draft of the unanticipated discovery plan has been completed and is included as Interrogatory No. 31 – Attachment No. 1.**

- b. **Dakota Access utilized South Dakota Archaeology State Plan (Section 4-1) and South Dakota Codified Law 34-27-25 to prepare the unanticipated discovery plan for the project. A copy of the Plan has been attached to this submittal.**
- c. **Dakota Access has submitted the draft unanticipated discovery plan to the SHPO for review; no response has been received to date.**

UPDATE: SD SHPO comments were received on the Unanticipated Discovery Plan and a revised plan was submitted.

YANKTON SIOUX TRIBE DISCOVERY REQUEST ONE

INTERROGATORY NO. 18:

Has Dakota Access made any cultural and/or historic surveys along the route of the Project?

ANSWER: See Section 23.6 of the filed Application. Yes, cultural resources surveys conducted by multiple teams of professional archeologists have been completed across land parcels where landowners have voluntarily granted access. To date, approximately 96% of the route has been surveyed for cultural resources. The goal of the work is to identify and assess historic properties in accordance with Section 106 of the National Historic Preservation Act. These investigations did not include the identification or assessment of Traditional Cultural Properties (TCPs) as the location of such properties is typically information protected by the Tribal entities.

UPDATE: To date, approximately 98% of the route has been surveyed for cultural resources. The goal of the work is to identify and assess historic properties in accordance with Section 106 of the National Historic Preservation Act and state regulations.

YANKTON SIOUX TRIBE DISCOVERY REQUEST TWO

INTERROGATORY NO. 54:

- A. When Dakota Access does apply for water use or discharge permits within the State of South Dakota, from which agency or agencies do you anticipate applying?
- B. What water sources in South Dakota does Dakota Access intend to use for the proposed project?
- C. How much water does Dakota Access anticipate the proposed project will require from water sources in South Dakota?
- D. How does Dakota Access intend to dispose of waste water or other discharged water resulting from the proposed project in the State of South Dakota?
- E. What byproducts, chemicals, or other substances will be contained in waste water or other discharged water resulting from the proposed project?

ANSWER

A) Applicable water appropriation and discharge permits will be sought from the South Dakota Department of Environment and Natural Resources. We anticipate submitting applications in the third quarter of 2015.

B) Water sources to be utilized for the project have not been determined.

C) The volume and sources of test water are still being investigated. It is not known if the all of the water for testing needs in South Dakota will be sourced from South Dakota. Some volumes may be “pushed” from one test segment to another in lieu of discharging and filling each test section. Additionally, test sections cross state lines, and the source for that segment may originate at either end, or be pushed from a test segment on either side.

D) As stated in the December 2014 PUC Application, two types of discharges will occur during Project construction; hydrostatic testing and trench dewatering. Typically water is discharged to vegetated upland areas through appropriate energy dissipating devices and/or discharge structures and monitored. All discharges will be done in accords with applicable permit conditions.

E) No byproducts or chemicals will be contained in the discharge water.

UPDATE: Dakota Access anticipates submitting applicable water appropriation and discharge permits in the third or fourth quarter of 2015.

INTERROGATORY NO. 57:

- A. Why has Dakota Access not yet completed cultural surveys of the entirety of the proposed route?
- B. When does Dakota Access anticipate surveying the land along the proposed pipeline route that has not yet been surveyed?
- C. Please identify the location(s) of land along the proposed pipeline route that has not yet been surveyed.

ANSWER:

- A. To date, inventory surveys have been completed across all land tracts where access was voluntarily granted by individual landowners, which constitutes 97.3% of the route and 100% of the areas requiring surveys based on the probability model submitted to the SHPO in August of 2014.**
- B. Dakota Access maintains a stand-by archaeological field crew that is responsible for conducting additional surveys as needed.**
- C. Tracts that are not 100% complete for cultural survey include 1.2 miles in Spink, 3.6 miles in Minnehaha, 0.4 miles in Turner, and 2.3 miles in Lincoln Counties.**

UPDATE:

- A. To date, inventory surveys have been completed across all land tracts where access was voluntarily granted by individual landowners, which constitutes 98.3% of the route and 100% of the areas requiring surveys based on the probability model submitted to the SHPO in August of 2014.
- B. Tracts that are not 100% complete for cultural survey include 2.8 miles in Minnehaha and 1.7 miles in Lincoln Counties.

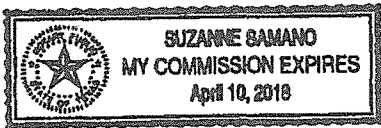
Dated this 21st day of September, 2015.

BY: Stephen Veatch

State of Texas)
)ss
 County of HARRIS)

On this the 21st day of September, 2015, before me the undersigned officer, personally appeared Stephen Veatch, who acknowledged himself as being authorized so to do, and executed the foregoing in the name of the corporation.

IN WITNESS WHEREOF I hereunto set my hand and official seal this 21st day of September, 2015



(SEAL)

Suzanne Samano
 Notary Public

Notary Print Name: SUZANNE SAMANO
 My Commission Expires: APRIL 10, 2018

MAY, ADAM, GERDES & THOMPSON LLP

BY: 

KARA C SEMMLER

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CERTIFICATE OF SERVICE

Kara Semmler of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 21 day of September, 2015, she electronically sent, a true and correct copy of the foregoing in the above-captioned action to the following at his last known addresses, to-wit:

his or her

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KARA C. SEMMLER