

PREFILED REBUTTAL TESTIMONY

OF

FAITH SPOTTED EAGLE

Docket No. HP14-002

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

1. Please state your name and your home address.

A. My name is Faith Spotted Eagle. My home address is Box 667, Lake Andes, SD, 57356.

2. Are you a member of the Yankton Sioux Tribe or any other tribe?

A. I am an enrolled member of the Yankton Sioux Tribe.

3. What is your occupation or what kinds of work do you do?

A. Private consultant in PTSD Counseling for veterans and veteran's organization; Trainer/facilitator in Historical Trauma for all populations; school certified counselor work in schools, Dakota Language teacher, Manager of Brave Heart Lodge in Lake Andes.

4. Please describe your educational background and professional experience.

A. I have an MA in Educational Psychology and Counseling from USD, Vermillion, SD. I have held professional positions as a teacher, counselor, principal, manager of Human Service Programs, Family and Individual therapist, Grantwriter and currently am Chair of the Ihanktonwan Treaty Committee.

5. Did you provide a copy of your resume?

A. I have attached a biography, it is Attachment A.

6. On whose behalf was this testimony prepared?

A. This testimony was prepared on behalf of the Yankton Sioux Tribe.

7. Do you currently hold any positions with the Yankton Sioux Tribe?

A. I am an elected official by the General Council to be on the Ihanktonwan Treaty Committee and serve as the Chair for that body.

8. Please state the purpose of your testimony in this proceeding.

A. The main objective of the Yankton Sioux Tribe through this testimony is to rebut the testimony of Dakota Access' witnesses and the information contained in Dakota Access' application by providing information to the South Dakota Public Utilities Commission that shows the Applicant should not receive a permit for reasons including violations of treaties, socio-cultural threats including threats posed by the significant influx in temporary construction workers, and threats to safe drinking water.

9. Please describe the professional work you conduct in the areas of historic trauma, cultural violence, socio-cultural violence.

A. I am a facilitator/trainer for the Tucson, VA for the purpose of assisting staff and veterans recover from Post-Traumatic Stress Disorder; along with serving as a consultant recovering from historical trauma and oppression all across the US and Canada. Some of these communities are Ponca Nation in NE; Spirit Lake Community in ND; Crow Creek Community in SD; Eepay Band/Rancheria in California; Tsu tina Nation near Calgary, Canada, among many others. I work with communities in developing strategies to stop "girl on girl" aggression, relationship violence and sexual and physical violence. As a grandmother of Brave Heart

Society we are responsible for the safekeeping of the environment, the water, safe communities and sacred sites.

10. Based on your experience and your knowledge of the project, do you have any concerns regarding socio-cultural violence, including sexual violence, with respect to the proposed project?

A. Yes.

11. What are your concerns regarding socio-cultural violence, including sexual violence, with respect to the proposed project?

A. The impact of this proposed pipeline is a human rights issue. I have concerns about violence to our young women and to our children that a significant influx of temporary construction workers would bring to our community. While there are no man camps discussed in the application, there would be more than 1400 construction workers brought in by Dakota Access to build the pipeline. These workers may not live in “camps,” but they will be living and working under the same conditions and engaging in recreational activities similarly to the workers in man camps. They will work the same long hours under the same stresses and pressures, making the same good money, away from their families if they even have families, as pipeline or oil workers in man camps. They will have the same need to “cut loose” and “blow off steam.” Furthermore, they have no bonding or connection with the community, and they have no appreciation or knowledge for the local ways of being.

Not all men working under these conditions engage in acts of violence, but history and the current situation in the Bakken shows us that some men do. These men prey on vulnerable individuals in surrounding communities. The Yankton Sioux Tribe’s reservation is close driving distance from the pipeline route and has a casino that many of the men can be expected to frequent during their time off. Because many of the men will rent motel rooms, it is possible that many of them may even stay at our casino’s hotel if the pipeline is built.

I am particularly concerned because much of our population has a number of risk factors that increase the risk of becoming a victim of sexual violence and/or sex trafficking. These risk factors include poverty, alcohol abuse/addicted homes, prior domestic or sexual abuse, incest, or rape, growing up in foster care, and isolation. All of these risk factors are heavily present on the Reservation. The presence of these workers would greatly endanger our women – particularly young women. Most individuals who become victims of sex trafficking become victims when they are less than 18 years old. I am also concerned about protecting the sexual health and reproductive health of our young people.

12. Through you work in these areas, have you specifically organized gatherings to discuss concerns related to man camps and their effect on the well-being of the communities surrounding these camps?

A. Yes. In August of 2013, the Brave Heart Society and the Treaty Committee organized and hosted the only conference that I know of to mobilize allies against the coming of man camps via the proposed Keystone XL. Out of this gathering, strategic directions were developed to stop this threat in order to keep our communities safe.

13. Would you describe who attending those gatherings?

A. Our conference was attended by the US Attorney's Office out of Sioux Falls, SD. In fact Brendan Johnson was one of our speakers. Other attendees were women's shelters combatting sexual and physical violence from SD and ND. Also attending were recovering persons from sex trafficking situations. Treaty Councils, Tribal Council Members, Nebraska Bold and NEAT also attended, which are comprised of landowners and farmers. Many grassroots organizations like Dakota Rural Action and many others attended.

14. Would you say that the information shared at those gatherings is pertinent to this proposed project, even though it is not expected to specifically include man camps?

A. Yes, for the reasons I previously stated. The same risks posed by man camps would be posed to our community by the influx in temporary construction workers if this pipeline is built.

15. What information would you like to convey to the South Dakota PUC as a result of those gatherings?

A. It is frightening to think that no fore planning has been done to even recognize what happens when a large influx of workers is forced into rural communities where wide gaps exist in law enforcement. The problem is magnified by cross-jurisdictional problems between reservation and state areas which are long standing issues. The Bakken experience proves that even non Natives are at risk. Many tribes do not have tribal/state agreements in order to handle cross jurisdictional major crimes. Mr. Johnson stated he could do nothing in the way of prevention until a crime occurred. We will not sit and wait for crimes to occur with over 1400 men coming to treaty and unceded territory.

16. What would you like the South Dakota Public Utilities Commission to know regarding anticipated increase in crime?

A. The Commission should anticipate a surge in crime, especially violent crime, in the communities along the pipeline route where these men are lodged deny the fact that the current national statistics regarding Native people indicate that 3 out of 5 Native women will be raped in their lifetimes. I myself am a sexual abuse survivor and know that story well. As members of border towns, we are no strangers to violence. I can give details of an attack.

19. Why is this scenario especially troublesome for you and the Yankton Sioux Reservation?

A. Because the Yankton Sioux Tribe's Fort Randall Casino and Hotel will be the closest large-scale entertainment center that offers a large selection of gaming, evening entertainment, bar and restaurant, and hotel in one place. I strongly believe that there will be undesired consequences that negatively and directly impact the Tribe's socio-cultural as well as surge violent crime rates on an already overburdened police force.

20. Do you have jurisdictional concerns related to this point?

A. Yes, the nature of a tribe's criminal jurisdiction is that it does not have criminal jurisdiction over crimes committed by non-Indians against Indians on the reservation. Even with the Congress' passage of the Violence Against Women Reauthorization that allowed for expanded jurisdiction in certain circumstances, the reality is that the Yankton Sioux Tribe has

not implemented VAWA. Even assuming it had, VAWA still requires the non-Indian perpetrator to be in a domestic relationship and have a tie to the reservation for the tribe to exert jurisdiction over the non-Indian.

21. Is water important to the Dakota, Nakota, and Lakota people?

A. Yes.

22. Why is water important?

A. Water is important because water is sacred – water is life. Without water we cannot live. Without water we also cannot perform our ceremonies. Water is crucial, and all of our ceremonies are conducted with the existence of water presence. Water is also the first medicine. The first environment is the womb, and in the womb is the water of life – the first medicine. If water is contaminated to begin with it will contaminate the womb and any beginnings of life. Any pollution or contamination is a threat to our reproductive health.

23. What is the source or sources of water for those ceremonies?

A. The Missouri River as well as any streams nearby. Our community sundances and other ceremonies are adjacent to the Missouri River. A lot of the women's sacred sites are around water because of the need to care for the family using that water. We also harvest many medicines from areas water.

24. Does the proposed pipeline concern you with respect to these ceremonies?

A. Yes.

25. Why?

A. Because the Missouri River would be crossed twice by the proposed pipeline. That puts our priceless water source at great risk. If the pipeline were to leak, as all pipelines do, it could contaminate both our drinking water and our ceremonial water. Even though the crossings are not in South Dakota, the effects of a spill at those crossings would be felt by us here.

24. In addition to the work you have already described, what other work do you do?

A. I am a member of the Tribe's governing body, its General Council, which consists of all adult members of voting age. I am also the Chairperson of the Ihanktonwan Treaty Steering Committee, which is appointed by the General Council. I am also a member of the Elder group and the Head of a revived Traditional Society, the Brave Heart Society which watches over sacred sites and burial sites.

25. Do you have any other concerns about the land the proposed pipeline would cross, based on those roles you have?

A. Yes, because the Yankton Sioux Tribe has aboriginal title to the land the pipeline would cross. This land was inhabited by our ancestors for generations. There are likely to be many, many sacred, cultural, and burial sites that would be disturbed by construction of the proposed project. Many of those contain genesis sites – origin places.

26. Please take a look at this document (Attachment B). Can you identify this document?

A. Yes, that is a map of the land to which the Yankton Sioux Tribe has aboriginal title according to the federal courts.

27. I'd like to show you a map of the proposed pipeline that was provided by Dakota Access (Attachment C). What can you tell me about this map compared with the aboriginal title lands you just mentioned?

A. Approximately two-thirds of the pipeline route in South Dakota would be cutting through our aboriginal territory.

28. Has the Ihanktonwan Treaty Steering Committee ever addressed the possibility of this proposed project being constructed?

A. Yes, this project has been of great concern to us as a Treaty Committee, as well as to the General Council, the Elder group, and the Brave Heart Society.

29. Why is this project such a concern?

A. Because as that map demonstrates, the pipeline would trespass right through our aboriginal title lands, and we still retain a multitude of rights on those lands that are protected by federal law and that are vital to our cultural, spiritual, and physical survival.

30. To your knowledge, has the governing body of the Yankton Sioux Tribe ever consented to construction of the proposed project through Ihanktonwan aboriginal territory?

A. No, never.

31. Does this conclude your prefiled testimony?

A. I reserve the right to supplement my prefiled testimony as well as to offer additional testimony during the hearing in this case.

CERTIFICATE OF SERVICE

I certify that on this 14th day of August, 2015 the attached Prefiled Rebuttal Testimony of Faith Spotted Eagle in docket number HP14-002 was filed on behalf of the Yankton Sioux Tribe electronically via the South Dakota Public Utilities Commission e-filing website and a true and accurate copy was sent via email or U.S. Mail, first class postage prepaid, to the following:

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**PREFILED REBUTTAL TESTIMONY
OF
CHRIS SAUNSOCI**

Docket No. HP14-002

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

1. What is your name and business address?

A. My name is Chris Saunsoci and my business address is PO Box 1153, Wagner, South Dakota 58380.

2. Are you a member of the Yankton Sioux Tribe or any other tribe?

A. I am an enrolled member of the Yankton Sioux Tribe.

3. What is your occupation or what kinds of work do you do?

A. I am the Chief of Police for the Yankton Sioux Tribe.

4. On whose behalf was this testimony prepared?

A. This testimony was prepared on behalf of the Yankton Sioux Tribe.

5. Please state the purpose of your testimony.

A. The purpose of my testimony is to rebut the testimony provided by Dakota Access and PUC Staff witnesses Joey Mahmoud, Todd Stamm, Robert E. McFadden, and David Nickel, as well as the Dakota Access Pipeline Project Application prepared by Perennial Environmental Services, LLC.

6. The pre-filed direct testimony of Mr. Mahmoud states that Dakota Access will proactively work with emergency response agencies to provide pipeline awareness education and other support, to your knowledge, has Dakota Access engaged the Yankton Sioux Tribe's Law Enforcement to provide such education?

A. No, to my knowledge, Dakota Access has not engaged Yankton Sioux Tribe Law Enforcement for such purposes.

7. Mr. Mahmoud also states that approximately 1,448 construction personnel are anticipated for the pipeline construction spreads in South Dakota, given the relative proximity of the proposed route to the reservation, do you have concerns about these projected personnel as Chief of Police?

A. I am concerned that our law enforcement does not have the resources to handle this many workers in the area. In addition, tribal law enforcement may not have jurisdiction over all of these workers should they engage in criminal activity and there has been no coordinated plan initiated by Dakota Access to address law enforcement and jurisdictional concerns.

8. Mr. Mahmoud also states that law enforcement agencies in the communities adjacent to the Project should not experience a significant impact from pipeline workers, do you agree with such a conclusion?

A. No. I believe there is the potential for surrounding communities including the Yankton Sioux Reservation to experience a significant impact from the influx of over 1,400 workers whether they bring their families or not. This is a significant number of persons to be

introduced into the communities along the proposed route even if portions of the route are near larger population areas such as Sioux Falls.

9. The pre-filed direct testimony of Todd Stamm states that Energy Transfer conducts extensive public education outreach programs, including damage prevention programs, that meet or exceed industry concerning public awareness of pipeline and pipeline safety matters, to your knowledge has Energy Transfer conducted such programs or engaged the Yankton Sioux Tribe to discuss the development of such programs?

A. To my knowledge and in my capacity as Chief of Police, there have been no such programs or engagement of Yankton Sioux Law Enforcement to discuss the development of such programs.

10. Mr. Stamm also states that an emergency response plan is being prepared and will be in place prior to conducting transportation of crude oil, to your knowledge, has Dakota Access contacted or engaged Yankton Sioux Law Enforcement concerning the preparation or any aspect of the emergency response plan.

A. Dakota Access has not contacted Yankton Sioux Law Enforcement concerning the preparation or any aspect of the emergency response plan.

11. Has Dakota Access coordinated with Yankton Sioux Law Enforcement in preventing and responding to any pipeline related problems?

A. Dakota Access has not coordinated with Yankton Sioux Law Enforcement for the prevention and response to any pipeline related problems.

12. The pre-filed testimony of David Nickel states that Dakota Access has committed to drafting and implementing a Facility Response Plan and Oil Spill Response Plan, to your knowledge has Dakota Access engaged Yankton Sioux Law Enforcement to discuss the drafting and implementation of these plans?

A. Dakota Access has not engaged Yankton Sioux Law Enforcement to discuss the drafting and implementation of these plans.

13. The pre-filed testimony of Robert E. McFadden states that there are a number of plans and documents that are required to be developed by Dakota Access in accordance with PHMSA regulations including an operating and maintenance procedures manual which must contain emergency procedures; an integrity management program, a damage prevention program, a continuing public education program, and an oil spill response plan, to your knowledge has Dakota Access contacted or engaged Yankton Sioux Law Enforcement regarding any of these plans?

A. Dakota Access has neither contacted nor engaged Yankton Sioux Law Enforcement regarding any of these plans.

14. To your knowledge, did Dakota Access or Energy Transfer consult Yankton Sioux Law Enforcement during the route selection, route evaluation or proposed route process?

A. Yankton Sioux Law Enforcement was not consulted during the route selection, route evaluation, or proposed route process.

15. Do you anticipate the Yankton Sioux Law Enforcement to experience a significant impact from the pipeline workers?

A. In my opinion, it is a reasonable to expect a significant impact because our reservation contains several tourist attractions including the Fort Randall Casino and Hotel, many wildlife and tourist activities, and is adjacent to several access points to the Missouri River that many visitors utilize from areas including the Sioux Falls vicinity. While we do not consider every visitor to require law enforcement involvement, it is reasonable to expect a significant impact relative to our normal incident rates.

16. To your knowledge, has Dakota Access engaged Yankton Sioux Tribe Law Enforcement to coordinate effective emergency response during construction?

A. No, Dakota Access has not engaged Yankton Sioux Tribe Law Enforcement to coordinate effective emergency response during construction.

17. To your knowledge, has Dakota Access proactively worked with Yankton Sioux Tribe Law Enforcement to provide pipeline awareness education and other support including a comprehensive public awareness program?

A. To my knowledge, Dakota Access has not worked at all with Yankton Sioux Law Enforcement to provide pipeline awareness education and other support including a comprehensive public awareness program.

18. Does this conclude your prefiled testimony?

A. I reserve the right to supplement my prefiled testimony as well as to offer additional testimony during the hearing in this case.

CERTIFICATE OF SERVICE

I certify that on this 14th day of August, 2015 the attached Prefiled Rebuttal Testimony of **CHRIS SAUNSO** in docket number HP14-002 was filed on behalf of the Yankton Sioux Tribe electronically via the South Dakota Public Utilities Commission e-filing website and a true and accurate copy was sent via email or U.S. Mail, first class postage prepaid, to the following:

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