

**From:** Dana Haan [REDACTED]  
**Sent:** Saturday, February 07, 2015 8:36:07 PM  
**To:** PUC  
**Cc:** Mary Beth Haan; l-s.com, dave.haan  
**Subject:** Comments on docket # HP14-002; Dakota Access Pipeline proposed project  
**Auto forwarded by a Rule**

Dear Chris Nelson and Public Utilities Commissioners,

After having attended the January 23 public hearing in Sioux Falls, I would like to submit a few comments.

First of all, thank you for your patience during the meeting and allowing everyone to voice their comments, even when repetitive.

The proposed pipeline currently is projected to run approximately 1/2 mile from our family farm; so it does impact us as it impacts the community, but does not have the direct impact of running through our property. Our property is on the west edge of I-29, about one mile south of the Harrisburg exit.

After listening to various speakers and people who know much more about these matters than I do, I come away from the meeting considering the pipeline to be indeed the safest, most economical, and environmentally friendly method of oil transport.

However, I cast our "vote" for approval for the project with adjustments.

Reasons:

1. Proximity to high population areas.
2. The high water table of Lincoln County.
3. Economic impact

As I review the information sheet handed out at the public hearing, I question whether the current route can meet two points of what the applicant must prove to the PUC:

\* "will not pose a threat of serious injury to the environment nor to the social or economic condition of inhabitants or expected inhabitants in the siting area."

\* "will not unduly interfere with the orderly development of the region with due consideration having been given to the views of the governing bodies of affected local units."

Certainly moving away from the 85th St. area of Sioux Falls was an improvement, but the current route runs very close to Tea and Harrisburg; The south side of Sioux Falls, Harrisburg, and Tea are areas that we know are growing at record rates and do not show any signs of slowing up. The pipeline running through the area will definitely have an impact on the potential for the continuance of growth that is already taking place in the area (not just talked about.)

Wherever the line would run, it will impact the landowners and the community, but moving the line a "significant" distance west and south will take the line through much less populated areas.

I have no doubt that a lot of effort and the best of current technology would go into the construction of the pipeline and that there are a host of regulations governing the construction of the pipeline, but in 50 years, the product will become "old". There were not truly proactive, concerned responses given when those issues were raised at the hearing. The reality of life is that there will be some breakdown sometime along the way. As commented, the Lincoln Co. water table is very high. A spill will instantly be into the water system, and Dakota Access will not be able to bring the area and drinking water back to its original condition/quality, no matter how much they say today they will restore an area. Other water drainage questions and issues need to be clearly resolved before any route, anywhere in the State would be approved.

The economic impact aspect of the presentation was very rosy. I think all aspects of those matters need to be reviewed carefully:

Will there truly be 4,000 temporary jobs for South Dakota residents? In a state that has as low an unemployment rate as we do, where will those workers come from? What job skills will be required? Will those people be prepared to do the work to the high quality level that we all will want?

Some nice, high numbers were given as the economic tax gains for South Dakota; although exact revenue figures can't be set now as discussed at the hearing, a hard look needs to be taken as to what are realistic numbers based amortizing values and other factors.

This easement request is different from those that we have running through our communities that are providing utilities that meet the daily needs of the residents of the area. This project is a privately owned business that will financially benefit the shareholders of Dakota Access, yet they are proposing to pay a one-time fee to have full rights to the easement areas. The people whose land is affected, along with their descendants will have to adjust how they live and many will have to adjust how they make their livelihood, yet they will not be receiving any on-going remuneration for this. I question whether that meets "will not pose a threat of serious injury to . . . the economic condition of inhabitants or expected inhabitants in the siting area."

Thank you, Commissioners, for considering these comments and for your work with the Commission, striving to best serve the citizens of South Dakota.

Dana Haan

In behalf of the family of Iva Haan,

including children: Mary Beth Haan and Dave Haan in addition to myself

██████████  
Lennox, SD 57039  
██████████

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**From:** PUC

**Sent:** Monday, February 09, 2015 8:57 AM

**To:** [REDACTED]

**Subject:** DAKOTA ACCESS, HP14-002

Mr. Haan:

Thank you for your message regarding the Dakota Access Pipeline. Your message will be posted in the South Dakota Public Utilities Commission's formal pipeline siting docket, HP14-002, under Comments and Responses. Since this is an open docket before the commission, any correspondence involving a commissioner must be posted in the open, public docket so that other commissioners and all parties to the case have access to it.

Chairman Chris Nelson  
South Dakota Public Utilities Commission

[www.puc.sd.gov](http://www.puc.sd.gov)

001740

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**From:** Kenneth L. Gosch[SMTP:KGOSCH@BANTZLAW.COM]  
**Sent:** Friday, February 06, 2015 5:01:39 PM  
**To:** PUC  
**Subject:** Docket No. HP14-002 for Dakota Access Pipeline's proposed pipeline  
**Auto forwarded by a Rule**

02-06-15

PUC,

You have invited public comment on DAPL's proposed pipeline as follows:

### **PUBLIC INVOLVEMENT**

#### **What avenues are available for public involvement in the PUC's Dakota Access Pipeline construction docket?**

Parties that wish to actively participate in the case through legal motions, discovery, and the written preparation and presentation of actual evidence may apply for intervenor status by Feb. 13, 2015. Intervenors are legally obligated to respond to discovery from other parties and to submit to cross-examination at a formal hearing. Others wishing to offer comment may submit written comment to the commission via email to [puc@state.sd.us](mailto:puc@state.sd.us) or by U.S. mail to PUC, 500 E. Capitol Ave., Pierre, SD 57501. Comments should include the docket number, HP14-002, the commenter's full name and mailing address as well as email address and phone number. Comments may be submitted at any time throughout the proceeding. These [informal comments](#) will be posted in the HP14-002 docket.

I have several clients whose land will be affected by the proposed pipeling.

South Dakota should require any utility to (1) remove their property (pipeline or transmission towers) when they abandon them, (2) pay the full cost of environmental cleanup while they use the easement area and when they abandon it, (3) pay the full cost of restoring the land to its original condition when they abandon their pipeline or transmission line, (4) pay the full cost of damages they do to the land while they own the easement and (5) to have their easement terminate if they are not using it. We need to protect South Dakota citizens and South Dakota property.

You should be aware that DAPL is refusing to take responsibility for environmental cleanup now or upon abandonment of their pipeline in the future beyond what is covered by current State and Federal law which as you know can change. They are also, by the terms of their easement, refusing to cover all future damages to the land. Below is a summary of my negotiations with DAPL.

1. The opening paragraph and paragraph 14 of the easement give DAPL the right to abandon the line in place without any requirement for environmental cleanup or restoration of the land. There is no assurance that after the pipe fails and caves in that DAPL will fill in the void with fill dirt so a low spot is not created. If DAPL abandons the line they should remove it and pay the full cost of environmental cleanup and and restoration by leveling the land. The owner also needs language that DAPL will cover, in full, the cost of any environmental cleanup during the existence of and at the termination of the easement. I see this as a deal breaker.

DAPL's position is that this is covered under state and federal law. That is currently true but those laws can change and the easement rights and responsibilities can't, so that gives the owner no consolation.

2. The opening paragraph of the easement gives DAPL the right to change the size of the pipe so long as it does not exceed 30 inches in diameter. We assume that the size of the pipeline will not change often so we are ok with this as long as the language in paragraph 4 on payment of damages is cleaned up.

Probably OK.

3. Paragraph 1(b) of the easement allows DAPL to build appurtenant facilities within the easement area such as buildings. There may be no plans for that on this land but the owner should look for assurance that the owner will be able to farm this land without there being any buildings on the property.

DAPL's position is that they will not give this assurance. DAPL refers to paragraph 13 and says DAPL will not bind future assignees. DAPL's position is that if a building is constructed, the owner would be compensated. The easement should then be changed to say that. This will make a difference when damages are negotiated.

4. Paragraph 1 of the easement allows DAPL to put markers and cathodic protection facilities on the surface within the easement. DAPL has indicated that the markers are only placed at the edge of the public right of way. We want that specified in the easement because as currently drawn DAPL could put them anywhere and interfere with the owners farming.

DAPL's position is that they probably would not do this but refused to give the owner any assurance.

5. Paragraph 2 of the easement allows DAPL to change the slope of terrain. The needs assurance that the terrain will not be changed so that farming can continue as-is.

DAPL's position is that there will be four foot of earth above the pipe. They will not leave low spots or high spots but DAPL will not agree that the easement can be changed to assure this. DAPL also will not offer assurance that if they abandon the line in place and it collapses that they will pay the cost of filling the collapsed areas.

6. Paragraph 3 of the easement allows DAPL ingress and egress to the easement area from any "other property". The owner needs some assurance that DAPL will not use other property the landowner owns. I assume DAPL will have no problem limiting their access to areas of public right of way. The owner needs some assurance that DAPL will use public right of way.

I would make sense to enter the property from the public right of way. DAPL did not offer to make any change.

7. Paragraph 4 of the easement states that the consideration paid includes crop damage but it does not state for which years. DAPL may claim the initial payment covers during construction and all future years. DAPL says their practice is for the initial payment to cover the damages for the installation of the pipeline and consequential damages for the next three years. There is expert testimony that says it takes ten years for the ground to recover. At a minimum the needs to say that all future damages will be paid. If damages are done after the first year the easement needs to require DAPL to pay for those damages also.

The agent could not believe that I was right because I was the only lawyer who ever raised it.

8. No other easements are allowed under paragraph 8 of the easement without DAPL's consent. The owner does not know what other easements are already there. I trust DAPL will make a search and not interfere with existing easements.

DAPL's position is that they checked and there are no other easements.

9. Paragraph 13 of the easement gives the owner the duty to defend the easement from all others forever. I am ok with owner warranting that he owns the property and has the right to grant the easement but the owner should not have to defend the easement. What if easements are prohibited by law in the future?

DAPL's position is that they will not change the easement.

10. There must be a termination clause if DAPL does not use the easement for a continuous period of time such as 5 or 10 years.

**DAPL's position is that they will never agree to this.**

**Kennith L. Gosch** | Bantz, Gosch & Cremer, L.L.C.  
305 Sixth Ave. SE | PO Box 970 | Aberdeen, SD 57402-0970  
(605) 225-2232 | Fax (605) 225-2497

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**From:** PUC

**Sent:** Monday, February 09, 2015 1:28 PM

**To:** 'KGOSCH@BANTZLAW.COM'

**Subject:** DAKOTA ACCESS, HP14-002

Mr. Gosch:

Thank you for your message regarding the Dakota Access Pipeline. Your message will be posted in the South Dakota Public Utilities Commission's formal pipeline siting docket, HP14-002, under Comments and Responses. Since this is an open docket before the commission, any correspondence involving a commissioner must be posted in the open, public docket so that other commissioners and all parties to the case have access to it.

Chairman Chris Nelson

South Dakota Public Utilities Commission

[www.puc.sd.gov](http://www.puc.sd.gov)

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**From:** Ronnie Fish [<mailto:rfish@siouxfalls.com>] **On Behalf Of** Jim Schmidt

**Sent:** Monday, February 09, 2015 11:09 AM

**To:** Nelson, Chris

**Subject:** Dakota Access

Commissioner Nelson. I can partly understand your reluctance to discuss the Dakota Access Pipeline. However, it is very disappointing to learn that you have closed the door on any discussion concerning this pipeline. I wish you could take the phone calls that I have received, and continue to receive on a daily basis, concerning this issue. Perhaps the most alarming thing, Chris, that you should know is that the overwhelming majority of individuals feel that a deal has been cut as they witness the amount of pipe that is being stockpiled, the amount of crushed rock that is accumulating, and by the stakes that are being placed on private property. The question is asked - I didn't think that it is approved yet? Is this a done deal?

How would you feel if you were a land owner and you had severe questions about where this was going to go? I've had reports that it is now moving to the south. People call and ask is this true? Again, we have no information coming from Dakota Access, only the well-polished lines that they present to the public. Issues that come about from township supervisors - are they really going to cut through township roads? If they bury their line five feet under county roads, how will that work? From my point of view the most frustrating part is that Lincoln County is a county that has and will continue to have tremendous economic growth. If I may compare that to a profitable business that had several divisions within it and the management decided to cut off one of the more profitable divisions for no good reason. Lincoln County's growth through economic development, commercial, light industrial, residential and the ag sector are all part of our future. In fact, one of the places that this pipeline is supposedly to go through has been looked at by a business that would employ up to 700 people with a potential to over 1,000.

This issue is not going to go away. I realize that you have a heavy burden of responsibility but please, the negative attitude is growing on a daily basis and somewhere we have to be able to inform the public that this is an orderly process, which I'm sure it is, but that no deals have been made and that your findings in October will be made. But for now the majority of those people that have a pipeline connected have quite the contrary opinion.

On another matter, I was hoping to discuss with you another issue that Lincoln County is facing which is a windfarm called Dakota Air. I'd like some clarity on where the PUC sits on this type of venture. Dakota Air is not sponsored by any utility but rather is a venture capital group which is trying to determine the amount of wind in the southeastern portion of the county. I wanted to determine the difference between a private group formulating a windfarm verses a utility such as Xcel Energy and determine if there are different criteria or standards that counties should be looking at, etc. I welcome your input.

Thank you for your service and look forward to the discussion on Dakota Air.

Sincerely,

Jim Schmidt, Lincoln County Commissioner

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**From:** Nelson, Chris  
**Sent:** Monday, February 09, 2015 2:02 PM  
**To:** 'Jim Schmidt' [REDACTED]  
**Cc:** Van Gerpen, Patty  
**Subject:** RE: Dakota Access

Jim,

I'd be happy to visit with the County Association regarding PUC responsibilities and processes. I agree with you that a presentation would be helpful to all. I greatly enjoyed my close association with Counties during my Secretary of State days and would love a return visit with your organization.

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Chris

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**From:** Ronnie Fish [<mailto:rfish@siouxfalls.com>] **On Behalf Of** Jim Schmidt

**Sent:** Monday, February 09, 2015 1:47 PM

**To:** Nelson, Chris

**Subject:** RE: Dakota Access

Commissioner Nelson (Chris)

I have the utmost confidence in you, Gary and newly appointed Rich Sattgast as you deliberate this very difficult and controversial issue. Chris, your record of public service speaks for itself. As secretary of state you were the most well liked secretary by the state auditors more than you will ever know.

One suggestion I would have for you to entertain is coming to our spring workshop for the County Association or to come to our annual meeting and discuss what the role of the PUC and the guidelines you have to adhere to. I think this would be extremely interesting for commissioners who face issues of growth when it deals with windfarms or pipelines or other areas that the PUC has to cover.

I look forward to a conversation in the future that deals with none of these controversial issues but just deals with the trials and challenges that each of us face in our elected responsibilities. My best to you, Gary and Rich.

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**From:** Nelson, Chris  
**Sent:** Monday, February 09, 2015 1:37 PM  
**To:** 'Jim Schmidt'  
**Cc:** Van Gerpen, Patty  
**Subject:** RE: Dakota Access

Commissioner Schmidt,

Thank you for your email. Allow me to explain why I can't visit with you – or anyone – regarding the Dakota Access Pipeline outside of the public process. SDCL 1-26-26 absolutely prohibits me from discussing the docket with anyone “except upon notice and opportunity for all parties to participate”. This is why we stressed at the public input hearings that any communication with the Commission regarding this docket had to be in writing. Many have availed themselves of that option and I anticipate many more will. The full statute is as follows:

“Unless required for the disposition of ex parte matters authorized by law, members of the governing board or officers or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or his representative, except upon notice and opportunity for all parties to participate. If one or more members of a board or commission or a member or employee of an agency, who is assigned to render a decision in a contested case, took part in an investigation upon which the contested case is based, he shall not participate in the conduct of the hearing nor take part in rendering the decision thereon, but he may appear as a witness and give advice as to procedure. If, because of such disqualification, there is no person assigned to conduct the hearing or render the decision, the agency shall appoint someone pursuant to § 1-26-18.1 to fulfill those duties. A person assigned to render a decision:

- (1) May communicate with other members of the agency; and
- (2) May have the aid and advice of one or more personal assistants.”

This is NOT a “done deal”. We are at the very beginning of the process. Friday is the deadline for individuals and organizations to request party status in the docket. Many are filing for such status. As such we don't even know today who all the “players” are in this docket, let alone this being a “done deal”. Once we know who the parties are in the docket, there will be a conference of all the parties to determine a procedural schedule for discovery, testimony, and hearings. Again, we are very early in this process.

Lincoln County has requested party status. The PUC will rule on that request during our regular meeting at 9:30am on February 13. If the county is granted party status, the county will be able to fully participate in this process as it plays out over the next ten months.

Regarding the Dakota Air issue, any electric generation facility in excess of 100 MW requires a siting permit from the PUC, much like the permit Dakota Access is requesting. Again because of the 1-26-26 prohibitions, I can't visit with you regarding Dakota Air either.

Jim, you know me well enough to know that I am always open in my dealings with the public. SDCL 1-26-26 doesn't allow me to have conversations that I would love to have – until we do it in a public forum. That said, you need questions answered. You are free to visit with commission staff regarding your questions. Kristen Edwards, Brian Rounds, or Darren Kearney are the staff assigned to the Dakota Access docket. They can also answer any questions regarding a potential wind farm. I would encourage you contact them to set up a meeting or visit over the phone.

Your message will be posted in the South Dakota Public Utilities Commission's formal pipeline siting docket, HP14-002, under Comments and Responses. Since this is an open docket before the commission, any correspondence involving a commissioner must be posted in the open, public docket so that other commissioners and all parties to the case have access to it.

Sincerely,

*Chris Nelson*

Public Utilities Commissioner  
500 E Capitol Ave  
Pierre SD 57501  
605-773-3201  
[Chris.Nelson@state.sd.us](mailto:Chris.Nelson@state.sd.us)

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**From:** PUC

**Sent:** Monday, February 09, 2015 4:28 PM

**To:** 'bret@merklelaw.com'

**Subject:** DAKOTA ACCESS, HP14-002

Mr. Merkle:

Thank you for your letter and map concerning the Dakota Access Pipeline. These documents will be posted in the South Dakota Public Utilities Commission's formal pipeline siting docket, HP14-002, under Comments and Responses. Since this is an open docket before the commission, any correspondence involving a commissioner must be posted in the open, public docket so that other commissioners and all parties to the case have access to it.

Chairman Chris Nelson

South Dakota Public Utilities Commission

[www.puc.sd.gov](http://www.puc.sd.gov)

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Sioux Falls, SD 57108  
February 3, 2015

Mr. Chris Nelson  
Public Utilities Commissioner  
500 East Capitol Ave.  
Pierre, SD 57501-5070

**RECEIVED**  
**FEB 09 2015**  
**SOUTH DAKOTA PUBLIC**  
**UTILITIES COMMISSION**

Dear Mr. Nelson,

My mother, Delores (Andreessen) Assid and I, Laurie (Assid) Kunzelman, attended the meeting about the Dakota Access Pipeline at the Ramkota in Sioux Falls. My mother owns a half section of farmland two miles west of Tea. Her grandparents homesteaded that land. The proposed pipeline will run diagonally across one-half of her land. We are both very much opposed to this pipeline for several reasons. At the meeting I came up to you and mentioned one reason. You suggested that I write you with my objection.

That pipeline will effectively stop the expansion of Tea and Sioux Falls to the west. Both are growing in that direction. People will not be able to build houses on the pipeline right-of-way, plus the fact that no one will want to build that close to an oil pipeline. Someone had approached my mother about purchasing an acreage to build a house in the southeast corner of her farm. That would not be possible with the pipeline running through there. My husband and I have also thought about building a house on an acre of land on the farm, but we would not do that with the pipeline there. In addition, the value of that farm would decrease tremendously. No one in the future would want to purchase that farm either for agricultural purposes or for a housing development with that pipeline running under it. This is true of all of the land near Tea and Sioux Falls that has the pipeline running under it.

My mother has several other concerns. One of which is the possibility of an oil leak or oil explosion. After all, there have been eleven pipeline incidents in South Dakota since 1998. With a thirty inch pipe, a lot of oil could leak out in just a few minutes. That would ruin the land forever. Not only that, but the oil could get into the water. My mother has drainage tile on that land. If the company breaks those tile, oil could get into them. Oil could seep into the little stream, into Skunk Creek, into the Sioux River, and even into the aquifer. That would contaminate the water, harm people, and even kill animals.

Another concern my mother has is that when they dig the dirt out, they won't really separate the topsoil and the dirt underneath, so when they replace it, it will be all mixed together. Then the crops won't produce as much in that area. That will hurt my eighty-eight year old mother's income. If she doesn't want to sell her land, they will take it anyway, by the process of eminent domain. That is not fair to the landowners.

The company is only willing to pay for crop loss the first three years: 100% the first year, 80% the second year, and 60% the third year, then nothing after that. Farmers could see a decrease in their crop production for much more than three years. The company will be making money from that pipeline year after year after year. If they build that pipeline, which we hope you won't allow, they should have

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to pay royalties, production payments, and annual lease payments to the landowner every year for as long as that pipeline is operational. They should also be required to take care of that land, such as adding more topsoil as the land settles over the pipeline. If they have to go back and do anything to that pipeline, they should again have to pay the 100%, 80%, and 60% for crop loss on all parts of the land their machinery disturbs. The company should also be required to be bonded in case there is a leak anytime in the future.

If and when that pipeline is no longer in use, the company should be responsible for coming back and digging up and removing all of the pipe, making sure nothing is contaminated. Then they should again be required to pay the 100%, 80%, and 60% for crop loss.

Thank you very much for taking the time to become aware of our concerns, as well as the concerns of other citizens of South Dakota. We hope that you will not let this company build this pipeline.

Yours truly,



Laurie Kunzelman



Delores Assid





Chris Nelson, Chairperson  
Kristie Fiegen, Vice Chairperson  
Gary Hanson, Commissioner

*South Dakota*

**PUBLIC UTILITIES COMMISSION**

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Grain Warehouse  
(605) 773-5280

Consumer Hotline  
1-800-332-1782

Email  
[puc@state.sd.us](mailto:puc@state.sd.us)

February 10, 2015

Laurie Kunzelman and  
Delores Assid

[REDACTED]  
Sioux Falls SD 57108

Dear Ms. Kunzelman and Ms. Assid:

Thank you for your letter. It will be added to the Dakota Access Pipeline docket, HP14-002, along with this response.

You will find the docket online at [www.puc.sd.gov](http://www.puc.sd.gov) by clicking on Commission Actions, Commission Dockets, Hydrocarbon Pipeline Dockets, 2014 Hydrocarbon Pipeline Dockets, and HP14-002. Because commissioners have a decision-making role in docket matters, any discussion with a commissioner about an open docket must take place in an open, public forum. By placing your letter in the docket file, the other commissioners and interested parties will have access to your comments for consideration.

Enclosed is a document from the home page of the commission's web site titled Pipeline Siting Info Guide which explains the processing of pipeline siting permit requests which may be helpful to you. I have also enclosed a Dakota Access Pipeline Frequently Asked Questions document from the site which may be of interest.

Sincerely,

Chris Nelson

001754

**RECEIVED**  
**FEB 09 2015**  
**SOUTH DAKOTA PUBLIC**  
**UTILITIES COMMISSION**

Dear PUC Commissioners,

*Regarding the Dakota Access pipeline -*

I tried to voice my concerns at the Redfield meeting and would like to explain them a little bit better. I have included the well driller's logs from the NE ¼ 20-115-63 and SE ¼ 20-115-63 just to show that the distance to water bearing sand is pretty consistent. I would feel much better knowing there is 8-12 feet of clay between the pipeline and my aquifer. I have included a drawing illustrating this.

My dad and I started irrigating in 1975 so this will be my 40<sup>th</sup> year. My son is farming with me and is going to take over. I want him to have the same opportunities that I had.

With 13000+ gallons/minute and 1000+ psi, a small crack on the bottom of the pipe could penetrate my aquifer in no time. No one would know it. Protecting our natural resources should be a top priority. I too help the United States by selling all my corn to the Redfield Energy plant for ethanol production. I do not get to take a straight road to the ethanol plant.

I know that the chances for a leak are slim, but I have farmed since 1973 and have found that erring to the "safe side" is a good policy. So the bottom line is I would like the pipeline to pass on the edge of my fields. This would locate it 1000 feet or better from my irrigation wells and hopefully never see oil coming out of my sprinkler nozzles.

Thank you. If any questions, [REDACTED]

James Frankenstein



001755



# HURON DRILLING INC. DRILLERS LOG

PAGE NO.

Willis Frankenstein  
JOB NAME

N.E.20-115-63 Spink Co.  
LOCATION

10-5-75  
DATE

7  
RIG NO.

Karl Osberg  
FOREMAN

Jt No.	DEPTH	TIME	Test Hole # 5	REMARKS	DESCRIPTION
1	20		0-11	Yellow Clay	
2	40		11-12	Blue Clay	N.E.20-115-63
3	60		12-48	Good Sand	Spink County
4	70		48-60	Sand (Good) with Some Blue Clay	
			60-70	Shale	°5
			Cased up @ 60' with		
			40' Slotted		
			20' Blank		
			2000# Concrete Sand		
			Pumped 20 GPM		



Frankenstein  
JOB NAME

S.E. 20-115-63 Spink Co.  
LOCATION

4-12-75  
DATE

Rig # 7  
RIG NO.

Terry Bawdon  
FOREMAN

DEPTH	TIME	Test Hole # 1	REMARKS	DESCRIPTION
20		0-10 Yellow Clay		
40		10-15 Yellow Clay - Sand		S.E.20-115-63
60		15-20 Sand Good		Spink County
80		20-40 Sand Good	40 ft. Slotted	
100		40-60 Sand Good	40 ft. Blank	
		60-80 Sand Good	Pumped 55 g.p.m.	
		80-90 Sand Good	2,000# concrete	
		90-100 Sand & Shale	Slow sand.	
		Cased up # 1		°2 °3
		Test Hole # 2		°1 °4
20		0-15 Yellow Clay		
40		15-20 Sand - Fair with some Yellow Clay		
60		20-40 Good Sand	Loss of water	
80		40-60 Sand & Blue Clay		
		60-80 Blue Clay Sand Streaks		
		Test Hole # 3		
20		0-15 Yellow Clay		
40		15-20 Fair Sand Little Yellow Clay		
60		20-40 Good Sand		
80		40-55 Good Sand		
		55-60 Course Sand gravel Blue Clay		
		60-80 Blue Clay Some Sand		
		Test Hole # 4		
20		0-15 Yellow Clay		
40		15-20 Sand with Yellow Clay		
60		20-40 Good Sand		
		40-55 Good Sand		
		55-60 Blue Clay Mixed Sand		



ground level

4 to 5 feet clay

30" pipeline

12 feet of clay

4 to 5 feet  
clay between  
pipeline and  
water bearing  
sand.

48 feet of water  
bearing sand

FEB 09 2015

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Dear Sirs

I attended the public meeting on 1-23-15 at the Ramkota Hotel in Sioux Falls for the Dakota access Pipeline.

The one thing that I noticed about the people that were representing Dakota access is that they were either unprepared to answer questions or did not want to answer them, they did not even try to put on a good dog and pony show.

I live at [REDACTED] Hartford, at the start of the meeting Joey Menodue stated that they were going to route the pipeline to avoid developments, lakes, and environmentally sensitive areas.

As I understand it the current route takes the pipe line just to the west of wall lake which also has wet land on the west side and then south straight through the development on 267th st where I live. This would split the development in half. The route also goes within a mile of Tea and Harrisburg.

The map that I have shows the pipe line taking a direct line from the Bakken oil field to the pipeline hub near Patoka Ill. This makes great economic sense for the company to use the most direct route, but will ruin the lives of hundreds if not thousands of people along the route. The area around wall lake and south east South Dakota is heavily developed and the pipeline should be moved west approx 5 to 10 miles and south about the same distance to avoid the populations centers.



Dakota access seemed to be proud of the fact that the pipeline would create 10 to 12 permanent jobs in South Dakota and thousands of temporary jobs. South Dakota has an unemployment rate of 2<sup>9</sup> and a growing economy and the permanent jobs are not that big of deal and will probably be filled by people from out of state and the temporary ones are mostly going to be out of state workers that come in for the duration of the construction then leave. Very little of the money they make is going to stay in South Dakota. The company is going to pay for meals and lodging and their paychecks are going to go back home.

The land that the pipe line does eventually cross is going to be next to worthless and property on either side is going to go down in value. Dakota access should compensate the landowner for the loss of land value and should pay the landowner a yearly fee for the use of the land. Also property owners on either side should be compensated for the loss in property values by the company and should be able to get a lower tax rate.

This company should NOT have Eminent Domain that is a power that should be reserved for the state "only".

My wife has had cancer and is at a higher risk of recurrence of the cancer any ~~exposure~~ exposure to the chemicals in the crude could bring the cancer back.

I have lived in South Dakota all my life and intend to stay here. I like the life style and the people. It makes me very mad when an out of state company comes into South Dakota with a project like this (especially from Texas) and tries to railroad everyone.

I do NOT support this project in any form and want to see it stoped

Sincerely

Larry Johnson

[REDACTED]  
Hartford SD

Larry Johnson



# Pipeline Leak Taints River With Wastewater

By CHESTER DAWSON

Salty wastewater from oil wells has contaminated a creek and flowed into the Missouri River after a huge pipeline leak in North Dakota, state officials said Thursday.

The state said the leak of 3 million gallons is its biggest-ever spill of brine, which in addition to high concentrations of salt often contains trace amounts of heavy metals that can be radioactive.

Such spills, which can kill vegetation and ruin farmland, have been increasing in Western North Dakota as the state has become a leading oil producer,

pumping more than a million barrels of crude a day from the Bakken Shale.

After a shale well is drilled and hydraulically fractured, or fracked, briny wastewater is extracted from deep underground along with oil and gas and must be disposed of, usually by injecting it back into the ground at separate wells drilled specifically for that purpose.

The state is investigating the cause of the leak, which doesn't currently pose a threat to public health or drinking water, North Dakota officials said. The area where the spill occurred is sparsely populated and officials

in surrounding Williams County said they weren't concerned about the impact on water supplies, which are miles downstream from the area affected.

The Bakken region also is cleaning up from an unrelated oil spill over the weekend in the Yellowstone River, a tributary of the Missouri. An oil pipeline under the river burst, releasing about 960 barrels of crude near Glendive, Mont., and contaminating the local water-treatment plant.

In North Dakota, about 2.7 million gallons of wastewater have been collected from Blacktail Creek in a rural area about 15 miles north of Williston, N.D.

The cleanup effort has been complicated by winter weather that has made it more difficult to track the spread of the contamination and pump out the wastewater from the ice-covered creek, said Dave Glatt, chief of the state health department's environmental section.

The wastewater leak was first detected two weeks ago when the Texas-based pipeline operator, privately held Summit Midstream Partners LLC, said that an "undermined amount" of brine had spilled out of the line, which was installed in June.

The company's "full and undivided attention is focused on

minimizing and remediating any environmental impacts, ensuring cleanup efforts, and addressing the needs of impacted landowners, regulators and government officials," said Jonathan Morgan, a Summit spokesman.

The Summit Midstream pipeline collects water from 40 well pads and ships it to a disposal facility operated by a third party, the company said.

The state has faced a number of challenges handling the surge in wastewater, ranging from spills by tanker trucks and ruptured pipelines to storage tanks filled with the salty water that have been struck by lightning.

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**FEB 09 2015**  
**SOUTH DAKOTA PUBLIC**  
**UTILITIES COMMISSION**

February 6, 2015

Chris Nelson  
Kristie Fiegen  
Gary Hanson  
Public Utilities Commission  
Capitol Building, 1<sup>st</sup> Floor  
500 E. Capitol Ave.  
Pierre, South Dakota 57501-5070

Brett Koenecke  
May, Adam, Gerdes & Thompson LLP  
503 South Pierre Street  
PO Box 160  
Pierre, South Dakota 57501-0160

Re: Permit to Construct the Dakota Access Pipeline

Dear PUC Commissioners and Attorney Koenecke,

This letter is written regarding the Dakota Access pipeline. My husband Tom Stofferahn and myself have received phone calls regarding giving a permanent easement to Dakota Access on land described as NW1/4 EX RY & PT W & S of RY & EX W 1208' N 373' & EX E 650.25', NW ¼ N HY 38 & EX N 1956.64' & PTSW1/4 N HY 38, Section 13, Township 102 North, Range 52 West, Minnehaha County, South Dakota. The address is [REDACTED], Humboldt, SD. The land is owned by Thomas Stofferahn and Ronald Stofferahn, as tenants in common.

In 2012 Tract 1 and Tract 2 in Stofferahn Farms Addition were formed on this land. Tract 2, 3.98 acres, is a farm and personal residence owned by Tom and Nancy Stofferahn. Tract 1, 3.96 acres, is owned by Stofferahn Farms, a South Dakota general partnership. On Tract 1 sits a 60'x120' Morton shed. This shed is leased to Nortec Seeds, Inc., a retail seed company, which is a South Dakota S Corp owned by Tom Stofferahn and Ron Stofferahn who have been in the family seed business for 40 years. The shed maintains a warehouse and office and is the principal place of business for Nortec Seeds, Inc.

From what I can ascertain from the phone calls Dakota Access does not know these Tracts exist and they plan to run the pipeline north or right behind the place of business of Nortec Seeds. Nortec Seeds is planning an expansion of the seed business by expanding the warehouse, putting up soybean seed bins and a soybean treatment facility. This expansion can only be north of the present place of the business in Tract 1 where the pipeline and the 100 feet of no building will be. The Tract land only goes 30 feet east, to the west there is a slough and to the south is Highway 38. No expansion is possible except to the North of the business in which the Dakota Access pipeline will prevent.

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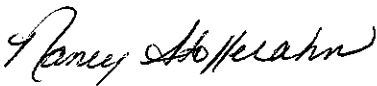
Nortec Seeds in 2014 had gross sales of over [REDACTED]. With no growth or expansion ever possible the result will be millions of dollars of lost income. With a [REDACTED] projected growth from the expansion that would be a loss of [REDACTED] in sales a year for the life of the easement which is forever. It would cost hundreds of thousands of dollars for Nortec Seeds to relocate. Land would have to be purchased on a prime site and a new warehouse and facility constructed. On page 2 of the Notice of Application sent to us it states "will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area". The pipeline location behind Nortec Seeds seems to impose a very great threat to the economic condition of a long standing South Dakota family business and the future of the business.

Another consideration for the PUC is that Stofferahn Farms, our family farm business, farms lands that has tile running into a 36 inch County cement tile in Minnehaha County. Dakota Access's planned route may cut or disturb this County cement tile. The tile was dug in by hand in the early 1900's. There are very few records or maps of these cement and clay County tiles but they are well known by local farmers. Once these cement and clay tiles are cut is there any way to repair them in like kind. I assume the cost would be quite high if it could be done at all. More due diligence has to be done by Dakota Access to know where these tiles are and all the lateral tiles feeding the County tiles. Is the PUC aware of where all the County tiles are in South Dakota. If they are not properly repaired it could result in costly damage to South Dakota farm land.

I have also been informed that Dakota Access is a shadow corporation and will not be in existence after 10 years. When a pipeline breaks after 10 years I am concerned about who will be responsible for the repair and cleaning up the land. Is this then the responsibility of the EPA, State of South Dakota, or will it be the landowner who has given a permanent easement? I am concerned whether the landowners of South Dakota know that it could possibly be their responsibility to fix the tile and clean up the land.

I have tried to explain to Dakota Access representatives the tremendous loss this will be on our family seed business Nortec Seeds but all we have heard is that it will happen anyway because Dakota Access will have eminent domain. That probably will be true but with this letter I am asking for consideration and that the pipeline be moved much farther north so that it will not affect our expansion and our business.

Sincerely,



Nancy Stofferahn

[REDACTED]  
Humboldt, SD 57035  
[REDACTED]  
[REDACTED]

**From:** [PUC](#)

**Sent:** Monday, February 09, 2015 5:16 PM

**Subject:** DAKOTA ACCESS, HP14-002

Ms. Stofferahn:

Thank you for your letter to my fellow commissioners and me regarding the Dakota Access Pipeline. It will be posted in the South Dakota Public Utilities Commission's formal pipeline siting docket, HP14-002, under Comments and Responses. Since this is an open docket before the commission, any correspondence involving a commissioner must be posted in the open, public docket so that other commissioners and all parties to the case have access to it.

Chairman Chris Nelson  
South Dakota Public Utilities Commission  
[www.puc.sd.gov](http://www.puc.sd.gov)

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