

Listed Exhibit: 14

DAPL, South Dakota
Gray & Pape, Inc.
Scope of Work

The USACE is the only federal agency involved with the project at this time. We will therefore survey all of the USACE permit areas and any buffers that they define. We will also comply with SDCL 1-19A-11.1 and identify any historic property listed on the State or National Register of Historic Places in the Area of Potential Effects. The archaeological APE at this time coincides with a 400' wide survey corridor, as the actual construction footprint has yet to be defined.

To provide more information to the SHPO and to provide a Section 106-like survey we also propose an archaeology survey all high and moderate probability areas with access for cultural resources. We have used GIS modeling based on environmental factors and known cultural resources to predict the likely locations of unidentified cultural resources. This is a more refined model than the preliminary maps we showed you. The high probability areas have been defined as: within 100 m of a previously recorded archaeological site polygon; within 50 m of a previously recorded structure or cemetery point; within 200 m of a stream or pond; within 50 m of a road; or within 50 m of a railroad. Moderate probability areas have been defined from county soil surveys and topography that include: summits, terraces, footslopes, toe slopes, rises, ridgetops and floodplains that did not intersect with the variables used to define the high probability areas. Low probability areas do not meet any of the high or moderate criteria and include landforms such as upland swales or slopes. Using this model approximately 35% of the corridor has a high probability, 45% of the corridor has a moderate probability and 30% of the corridor has a low probability. The low number of known cultural resources documented near the project has heavily weighted the environmental factors in this model. We will begin the fieldwork surveying all of the high and moderate probability areas where we have access. However, as we gather data we will likely refine our model based on the results of the survey. For example, the prairie pothole region currently lies within high or moderate probability areas. If we survey a large sample of this region and encounter few cultural resources and none that are National Register eligible, we would like the latitude to adjust our survey methods and not complete a 100% survey of this region. In essence, we will be testing our probability model as we go. Should field methods be modified following the analysis of the model, the SHPO will be notified of any changes to field methodology.

For the archaeology survey of the moderate and high probability areas with access, we will employ a pedestrian surface survey spaced at 30 m intervals. If cultural material is encountered, the survey interval will be reduced to between 10 and 15 m to help delimit site boundaries. At least one shovel test, and one 1x1 meter excavation will be excavated within the site boundaries to provide information on the integrity of the site. In low surface visibility (< 30%) situations we will excavate shovel tests at 15 m intervals. If cultural materials are encountered, the shovel test interval will be reduced to between 5 and 10 m to help delimit the site boundaries. All shovel tests will be 30 cm in diameter and excavated to sterile subsoil or 50 cm in alluvial settings. All excavated fill will be screened through 6.4 mm wire mesh.

At a minimum diagnostic artifacts will be collected in the field, unless the landowner has objections, and taken to our laboratory for analysis. A sampling strategy may be employed for the artifact collection and documentation for large lithic scatters. For example, we would collect all artifacts within a 10 m square block for analysis and provide an estimation of the total number of non-diagnostic artifacts. All artifacts that are collected will be returned to the appropriate landowners at the completion of analysis.

GPS coordinates for all shovel tests and diagnostic artifacts will be recorded using ArcCollector. Site boundaries will also be recorded by GPS. Standard field forms will be completed for shovel test profiles and field site information. Digital photographs will be used to document the project.

The History/Architecture survey will be conducted for all new aboveground facilities. The goal is to identify and resources that are 50 years of age and older with the APE. The APE has been defined as a one mile radius of facilities. The survey will provide digital photographs of the exterior of resources and standard descriptions of architectural features.

We have initiated a geomorphic desktop assessment to identify areas that may require subsurface investigation for buried cultural resources. High and moderate potential areas will be field checked during the Phase I survey. Those areas confirmed to have the potential for deep cultural deposits will be recommended for additional work. We understand HDD will be employed at major stream crossings. A separate work plan to complete the geomorphic field work will be drafted and submitted to the SHPO for high and moderate potential areas that cannot be avoided.

We will be providing locational data to Energy Transfer for all sites that possess substantial densities of artifacts, have integrity and meet the NRHP criteria. This data will be used for rerouting and avoidance purposes. Should an eligible resource not be avoided we will submit a separate work plan for SHPO comment and approval prior to testing.

We will prepare the survey report in accordance with the SHPO Guidelines, including all relevant archaeological site, architectural resource, cemetery and historic property inventory forms. The report will include background and context overviews; results of the archaeological, and architectural; and recommendations for additional investigations to determine NHRP eligibility and/or avoidance measures.

Tribal coordination will be conducted on a project-wide level, with efforts spearheaded by Energy Transfer. Perennial and Gray & Pape will coordinate with tribes with staked interest in the portion of the project in South Dakota to provide Project details and offer a platform for tribes to further express their concerns. However, it will be incumbent upon the USACE as the Federal Lead to initiate tribal involvement and formal consultation for the Project regarding consultation meetings, TCP surveys and tribal monitors.

Listed Exhibit: 15

**DAPL, South Dakota
Gray & Pape, Inc.
Geoarchaeological Assessment Scope of Work**

Introduction

As part of the Level III intensive cultural resources survey for the Dakota Access Pipeline Project (DAPL)(Figure 1), Gray and Pape have included methods designed to identify any potentially deeply buried cultural deposits. Deeply buried cultural deposits are those that are buried deeper than 0.50 to 1.0 meters (m) below the current ground surface. As such they are difficult to identify by conventional archaeological surface or near surface investigations. Since the DAPL Project crosses a dynamic landscape, the potential exists that deeply buried cultural materials are present. The object of the geoarchaeological investigation portion of this overall study is to first identify landscape or landforms with the potential to hold deeply buried cultural deposits and, second, to ascertain if those landforms do contain deeply buried cultural materials.

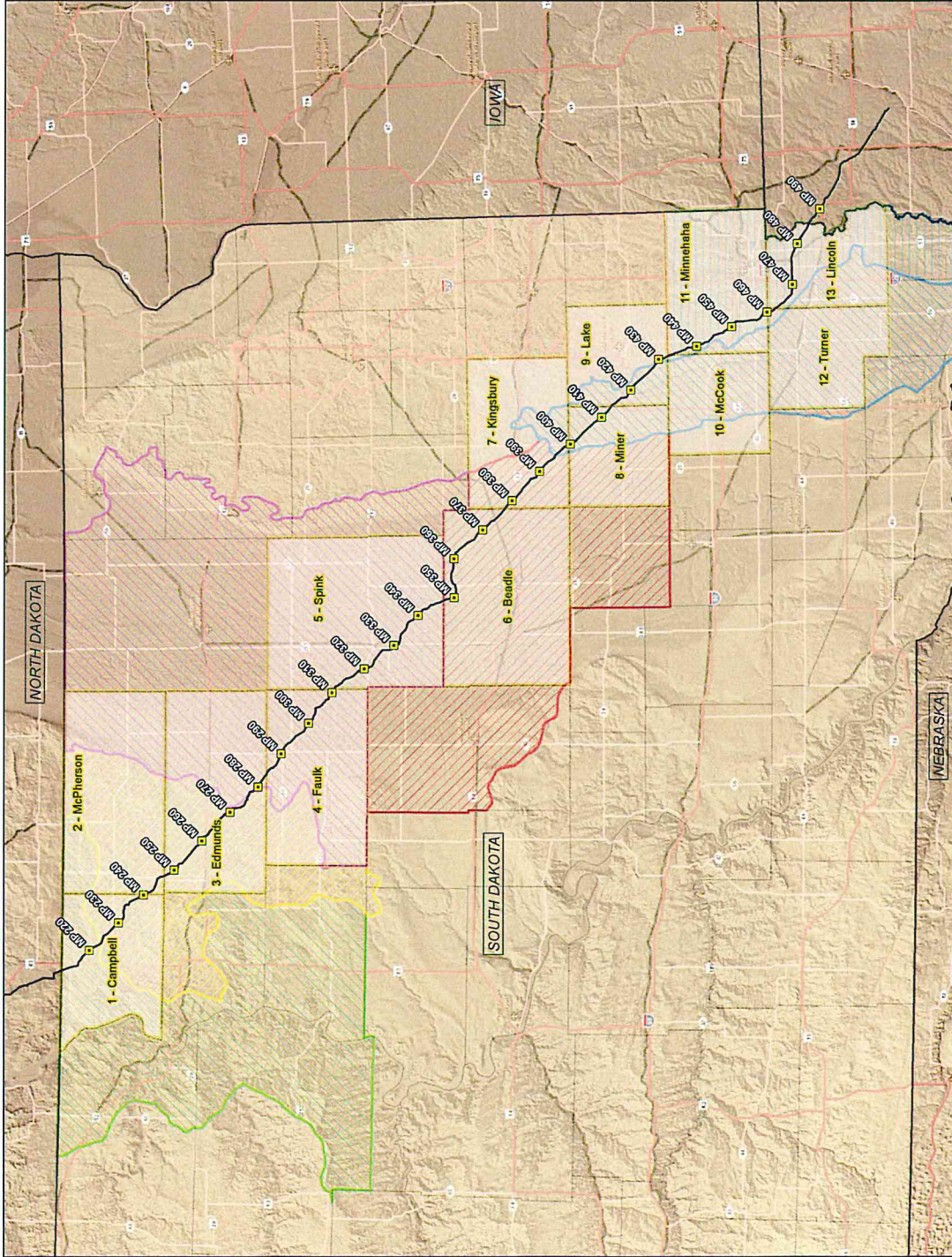
To identify areas with the potential to contain deeply buried deposits, a desktop assessment was used to construct a model for identifying areas to be investigated in the field. This geoarchaeological investigation followed the procedures outlined by Artz (2011). Artz (2011: 44–45) categorizes buried site potential of landforms as High, Medium, and Low:

High Potential: Given to landforms created in low-energy depositional circumstances that have strata that are both thick enough to contain stratigraphically separated cultural deposits and that are capable of having preserved such deposits in primary context.

Medium Potential: Landforms that are capable of preserving buried cultural deposits, by may have been altered by high-energy or erosional processes.

Low Potential: Landforms composed of sediments that may be either too old or too young to contain cultural deposits or that may have formed in high-energy depositional environments that were not conducive for either habitation or site preservation.

Using these criteria, a number of different sources were consulted to undertake the desktop assessment, including but not limited to: quarternary geology maps, soil surveys, and aerial and topographic mapping. These sources were used to identify sedimentary environments and any landforms they might contain that could have either high or medium potential landforms such as: dunes, alluvial terraces and fans, loess and sand sheets, lip loess, and beach ridges. The geomorphic desktop assessment identified 49 areas with high or moderate potential for buried cultural resources. Once identified, these Deep Testing Locations (DTL) were numbered sequentially by the county. Not all counties crossed by the DAPL project area contained areas of high or medium probability.



LEGEND

- DAPL Centerline
- Milepost (10-mi. Interval)
- South Dakota Archaeological Region
 - Grand-Moreau
 - Missouri Coteau
 - Upper James
 - Middle James
 - Vermillion Basin
 - Upper Big Sioux
 - Lower Big Sioux

Scale bars for 0, 25, 50 Kilometers and 0, 20, 40 Miles. Includes a north arrow.

DAPL Pipeline Project,
South Dakota

DAKOTA ACCESS, LLC
Figure 1

Once identified, these areas were ground truthed by the survey team to provide a field assessment of the areas and determine if they had the potential to contain deeply buried cultural deposits. Field investigations provided an assessment of the landform and topographic setting. Hand augering was also conducted at the DTLs. The hand auger tests provided subsurface information on the landform. Data gathered included a description of the deposits, such as depth of overall low-energy sedimentary deposits, presence of intact strata, and the presence of buried paleosols (buried A horizons). If the field investigation confirmed the DTL to have high or medium potential, they were recommended for further geoarchaeological investigation or avoidance.

The field investigations identified nine locations with a high potential for buried deposits. Two of the locations were avoided by route modifications and will be avoided by construction. Four locations at the James River in Beadle County, Pearl Creek in Beadle County, the Vermillion River in Lake County and the Big Sioux River in Lincoln County, will include horizontal directional drilling (HDD). The depth of the HDD will avoid strata identified to contain the potential for buried cultural deposits and no further investigation of these areas is warranted. The remaining three locations at Campbell 6 (Spring Creek), Faulk 2 (Snake Creek), and Beadle 11 (Foster Creek), are recommended for further geoarchaeological investigations and described in more detail below.

Project Construction

The typical construction workspace (i.e., the temporary ROW) for the pipeline will be 38.1-m wide but may range from 25.9 m wide up to 61 m in width to accommodate environmental and engineering constraints. The construction corridor will be divided into a spoil side, where fill from the trench is stored, and a working side, where vehicles will travel and where pipe will be placed prior to lowering it into the trench. The typical ROW split will be 15 m on the spoil side and 23 m on the working side. Dakota Access will retain a permanent ROW of 15 m centered on the pipeline during operation of the new facilities.

Ground disturbance will consist of blading and trenching. Staked construction corridors will be cleared of vegetation with heavy machinery. The corridors may also be bladed by bulldozers to remove topsoil and to prepare a relatively even surface for vehicular traffic, pipeline placement, and welding. Disturbances associated with corridor clearing and preparation is usually restricted to the uppermost 0.3 m. Deeper cuts may be made on the steep side-slopes and at drainage crossings. It is likely, however, that efforts will be made to minimize corridor blading, except in areas where blading is necessary to ensure the safety of project personnel. Most gently sloping areas will simply have vegetation cut at ground level, so that vegetation roots can serve to stabilize the soil. Pipeline trenches will be excavated by trenching machines or trackhoes. Generally, the trench will be excavated to a sufficient depth to allow for a minimum of 0.9 m of cover over the pipe as required by federal laws, regulations and industry best practices. Typically the bottom width of the trench will be cut at least 0.3 m wider than the width of the pipe. The width at the top of the trench will vary to allow the side slopes to be adapted to local conditions at the time of construction for safety and compliance.

Geoarchaeological Methods

The primary method of performing the geoarchaeological investigation of the three locations will be through backhoe trenching performed by a qualified geoarchaeologist (e.g. possessing the educational background and skill sets outlined in (Artz 2011:65)). In adherence to the excavation safety standards established by OSHA in 29CFR 1926.650, 1926.651, and 1926.652 and state equivalents for deep excavation safety, a competent person, having completed competency training (29CFR1926 Subpart P), will be on site to help establish the proper trench width necessary to ensure safe excavation methods, based on soil type and conditions. Trenches will be between 3.0 and 5.0 meters in length. Trenches will generally be judgmentally placed within the project workspace, in order to best test the landform(s) present; however, spacing between trenches should be not exceed 50 m. Trench orientation will also be determined in the field, as dictated by orientation of the landforms(s) being tested. The location of each excavated trench will be recorded using a GPS unit.

Trenching equipment should include a back-hoe/track-hoe with a minimum 1.2 m wide flat blade bucket. Under the supervision of a Gray & Pape geoarchaeologist, natural soil horizons will be removed in 5-10 centimeters (cm) thick slices, until either a depth between 1.5 m is reached, the water table is breached, or basal sediment deposits are encountered. If, at 1.5 m, neither the water table nor basal sediments have been encountered, the depth of the trench will be extended another meter, after first excavating one meter wide benches on either side of the trench. Before such expansion occurs, trench walls will be cleaned first using heavy equipment and then by hand tools, such as shovels and trowels, and then examined for evidence of cultural materials or features.

If cultural materials are identified within trenches, between two and four 1- by 1-m test units will be excavated to gather additional information regarding the nature and density of cultural materials. Test units will be excavated in 10-cm arbitrary levels within natural soil horizons. All soils will be screened through 0.64 cm mesh hardware cloth to ensure complete artifact recovery. If features are identified, the top of the feature will be exposed and a scaled drawing of the planview will be completed. One half of the feature will be excavated and all sediments screened through ¼-in mesh hardware cloth. A profile will be drawn of the unexcavated half of the feature. The remainder of the feature will be excavated. Sediments will be excavated in 10-cm arbitrary levels within natural or cultural deposits. One 10-liter soil sample will be recovered to process later for the presence of macro- and micro-botanical specimens. Artifacts recovered will be bagged by provenience. Artifacts will be washed, or otherwise cleaned as required by their state of preservation, and then sorted, labeled, processed by material and type, and placed in appropriately labeled plastic bags. The analysis of artifacts will include a quantitative summary by type, form, age, and function, if possible.

After the investigation for cultural materials or features is complete the trench profiles will be described. Each trench will be documented through the use of detailed descriptions and photographs. Sample trench profiles will be drawn to document soil and sediment stratigraphic sequencing and archaeological deposits (if present). In the event that the trench is expanded and taken deeper, the newly exposed lower extent of the trench will be document in the same manner as described above. Trench depth will not exceed this second depth with mechanical excavation

halting at 2.5 m below surface. Before a trench is entered a viable egress, in the form of steps or a ramp on at least one end of the trench will be created.

Overall description of the trench profiles will follow set standards in accordance with USDA terminology discussed in the Soil Survey Manual (Soil Survey Staff 1993). Such descriptions of the soil profiles will be done while the profile was in a moistened condition and included: soil horizon, Munsell color, texture, mottling, soil structure, ped coatings, sedimentary structure and bedding characteristics, moisture consistency, boundary type, and inclusions such as organic material or artifacts.

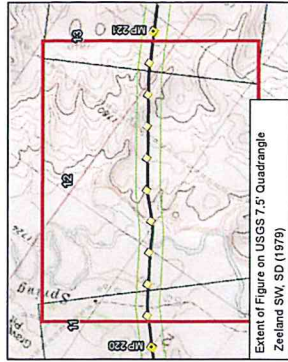
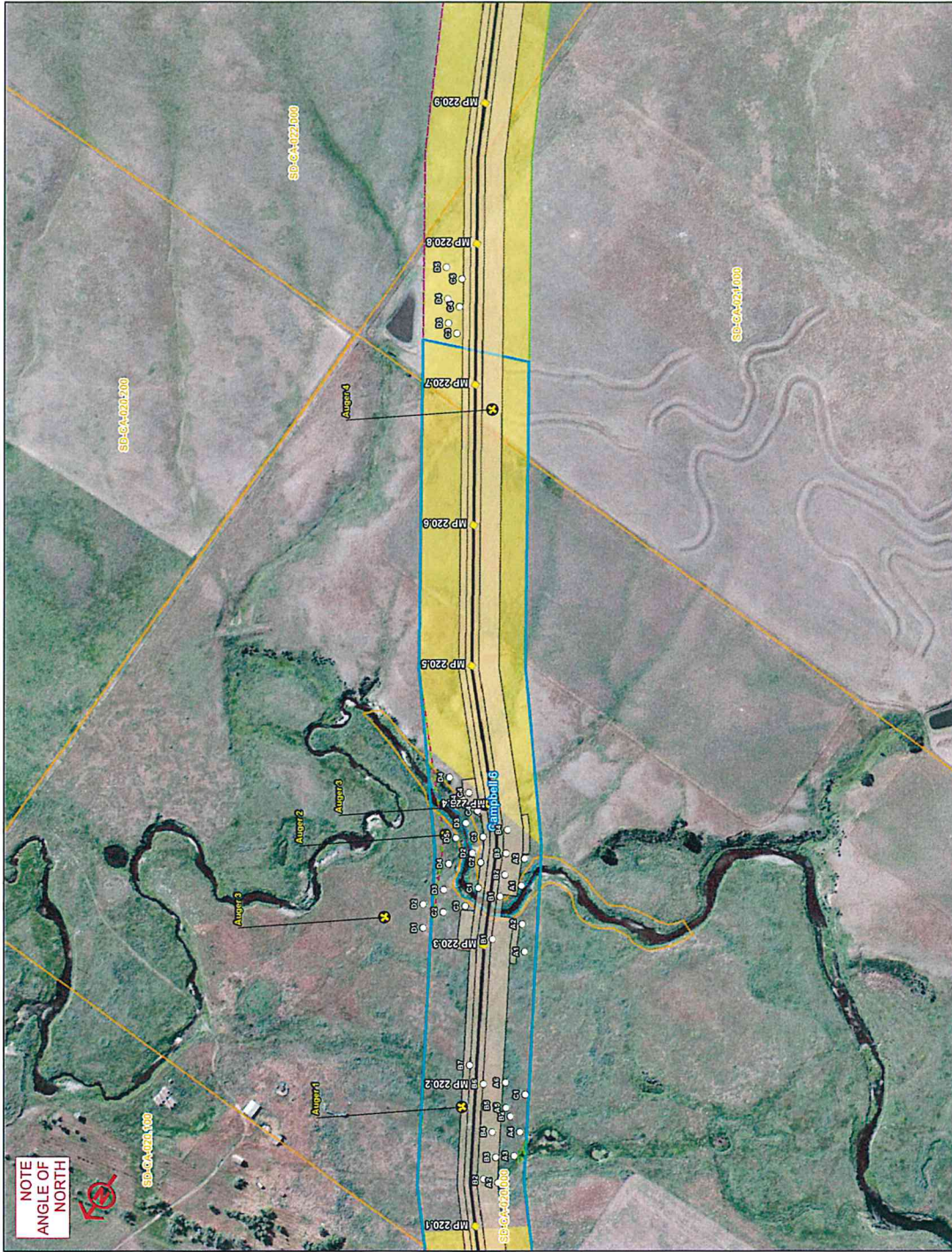
Radiocarbon samples, if present, will be collected from exposed trench walls. If it is determined that radiocarbon dating will aid in the interpretation of either the natural or cultural deposits, samples will be selected from those collected in the field to preforms such analysis.

If basal sedimentary deposits are not reached at the trench's maximum depth of 2.5 m below ground surface, hand auger cores, consisting of a 8-cm bucket auger, will be employed to test through the base of the trench in order to better ascertain the extent of deposits that make up the landforms being tested. This testing will extend until either basal sedimentary deposits, the auger hole collapses, or the auger refuses. Auger tests will be recorded according to the depth of sediment or soil changes, the descriptions of soils encountered (including color, texture, structure, and inclusions), and any other information that would be likely to better indicate the particular landform's depositional history. In addition to testing below trenches, auger test may also be used to explore the horizontal extent of deposits of interest within the project workspace.

DTL Summary

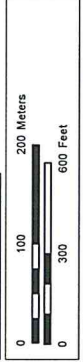
Spring Creek (Campbell County DTL 6)

The project crosses Spring Creek in Campbell County in Section 2, Township 127 North, Range 76 West (Figure 2). Initial hand auger testing encountered a buried surface horizon (Ab horizon) in Auger 1. This auger was excavated to a depth of 154 m and exhibited the following sequence: A-B1-B2-B3-Ab-B4-C1-C2. The A horizon was 30 cm thick and consisted of a very dark grayish brown (10YR 3/2) sandy loam. The B1 horizon was identified at a depth of 30 to 40 cm and consisted of a very dark grayish brown (10YR 3/2) silt with 3% gravels. The B2 horizon was identified between 40 and 58 cm and consisted of a dark grayish brown (10YR 4/2) blocky silt with 2% gravels. The B3 horizon was identified between 58 and 68 cm and consisted of a grayish brown (10YR 5/2) silt loam. A buried soil horizon (Ab) was identified between 68 and 98 cm and consisted of a dark grayish brown (10YR 3/2) silty clay loam. The B4 horizon was found between 98 and 117 cm and consisted of a dark grayish brown (10YR 3/2) silty sandy loam mixed with pale brown (10YR 6/3). The B5 horizon was found between 117 and 132 cm and consisted of brown (7.5YR 4/3) silty clay loam. The C1 horizon was found between 132 and 143 cm and consisted of a dark brown (7.5YR 3/3) mixed with light brownish gray (10YR 6/2) sandy loam. The C2 horizon occurred between 143 and 154 cm and consisted of a light yellowish brown medium coarse sand with gravel.



LEGEND

- Current Centerline
- Tenth
- Footprint
- Property Tract
- Field-Confirmed Stream
- Field-Confirmed Wetland
- Survey Corridor - Current
- CRW Survey Coverage
- Surface Inspection
- Auger Test - Positive
- Auger Test - Negative
- ⊕ Deep Testing Location



Detail of Survey Coverage
Spring Creek Crossing
Campbell County, South Dakota



Review of aerial and topographic maps indicate this location is likely a landform composed of alluvium and could be either an alluvial terrace or an alluvial fan. The buried surface was encountered at 68 and 98 cm below ground surface, while basal deposits were likely reached at approximately 1.5 m below ground surface. If this is a fan, the sand and gravels could be part of the overall fan stratigraphy and not true basal deposits. Therefore, testing should aim for depths that exceed 1.5 m to verify the findings of the initial testing. This can be accomplished initially by hand auguring through the base of the trench to determine if subsequent trench expansion (stepped benched) is needed to reach greater depths.

Additional detailed geoarchaeological testing and assessment of this location will be performed primarily through a series of backhoe excavated trenches. Up to four trenches will be employed, generally in a single transect running northwest from the northern bank of Spring Creek, approximately 100 m. If further buried surface horizons are encountered in these trenches, select auger tests will be performed laterally away from such trenches to better ascertain the horizontal extent of the deposits, up to a total of 8 auger tests.

Snake Creek (Faulk County DTL 2)

The project crosses Snake Creek in Faulk County in Section 6, Township 119 North, Range 67 West (Figure 3). Initial hand auger testing encountered a buried surface horizon (Ab horizon) in Auger 3. Auger 3 was excavated to a depth of 176 cm and exhibited the following sequence: A-Bw-Bt1-Ab-Bt2-Bt3-Bt4-Bt5-C. The A horizon was 42 cm thick and consisted of a very dark grayish brown (10YR 3/2) silt loam. The Bw horizon was found between 42 and 65 cm and consisted of a dark brown (10YR 3/3) silt loam. The Bt1 horizon was found between 65 and 90 cm and consisted of a brown (10YR 4/3) silty clay loam. A buried soil horizon (Ab) was found between 90 and 105 cm and consisted of a very dark brown (10YR 2/2) clay loam. The Bt2 horizon was found between 105 and 126 cm and consisted of a dark brown (7.5YR 3/4) silty clay loam. The Bt3 horizon was found between 126 and 150 cm and consisted of a brown (10YR 4/3) sandy clay loam. The Bt4 horizon was found between 150 and 160 cm and consisted of a dark brown (10YR 3/3) silty clay loam. The Bt5 horizon was found between 160 and 167 cm and consisted of a brown (10YR 4/3) silty clay loam. The C1 horizon was found between 167 and 176 cm and consisted of a brown (7.5YR 4/3) sandy loam.

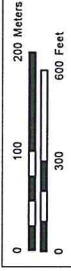
Review of aerial and topographic maps indicate this location is likely a landform composed of alluvium, either an alluvial terrace or a floodplain. The buried surface was encountered at 90 and 105 cm below ground surface, while basal deposits were likely reached at approximately 1.8 m below ground surface. Therefore, testing should aim for depths that do not exceed 2.0 m to verify the findings of the initial testing. This will likely require a trench with benched steps to allow depth below 1.5 m to be reached.

Additional detailed geoarchaeological testing and assessment of this location will be performed primarily through a series of backhoe excavated trenches. Two trenches will be excavated on either side of Snake Creek. If further buried surface horizons are encountered in these trenches, select auger tests will be performed laterally away from such trenches to better ascertain the horizontal extent of the deposits, up to a total of 4 auger tests.



LEGEND

- Current Centerline
- Milepost
- Tenth
- Footprint
- Property Tract
- Previously Recorded/Archaeological Site
- Previously Surveyed Area
- Field-Confirmed Wetland
- Field-Confirmed Stream
- Survey Corridor - Current
- Survey Corridor - Outdated
- Newly Identified Site
- CRM Survey Coverage
- CRM Survey Pending
- Shovel Test - Negative
- Shovel Test - Positive
- Auger Test
- Auger Test - Positive
- Deep Testing Location



Detail of Survey Coverage,
Snake Creek Crossing
Faulk County, South Dakota



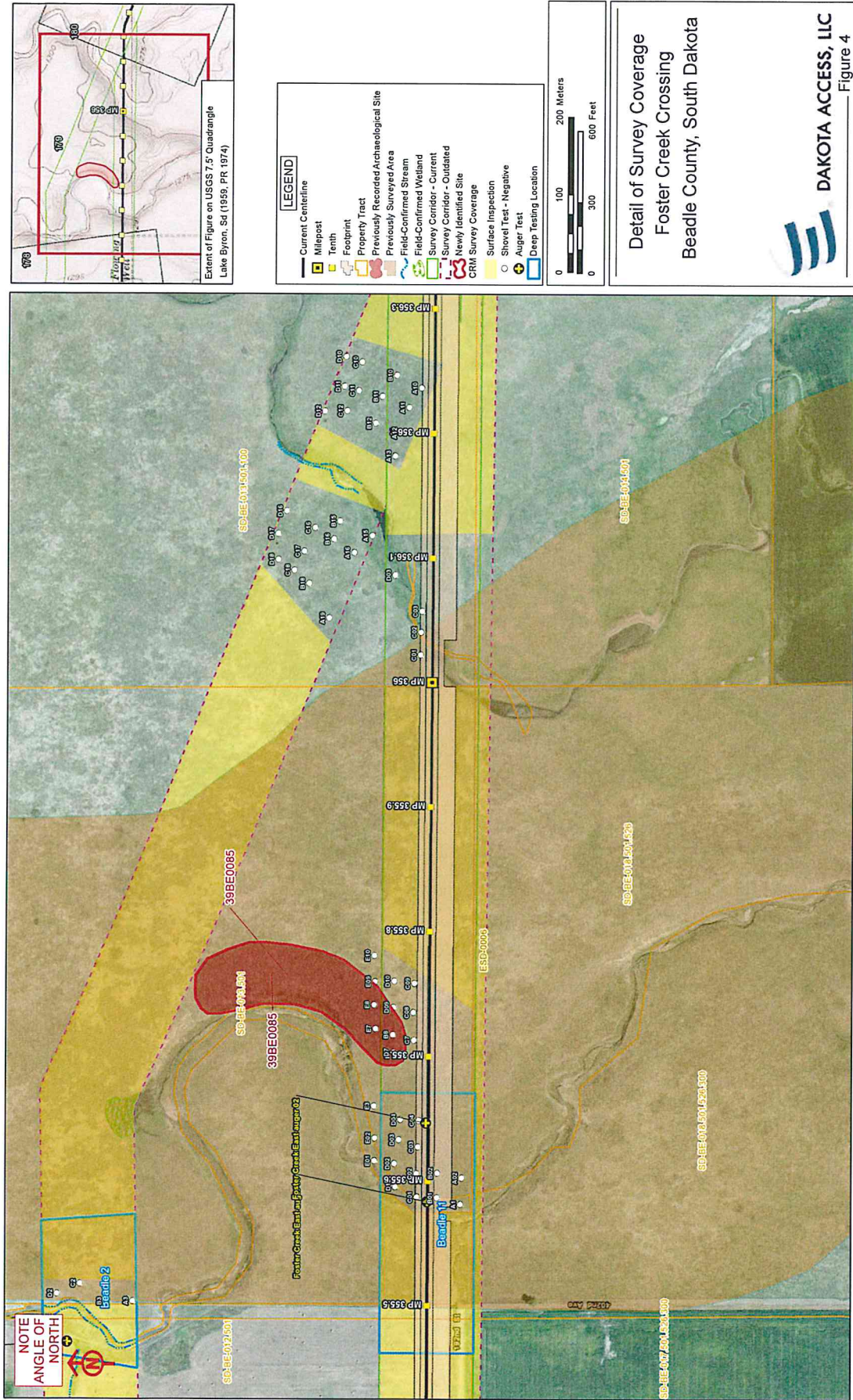
DAKOTA ACCESS, LLC
Figure 3

Foster Creek (Beadle County DTL 11)

The project crosses Foster Creek in Beadle County in Section 9, Township 113 North, Range 61 West (Figure 4). A paleosol or buried soil horizon was noted along the cutbank of Foster Creek, near the location of previously recorded site 39BE0085. Site 39BE0085 was reported in 1980 during the James River Survey (Haberman 1980). The edge of the site was observed in a cutbank on the west side of Foster Creek. Buried lithics and bone were observed in the cutbank. The artifacts were described as a biface midsection, utilized flakes, flakes and a shell fragment. The depth of the deposits was not provided and the size of the site was noted as unknown. The southern edge of the site boundary was located in the mainline corridor.

Review of aerial and topographic maps indicate this location is likely a landform composed of alluvium, either an alluvial terrace or a floodplain. A buried surface was noted in the cutbank of Foster Creek within the upper meter of sediments. Two augers were excavated nearby Foster Creek to depths between 152 and 155 cm below ground surface. Soils in Auger 1 were quite dark and ranged between black (10Y 2/1) and dark brown (10YR 3/3) with some grayish brown and dark yellowish brown mottles. Soils consisted of silty sand, sandy clay, and clayey sand. While archaeologists were unable to re-identify the buried soil horizon, low-energy sediments were identified, suggesting the potential for buried soil deposits. Testing should aim for depths that do not exceed 2.0 m to re-identify the paleosol identified in the creek cutbank and to reach the base of alluvial sediments. This will likely require a trench with bench steps to allow depth below 1.5 m to be reached.

Additional detailed geoarchaeological testing and assessment of this location will be performed primarily through a series of backhoe excavated trenches. Three trenches will be excavated on the east side of Foster Creek. If further buried surface horizons are encountered in these trenches, select augers test will be performed laterally away from such trenches to better ascertain the horizontal extent of the deposits, up to a total of 4 auger tests.



References Cited

Artz, Joe Allen

2011 *A Geoarchaeological Overview of South Dakota and Preliminary Guidelines for Identifying and Evaluating Buried Archaeological Sites*. Office of the State Archaeologist. The University of Iowa. Iowa City.

Haberman, Thomas W.

1980 *Volume II, James River Survey, Spink and Beadle Counties, South Dakota*. CIS No. 68b (68-II). Copies available from South Dakota State Historical Society, Archaeological Research Center, Rapid City, South Dakota.

Listed Exhibit: 16

Abby Peyton

From: Olson, Paige <Paige.Olson@state.sd.us>
Sent: Friday, June 05, 2015 2:14 PM
To: 'Beth McCord'
Cc: Abby Peyton; Haug, Jim; Fosha, Mike
Subject: RE: Areas with buried site potential

Thank you for the opportunity to review the proposed methods for identifying deeply buried deposits. I have no concerns with the proposed methods provided that the trenching matches or exceeds the depth of the pipeline.

Thank you,

Paige Olson
Review and Compliance Coordinator
South Dakota State Historical Society
900 Governors Drive
Pierre, SD 57501
(605) 773-6004

From: Beth McCord [<mailto:bmccord@graypape.com>]
Sent: Wednesday, June 03, 2015 2:23 PM
To: Olson, Paige
Cc: Abby Peyton
Subject: RE: Areas with buried site potential

Paige,

Attached is the plan for your review. Please let me know if you need any additional information or have questions.

Thanks,

Beth McCord
Senior Principal Investigator, Archaeology
Indiana Branch Manager

From: Olson, Paige [<mailto:Paige.Olson@state.sd.us>]
Sent: Wednesday, June 03, 2015 9:37 AM
To: Beth McCord
Subject: RE: Areas with buried site potential

Hi Beth,

It really depends on when you submit the methods. I will be out of the office next Tuesday – Friday. But in general the review would probably take a day or two.

Thanks,
Paige

From: Beth McCord [<mailto:bmccord@graypape.com>]
Sent: Tuesday, June 02, 2015 3:28 PM
To: Olson, Paige
Subject: Areas with buried site potential

Paige,

As we mentioned in the management summary for the DAPL project we have a couple of stream crossings that have low energy deposition and have the potential for buried cultural deposits. Currently, the streams will not be avoided by HDD. In the scope of work for the Level III survey we submitted to you in August, we had noted that we would submit a work plan to conduct the geoarchaeological assessment for your review. We believe the best method to identify cultural deposits will be a few backhoe trenches at each location. I was wondering when we submit our methods how long it would take you to review the plan. Could you let me know?

Thanks,

Beth McCord
Senior Principal Investigator, Archaeology
Indiana Branch Manager



5807 North Post Road
Indianapolis, IN 46216
Phone: 317.541.8200
Cell: 513.484.8156

Listed Exhibit: 17

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

IN THE MATTER OF THE) APPLICATION OF DAKOTA) ACCESS, LLC FOR AN ENERGY) FACILITY PERMIT TO) CONSTRUCT THE DAKOTA) ACCESS PIPELINE PROJECT))	HP14-002 REPLY TO INTERROGATORIES OF DAKOTA ACCESS LLC TO TO DAKOTA RURAL ACTION, INC.
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TO: May, Adam, Gerdes & Thompson LLP

Please find replies to the first set of interrogatories submitted to Dakota Rural Action, pursuant to SDCL § 15-6-33. It is understood these interrogatories are to be deemed continuing and if I or any agents or representatives obtain any information with respect to them after making original answers, supplemental answers will be made.

INTERROGATORY NO. 1: State the name of each person answering these interrogatories and include for each person their title and business address.

ANSWER NO. 1: Kimberly Craven, Attorney, 3560 Catalpa Way, Boulder, CO 80304

INTERROGATORY NO. 2: Please identify any witnesses, whether fact or expert, which you intend to call at the evidentiary hearing on the above-captioned matter. For each such witness, state:

- a. Witness name;
- b. Witness contact information;
- c. Whether the witness is expert or fact;
- d. A general statement descriptive of the matters to which each witness will testify;
- e. Whether the witness will submit sworn pre-filed written testimony; and,
- f. For each expert provide a resume or CV.

ANSWER NO. 2: Dakota Rural Action does not know which witnesses, either fact or expert, it plans to call at the evidentiary hearing.

INTERROGATORY NO. 3: Please state with specificity the objections, if any, which Dakota Rural Action, Inc. has to the Dakota Access project. For each such objection:

- a. Outline a complete factual basis, any relevant law, rule or regulation applicable thereto and an expected or desired outcome if any.
- b. For each such objection, state the decision maker responsible for deciding said objection.

ANSWER NO. 3: Dakota Rural Action is still researching the laws, rules and regulations that it may find applicable for objections it may raise to the Dakota Access pipeline.

INTERROGATORY NO. 4: State any conditions for which you plan to advocate. For each, state the basis.

ANSWER NO. 4: Dakota Rural Action is still researching the conditions for which it may be advocating.

Dated this 1stth day of May, 2015.

BY: /s/ Kimberly Craven
Kimberly Craven
Attorney for Dakota Rural Action
3560 Catalpa Way
Boulder, CO 80304
303.494.1974
kimecraven@gmail.com

Listed Exhibit: 18

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

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

**HP14-002
REPLY TO
INTERROGATORIES OF
DAKOTA ACCESS LLC TO
DAKOTA RURAL ACTION, INC.
(SECOND SET)**

TO: BRETT KOENECKE, Attorneys for Dakota Access, LLC 503 South Pierre Street
P.O. Box 160, Pierre, SD 57501, (605) 224-8803 brett@mayadam.net

The Dakota Rural Action (DRA) hereby submits the following Answers and Objections to Dakota Access Second Set of Interrogatories.

INTERROGATORY NO. 1: List your members who own land over which the proposed pipeline is currently routed.

OBJECTION. Dakota Rural Action objects to this interrogatory on the grounds that the Interrogatory calls for an answer that is not relevant to the scope of the proceedings, is an invasion of our member's privacy and will not lead to admissible evidence for the applicant's burden of proof under SDCL 49-41B.

INTERROGATORY NO. 2: List your members who own land within one half mile of the proposed pipeline route.

OBJECTION. Dakota Rural Action objects to this interrogatory on the grounds that the Interrogatory calls for an answer that is not relevant to the scope of the proceedings, is an invasion of our member's privacy and will not lead to admissible evidence for the applicant's burden of proof under SDCL 49-41B.

INTERROGATORY NO. 3: Does Dakota Rural Action disagree with or oppose the construction of crude oil transportation pipelines in the State of South Dakota, regardless of where situated within the state?

ANSWER NO. 3: Dakota Rural Action does not have a position on the construction of crude oil transportation pipelines in the State of South Dakota, regardless of where situated within the state.

INTERROGATORY NO. 4: Does Dakota Rural Action have a formal position regarding the construction of crude oil pipelines in the State of South Dakota? If so, what is it and how was that position developed.

ANSWER NO. 4: No.

INTERROGATORY NO. 5: Does Dakota Rural Action have a formal position regarding the proposed Dakota Access pipeline? If so, what is it and how was that position developed.

ANSWER NO. 5: Yes. After discussing the Dakota Access pipeline, the DRA Board of Directors voted to oppose the DA pipeline by a democratic vote at a recent board meeting.

INTERROGATORY NO. 6: If the answer to No. 3 above is “no,” generally state what it is about the proposed Dakota Access pipeline that the Dakota Rural Action finds objectionable.

ANSWER NO. 6: Not applicable. However, the board opposes the Dakota Access pipeline because it is environmentally risky and poses potential health and welfare hazards for the people of South Dakota.

INTERROGATORY NO. 7: If the answer to No. 3 above is “yes,” generally state the organization’s objections to the construction of crude oil transportation pipelines in the State of South Dakota.

ANSWER NO. 7: Not applicable.

REQUEST FOR PRODUCTION OF DOCUMENTS 1: Provide a copy of all documents referenced in any answer above or which supports any answer above.

There are currently no documents available to support DRA's answers. In accordance with SDCL 15-6-26(e), DRA will continue to supplement its answers.

Dated this 22th day of June, 2015.

KIMBERLY CRAVEN, ATTORNEY AT LAW

BY: /s/ Kimberly Craven
KIMBERLY CRAVEN
Attorney for DRA
3560 Catalpa Way
Boulder, CO 80304
(303) 494-1974
kimecraven@gmail.com

CERTIFICATE OF SERVICE

Kimberly Craven hereby certifies that on the 22nd day of June, 2015, I electronically sent a true and correct copy of the foregoing in the above captioned action to the following at their last known addresses:

BRETT KOENECKE
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
(605) 224-8803
brett@mayadam.net

Kara Semmler
503 South Pierre Street
P.O. Box 160

Pierre, SD 57501
(605) 224-8803
kcs@mayadam.net

/s/ Kimberly Craven
KIMBERLY CRAVEN

Listed Exhibit: 19

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

IN THE MATTER OF THE)	
APPLICATION OF DAKOTA	)	HP14-002
ACCESS, LLC FOR AN ENERGY)	
FACILITY PERMIT TO	)	INTERROGATORIES OF
CONSTRUCT THE DAKOTA	)	DAKOTA ACCESS LLC TO
ACCESS PIPELINE PROJECT	)	ROSEBUD SIOUX TRIBE, SICANGU
	)	LAKOTA TREATY OFFICE

TO: ROSEBUD SIOUX TRIBE, SICANGU LAKOTA TREATY OFFICE AND ITS ATTORNEY MATTHEW L. RAPPOLD:

YOU ARE HEREBY REQUESTED to answer the following written interrogatories which are to be answered by you within the time and in the manner required by SDCL § 15-6-33.

These interrogatories are directed to you, but are intended to likewise obtain any information with respect thereto now known by any other agents or representatives you may have in this matter. These interrogatories are to be deemed continuing and if you or said agents or representatives obtain any information with respect to them after making original answers, it is required that supplemental answers be made.

INTERROGATORY NO. 1: State the name of each person answering these interrogatories and include for each person their title and business address.

ANSWER: Matthew L. Rappold, attorney for the Rosebud Sioux Tribe, Sicangu Lakota Treaty Office is responsible for answering these questions. His business address is PO Box 873 Rapid City, SD 57709.

INTERROGATORY NO. 2: Provide names of the officers and council members.

ANSWER AND OBJECTION: The question as stated is vague and ambiguous because it does not state with particularity what officers and council members the question is referring to. If the question is asking about the names of the Council Members for the Rosebud Sioux Tribe, the question is objected to further on the grounds that the question is irrelevant as the Rosebud Sioux Tribe is authorized to act only on the official resolution of the Tribal Government as a whole, not individual council members. Without waiving the objection, the Director of the Rosebud Sioux Tribe Sicangu Oyate Treaty Office is Royal Yellow Hawk.

INTERROGATORY NO. 3: Please identify any witnesses, whether fact or expert, which you intend to call at the evidentiary hearing on the above-captioned matter. For each such witness, state:

- a. Witness name;
- b. Witness contact information;

- c. Whether the witness is expert or fact;
- d. A general statement descriptive of the matters to which each witness will testify;
- e. Whether the witness will submit sworn pre-filed written testimony; and,
- f. For each expert provide a resume or CV.

ANSWER: At this time the RST Sicangu Oyate Treaty Office has not identified fact or expert witnesses that it intends to call at the evidentiary hearing on this matter. To the extent that these interrogatories are subject to supplementation consistent with the Rules of Civil Procedure, these answers will be supplemented as that information becomes known and available.

INTERROGATORY NO. 4: Please state with specificity the objections, if any, which Rosebud Sioux Tribe, Sicangu Lakota Treaty Office has to the Dakota Access project. For each such objection:

- a. Outline a complete factual basis, any relevant law, rule or regulation applicable thereto and an expected or desired outcome if any.
- b. For each such objection, state the decision maker responsible for deciding said objection.

ANSWER: At this early stage of the proceedings the RST SOLO is in the process of determining the specific objections that it has with the Dakota Access project. To the extent upon which this interrogatory is deemed to be continuing in nature, this Interrogatory will be supplemented as the information sought becomes available.

Dated this 29th day of April, 2015.

OBJECTIONS

The objections stated to Dakota Access Interrogatories were made by Matthew L. Rappold, attorney for the Rosebud Sioux Tribe, Sicangu Oyate Treaty Office for the reasons and upon the grounds stated.

Dated this 29th day of April, 2015.

/s/ Matthew L. Rappold
Matthew L. Rappold
Rappold Law Office
PO Box 873
Rapid City, SD 57709
(605) 828-1680
Matt.rappold01@gmail.com

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on the 29th day of April, 2015, he sent a true and correct copy of the following responses to Dakota Access Interrogatories by electronic transmission; to-wit:

MAY, ADAM, GERDES & THOMPSON LLP
BRETT KOENECKE
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
(605) 224-8803
brett@mayadam.net

/s/ Matthew L. Rappold
Matthew L. Rappold

Listed Exhibit: 20

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

IN THE MATTER OF THE)	
APPLICATION OF DAKOTA	)	HP14-002
ACCESS, LLC FOR AN ENERGY)	
FACILITY PERMIT TO	)	ROSEBUD SIOUX TRIBE'S
CONSTRUCT THE DAKOTA	)	SUPPLEMENTED RESPONSES TO
ACCESS PIPELINE PROJECT	)	FIRST SET OF INTERROGATORIES
)	

TO: BRETT KOENECKE, Attorneys for Dakota Access, LLC 503 South Pierre Street
P.O. Box 160, Pierre, SD 57501, (605) 224-8803 brett@mayadam.net

The Rosebud Sioux Tribe, Sicangu Oyate Land Office and the Sicangu Nation Treaty Council submits the following supplemented answers in response to Dakota Access first set of Interrogatories and Request for Production of Documents.

INTERROGATORY NO. 1: State the name of each person answering these interrogatories and include for each person their title and business address.

ANSWER: The answer previously provided in response to Interrogatory One remains unchanged.

INTERROGATORY NO. 2: Provide names of the officers and council members.

ANSWER: The answer previously provided in response to Interrogatory Two remains unchanged.

INTERROGATORY NO. 3: Please identify any witnesses, whether fact or expert, which you intend to call at the evidentiary hearing on the above-captioned matter. For each such witness, state:

- a. Witness name;
- b. Witness contact information;
- c. Whether the witness is expert or fact;
- d. A general statement descriptive of the matters to which each witness will testify;
- e. Whether the witness will submit sworn pre-filed written testimony; and,
- f. For each expert provide a resume or CV.

ANSWER: The answer previously provided in response to Interrogatory Three remains unchanged.

INTERROGATORY NO. 4: Please state with specificity the objections, if any, which Rosebud Sioux Tribe, Sicangu Lakota Treaty Office has to the Dakota Access project. For each such objection:

- a. Outline a complete factual basis, any relevant law, rule or regulation applicable thereto and an expected or desired outcome if any.
- b. For each such objection, state the decision maker responsible for deciding said objection.

ANSWER AND OBJECTION: The Rosebud Sioux Tribe objects to Dakota Access's application for the construction of the Dakota Access pipeline on the grounds, not limited to, by way of this answer, that the Applicant will be unable to satisfy the statutory requirements of SDCL 49-41B and other relevant laws, including but not limited to the Pipeline Safety Act, its associated implementing regulations, application of the PUC Administrative rules, compliance with which is necessary in order to obtain a permit for the construction of an interstate pipeline facility of this nature. Rosebud Objects to subsections (a) and (b) on the grounds that the questions seeks answers that are beyond the scope of the requirements of discovery statutes.

Dated this 15th day of June, 2015.

/s/ Matthew L. Rappold
Matthew L. Rappold
Rappold Law Office
PO Box 873
Rapid City, SD 57709

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on the 15th day of June, 2015, he caused a true and correct copy of the original of the foregoing Rosebud Sioux Tribe's Supplemented Responses to Dakota Accesses First Set of Interrogatories and Request for Production of Documents, by electronic transmission to the following:

BRETT KOENECKE
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
(605) 224-8803
brett@mayadam.net

Kara Semmler
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
(605) 224-8803
kcs@mayadam.net

/s/ Matthew L. Rappold

Listed Exhibit: 21

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

IN THE MATTER OF THE)	
APPLICATION OF DAKOTA	)	HP14-002
ACCESS, LLC FOR AN ENERGY)	
FACILITY PERMIT TO	)	ROSEBUD SIOUX TRIBE'S
CONSTRUCT THE DAKOTA	)	ANSWERS TO DAKOTA ACCESS
ACCESS PIPELINE PROJECT	)	(SECOND SET) OF INTERROGATORIES
)	

TO: BRETT KOENECKE, Attorneys for Dakota Access, LLC 503 South Pierre Street
P.O. Box 160, Pierre, SD 57501, (605) 224-8803 brett@mayadam.net

The Rosebud Sioux Tribe, (Sicangu Oyate Land Office and Sicangu Lakota Treaty Office)
hereby submits the following Answers and Objections to Dakota Access Second Set of
Interrogatories.

INTERROGATORY NO. 1: list all linear utility infrastructure located within the
Rosebud Sioux Reservation. This request is intended to include, but is not limited to: gas
pipelines, water pipelines, and electric lines.

OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the grounds that
the Interrogatory call for an answer that is not relevant to the scope of the proceedings and the
applicants burden of proof under SDCL 49-41B. These proceedings are governed by SDCL 49-
41B. The lineal utility infrastructure located within the Rosebud Sioux Indian Reservation is not
relevant to the applicants burden of proof or information that the PUC would consider in making
a determination if the Applicant has complied with SDCL 49-41B.

INTERROGATORY NO. 2: For each facility listed in Interrogatory 1 above that is
owned by a utility company, provide the name of the facility owner.

OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the ground cited
in support of the Objection raised in response to Interrogatory 1.

INTERROGATORY NO. 3: What property rights does the Rosebud Sioux Tribe have or claim within one half mile of the Dakota Access pipeline's current proposed route?

ANSWER AND OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the ground cited in support of the Objection raised in response to Interrogatory 1. Without waiving the objection the Rosebud Sioux Tribe may have traditional cultural property sites, as that term is defined by the National Historic Preservation Act, that are located within the Pipeline's proposed current route. The Rosebud Sioux Tribe has aboriginal rights associated with their status as a federally recognized Indian Tribe as those terms are defined by federal law. The Rosebud Sioux Tribe owns land located in the State of Iowa which may be located within one-half mile of the proposed pipeline route.

INTERROGATORY NO. 4: How far in feet or miles is the proposed pipeline located from the Rosebud Sioux Reservation exterior boundary?

OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the ground cited in support of the Objection raised in response to Interrogatory 1.

INTERROGATORY NO. 5: What water or other rights does the Rosebud Sioux Tribe claim could or will be impacted by the proposed pipeline?

ANSWER: The Rosebud Sioux Tribe possesses water rights consistent with the *Winters Doctrine*, a judicially created doctrine established in the case of *Winters v. United States*, 207 U.S. 564 (1908) that may be impacted by the proposed pipeline. Under this doctrine, tribal water rights are reserved from the date of the establishment of the tribe's reservation. Under federal law the Rosebud Sioux Tribe has protected rights to water from the Missouri River and its tributaries that are necessary to fulfill the purpose of the creation of the Rosebud Indian Reservation. Rosebud may have rights associated with the requirements of the National Historic

Preservation Act for potential properties located along the route. The Rosebud Sioux Tribe has other rights that are protected under federal and state law related to the safe development of energy resources, environmental and human rights protections, and all other rights that parties to contested cases have that are consistent with the Constitution and laws of the state of South Dakota and the United States. The response to this interrogatory is not intended to be an exhaustive list.

INTERROGATORY NO. 6: Provide all facts to support your answer to Interrogatory No 5 above.

ANSWER AND OBJECTION: Rosebud objects to the Interrogatory on the grounds that at this time it is impossible to assert all facts that support the answer to Interrogatory 5. Rosebud will provide some of the identified facts in support of the answer to Interrogatory 5 and 6; accordingly;

- a) The Rosebud Sioux Tribe is a federally recognized Indian Tribe as that term is defined by applicable federal laws and U.S. Supreme Court opinions.
- b) That the case of *Winters v. United States*, 207 U.S. 564 (1908) is a United States Supreme Court opinion that established the tribal water rights doctrine commonly known as the Winter's Doctrine.
- c) South Dakota codified laws, constitution, court opinions provide for parties in contested cases such as this to have rights that are consistent with due process requirements of the state and federal constitutions.
- d) It is a fact that there is no indication in the application that the applicant considered the Winter's doctrine and its applicability to water use for the project.
- e) There is no indication in the application that the applicant considered what impact the project's construction and operation may have on tribal reserved water rights.
- f) There is no information contained in the application that indicates that these concerns were properly considered and evaluated in consideration of the application.

- g) Water used from the Missouri River and its tributaries for the construction and operation of the pipeline may threaten availability of water from the Missouri River and its tributaries.

INTERROGATORY NO. 7: Does the Rosebud Sioux Tribe disagree with or oppose the construction of crude oil transportation pipelines in the State of South Dakota, regardless of where situated within the state?

OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the ground cited in support of the Objection raised in response to Interrogatory 1. Whether or not the Rosebud Sioux Tribe disagrees with or opposes the construction of crude oil pipelines in the State of South Dakota is not relevant to the PUC's considerations and the applicants burden of proof as required by law.

INTERROGATORY NO. 8: Does the Rosebud Sioux Tribe have a formal position regarding the construction of crude oil pipelines on its Reservation land? If so, what is it and how was that position developed.

OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the ground cited in support of the Objection raised in response to Interrogatory 1.

INTERROGATORY NO. 9: Does the Rosebud Sioux Tribe have a formal position regarding the construction of crude oil pipelines in the State of South Dakota? If so, what is it and how was that position developed.

OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the ground cited in support of the Objection raised in response to Interrogatory 1.

INTERROGATORY NO. 10: Does the Rosebud Sioux Tribe have a formal position regarding the proposed Dakota Access pipeline? If so, what is it and how was that position developed.

OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the ground cited in support of the Objection raised in response to Interrogatory 1.

INTERROGATORY NO. 10: If the answer to No. 7 above is “no,” generally state what it is about the proposed Dakota Access pipeline that the Rosebud Sioux Tribe finds objectionable.

OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the ground cited in support of the Objection raised in response to Interrogatory 1.

INTERROGATORY NO. 11: If the answer to No. 7 above is “yes,” generally state the Tribe’s objections to the construction of crude oil transportation pipelines in the State of South Dakota.

OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the ground cited in support of the Objection raised in response to Interrogatory 1.

REQUEST FOR PRODUCTION OF DOCUMENTS 1: Provide a copy of all documents referenced in any answer above or which supports any answer above.

OBJECTION: The Rosebud Sioux Tribe objects to Request for Production of Documents No.1 on the ground cited in support of the Objection raised in response to Interrogatory 1. Rosebud refers Dakota Access to its application, amended application and its other supporting documents currently on file with the Public Utilities public website and in the possession of the applicant.

Dated this 15th day of June, 2015.

RAPPOLD LAW OFFICE

By: /s/ Matthew L. Rappold
Matthew L. Rappold

Rappold Law Office
PO Box 873
Rapid City, SD 57709

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on the 15th day of June, 2015, he caused a true and correct copy of the original of the foregoing Rosebud Sioux Tribe's Responses to Dakota Accesses Second Set of Interrogatories and Request for Production of Documents, by electronic transmission to the following:

BRETT KOENECKE
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
(605) 224-8803
brett@mayadam.net

Kara Semmler
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
(605) 224-8803
kcs@mayadam.net

/s/ Matthew L. Rappold

Listed Exhibit: 22

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

IN THE MATTER OF THE)	
APPLICATION OF DAKOTA	)	HP14-002
ACCESS, LLC FOR AN ENERGY)	
FACILITY PERMIT TO	)	INTERROGATORIES OF
CONSTRUCT THE DAKOTA	)	DAKOTA ACCESS LLC TO
ACCESS PIPELINE PROJECT	)	ROSEBUD SIOUX TRIBE
	)	(THIRD SET)

TO: ROSEBUD SIOUX TRIBE AND ITS ATTORNEY, MATTHEW L. RAPPOLD

YOU ARE HEREBY REQUESTED to answer the following written interrogatories which are to be answered by you within the time and in the manner required by SDCL § 15-6-33.

These interrogatories are directed to you, but are intended to likewise obtain any information with respect thereto now known by any other agents or representatives you may have in this matter. These interrogatories are to be deemed continuing and if you or said agents or representatives obtain any information with respect to them after making original answers, it is required that supplemental answers be made.

INTERROGATORY NO. 1: List the name, address, phone number and e-mail address of all those who provided information or contributed to your responses to these Discovery Requests.

ANSWER: Matthew L. Rappold; PO Box 873 Rapid City, SD 57709 (605) 828-1680.

INTERROGATORY NO. 2: Does the Tribe or any witness or potential witness have knowledge of cultural resources along the proposed route which are unknown to the State Historical Preservation Office or other authorities? If so, state locations or likely location.

ANSWER AND OBJECTION: The Tribe objects to the sought information on the grounds that there is insufficient foundational knowledge provided by Dakota Access to establish the extent of the State Historical Preservation Officer's knowledge of cultural resources located along the proposed route so as to answer the question as presented. Without this information it is impossible to answer the question. Additionally, the Tribe does not know what Dakota Access means by "other authorities" as that term is not defined by the question. It is equally impossible to respond to this question without the term "other authorities" being defined by Dakota Access and also providing the base level of subject matter knowledge for any possible "other authorities."

INTERROGATORY NO. 3: Where along the proposed pipeline route does the Tribe claim aboriginal land rights? Please provide the locations with legal descriptions, a map and provide documentation or a basis for the claim.

ANSWER: Answer is still being prepared for this interrogatory and will be prepared upon completion.

The sought information is being prepared and may be provided when completed.

INTERROGATORY NO. 4: Does the Tribe hold land which have been adjudicated at any point along the proposed pipeline route? If so, identify the result of such adjudication and describe the location of the land along the proposed route affected by the adjudication.

ANSWER AND OBJECTION: The Tribe objects to the sought information on the grounds that Dakota Access has not defined what it means by the term "adjudication" in the context of the question? Without such a definition it is not possible to answer the question.

INTERROGATORY NO. 5: If the proposed pipeline is constructed as described in the application and attached exhibits, do you contend it will violate current state or federal rules or regulations? If so, provide those rules or regulations and a factual basis for your contentions.

ANSWER AND OBJECTION: The Tribe objects to the question on the grounds that the question asserts a misinterpretation and misapplication of the statutory burden of proof placed on Dakota Access. In order for the PUC to issue the permit, Dakota Access is required to meet the statutory burden under SDCL 49-41B. The interveners do not have to establish that the applicant will violate current state or federal rules or regulations if the project is constructed.

INTERROGATORY NO. 6: Do you believe or contend the proposed facility, if constructed as described in the application and attached exhibits, will pose a threat of serious injury to the environment within or on the Rosebud Sioux Reservation? If so, please describe how you believe the environment within or on the Rosebud Sioux Reservation will be seriously injured.

OBJECTION: The Tribe objects to the question on the grounds that the question asserts a misinterpretation and misapplication of the statutory burden of proof placed on Dakota Access and requires hypotheticals, calls for speculation and requires assumptions that cannot be made.

INTERROGATORY NO. 7: Do you believe or contend the proposed facility, if constructed as described in the application and attached exhibits, will pose a threat of serious injury to the environment outside the Rosebud Sioux Reservation, within the state of South Dakota? If so, please describe how you believe the environment outside the Rosebud Sioux Reservation, within the state of South Dakota will be seriously injured.

ANSWER: The proposed facility, if constructed as described in the application and exhibits will pose a threat of serious injury to the environment in South Dakota for reasons that require speculation and calls for legal conclusions and cannot be answered.

INTERROGATORY NO 8: In the event of a pipeline leak or spill along the current proposed route, how would or might the Rosebud Sioux Tribe Reservation be directly impacted?

ANSWER AND OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the grounds that the Interrogatory call for an answer that is based on hypothetical's and calls for a speculative answer. Without waiving the objection, and not limited to the foregoing, a pipeline spill or leak may contaminate the waters in which the tribe has rights to under the Winter's Doctrine as it relates to reserved water rights and such a leak or break may also damage the land and natural environment along the proposed route. As a sovereign government recognized as such under federal, international and local law, the Rosebud Sioux Tribe has an interest in seeing that all laws relevant to the proceeding are examined, applied and enforced. A leak or spill in this regard directly impacts the Rosebud Sioux Tribe, its Reservation and its interests wherever located.

INTERROGATORY NO. 9: List all plant species which you claim have spiritual or religious significance which occur along the proposed pipeline route. Identify any locations where you claim each plant species currently exists.

OBJECTION: The Rosebud Sioux Tribe objects to the question on the grounds of confidentiality and the necessity to protect and defend cultural identity and property interests. Over the course of living throughout the region known as the Great Plains for numerous years, the people of the Rosebud Sioux Tribes as well as all tribal people and other tribes located in the region have gained unique knowledge and understanding of the plant species within this

geographic area, many of which possess unique spiritual or religious significance and are used for a variety of purposes. As such the Rosebud Sioux Tribe will not divulge this type of information to the applicant in these proceedings.

INTERROGATORY NO. 10: List all animal species which you claim have spiritual or religious significance which occur along the proposed pipeline route.

ANSWER AND OBJECTION: The Rosebud Sioux Tribe objects to the question on the grounds of confidentiality and the necessity to protect and defend cultural identity. Over the course of living throughout the region known as the Great Plains for numerous years the people of the Rosebud Sioux Tribes as well as all tribal people and other tribes located in the region have gained unique knowledge and understanding of the many animal species located within this geographic area, many of which possess unique spiritual or religious significance to many people. As such the Rosebud Sioux Tribe will not divulge this type of information to the applicant in these proceedings.

However, a commonly known bird species that is held in high regard by many people around the world is the eagle. Specifically identified along the route in South Dakota is the bald eagle. It is commonly known that the bald eagle is a bird that has spiritual significance to the people of the Rosebud Sioux Tribe and all other tribes in South Dakota.

INTERROGATORY NO. 11: What if any social and economic conditions within the Rosebud Sioux Reservation will be injured if the proposed project as described in the application and attached exhibits is constructed?

OBJECTION: The Tribe objects to the question on the grounds that the question asserts a misinterpretation and misapplication of the statutory burden of proof placed on Dakota Access.

In order for the PUC to issue the permit, Dakota Access is required to meet the statutory burden under SDCL 49-41B.

INTERROGATORY NO. 12: How will the health, safety or welfare of those residing within the Rosebud Sioux Reservation be impaired if the proposed project as described in the application and attached exhibits is constructed?

OBJECTION: The Tribe objects to the question on the grounds that the question asserts a misinterpretation and misapplication of the statutory burden of proof under SDCL 49-41B which is placed on Dakota Access.

INTERROGATORY NO. 13: Has the Rosebud Sioux Tribe adopted an economic or residential development plan? If so, provide it.

ANSWER AND OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the grounds that the Interrogatory call for an answer that is not relevant to the scope of the proceedings and the applicants burden of proof under SDCL 49-41B. The sought information is not likely to lead to the discovery of admissible evidence. These proceedings are governed by SDCL 49-41B. The sought information is not relevant to a determination as to the applicants burden of proof under SDCL 49-41B.

INTERROGATORY NO. 14: How will the proposed project as described in the application and attached exhibits violate the Tribe's claimed Winters Doctrine water rights?

ANSWER: Unable to respond as the question calls for answers based on facts not yet in evidence and calls for information that cannot be known at this time.

INTERROGATORY NO. 15: Has the Tribe adopted a plan for the "safe development of energy resources?" If so, provide it.

ANSWER AND OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the grounds that the Interrogatory call for an answer that is not relevant to the scope of the proceedings and the applicants burden of proof under SDCL 49-41B. These proceedings are governed by SDCL 49-41B. The sought information is not relevant to a determination as to the applicants burden of proof under SDCL 49-41B.

INTERROGATORY NO. 16: How will Rosebud Sioux Tribal member human rights be violated if the proposed pipeline as described in the application and attached exhibits is built and operated in South Dakota?

ANSWER: Unable to respond as the question calls for answers based on facts not yet in evidence and calls for information that cannot be known at this time.

REQUEST FOR PRODUCTION OF DOCUMENTS 1: Provide a copy of all documents in your possession which are referenced in any answer above or which supports any answer above.

REQUEST FOR PRODUCTION OF DOCUMENTS 2: Provide a map which depicts Rosebud Sioux Tribal land in relationship to the proposed pipeline route.

Responsive documentation to request for production one and two is being prepared and will be produced accordingly.

Dated this 1st day of September, 2015.

/s/ Matthew L. Rappold
Rappold Law Office
PO Box 873
Rapid City, SD 57709
(605) 828-1680
Matt.rappold01@gmail.com

CERTIFICATE OF SERVICE

I certify that on this 1st day of September, 2015, the original Answers and Objections to Dakota Access Third Set of Interrogatories and Request for Production of Documents on behalf of the Rosebud Sioux Tribe was sent to the following persons herein designated via email; to wit:

Brett Koenecke
Kara Semmler
Attorneys for Dakota Access, LLC.
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
(605) 224-8803
brett@mayadam.net
Kcs@mayadam.net

Dated this 1st day of September, 2015.

/s/ Matthew L. Rappold
Matthew L. Rappold

Listed Exhibit: 23

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

IN THE MATTER OF THE)	
APPLICATION OF DAKOTA	)	HP14-002
ACCESS, LLC FOR AN ENERGY)	
FACILITY PERMIT TO	)	ROSEBUD SIOUX TRIBE
CONSTRUCT THE DAKOTA	)	RESPONSE TO DAKOTA
ACCESS PIPELINE PROJECT	)	ACCESS LLC
	)	INTERROGATORIES (4Th Set)

TO: Dakota Access and its attorneys:
Brett Koenecke
Kara Semmler
503 South Pierre, Street
PO Box 106
Pierre, SD 57501
brett@mayadam.net
kara@mayadam.net

INTERROGATORY NO. 1: Do you contend that, if constructed and operated according to the filed application and exhibits, the Dakota Access pipeline will deplete, contaminate or endanger the supply of water available for the Rosebud Sioux Tribe Rural Water System? If so, explain how.

ANSWER AND OBJECTION: The Rosebud Sioux Tribe objects to the Interrogatory on the ground that the question calls for speculation in that a true risk assessment that takes into account the nature and quantity of Tribal *Winter's Rights* has not been performed. Without a proper risk assessment being performed the question cannot be answered.

INTERROGATORY NO. 2: Provide the name of the water system which supplies the Rosebud Sioux Tribal Water System and provide the location of that water system's intakes.

ANSWER: The Rosebud Sioux Tribe participates in the operation of the Mni Wiconi Rural Water Supply Project which one-sixth of the State of South Dakota. The name of the

water system is the Mni Wiconi Rural Water Supply Project. Intakes are located along the Missouri River Oahe Reservoir.

INTERROGATORY NO. 3: Does the Rosebud Sioux Tribal Rural Water System sell water to anyone other than those that reside within the Reservation? If so, how many customers reside outside the reservation?

ANSWER AND OBJECTION: The Tribe objects to the sought information on the grounds that the sought answer is not relevant to the applicant's burden of proof.

INTERROGATORY NO. 4: Has the Rosebud Sioux Tribe ever sold or otherwise transferred all or a portion of its water rights to any third person for a Consideration? If so please generally describe.

ANSWER AND OBJECTION: The Tribe objects to the sought information on the grounds that the sought answer is not relevant to the applicant's burden of proof.

Dated this 1st day of September, 2015.

/s/ Matthew L. Rappold
Matthew L. Rappold

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a true and correct copy of the foregoing Responses to Discovery (4th set) to be sent electronically in the above captioned action to the following at their last known addresses, to-wit:

May, Adam, Gerdes and Thompson, LLP.
Brett Koenecke
Kara Semmler
503 South Pierre, Street
PO Box 106
Pierre, SD 57501
brett@mayadam.net
kara@mayadam.net

/s/ Matthew L. Rappold
Matthew L. Rappold

Listed Exhibit: 24

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

IN THE MATTER OF THE)	
APPLICATION OF DAKOTA	)	HP14-002
ACCESS, LLC FOR AN ENERGY	)	REPLY TO
FACILITY PERMIT TO	)	INTERROGATORIES OF
CONSTRUCT THE DAKOTA	)	DAKOTA ACCESS LLC TO
ACCESS PIPELINE PROJECT	)	INDIGENOUS ENVIRONMENTAL
	)	NETWORK

TO: May, Adam, Gerdes & Thompson LLP

Please find replies to the first set of interrogatories to the Indigenous Environmental Network pursuant to SDCL § 15-6-33. It is understood these interrogatories are to be deemed continuing and if I or any agents or representatives obtain any information with respect to them after making original answers, supplemental answers will be made.

INTERROGATORY NO. 1: State the name of each person answering these interrogatories and include for each person their title and business address.

ANSWER NO. 1: Kimberly Craven, Attorney, 3560 Catalpa Way, Boulder, CO 80304

INTERROGATORY NO. 2: State the nature of the entity (LLP, LP, LLC, corporation, unincorporated or other). Provide organizational detail. Name all tribes with which Indigenous Environmental Network has affiliated.

ANSWER NO. 2: The Indigenous Environmental Network is a 501 (c)(3) nonprofit corporation. Established in 1990 within the United States, IEN was formed by grassroots Indigenous peoples and individuals to address environmental and economic justice issues (EJ). IEN's activities include building the capacity of Indigenous communities and tribal governments to develop mechanisms to protect our sacred sites, land, water, air, natural resources, health of both our people and all living things, and to build economically sustainable communities. IEN accomplishes this by maintaining an informational clearinghouse, organizing campaigns, direct actions and public awareness, building the capacity of community and tribes to address EJ issues, development of initiatives to impact policy, and building alliances among Indigenous communities, tribes, inter-tribal and Indigenous organizations, people-of-color/ethnic organizations, faith-based and women groups, youth, labor, environmental organizations and others. IEN convenes local, regional and national meetings on environmental and economic justice issues, and provides support, resources and referral to Indigenous communities and youth throughout primarily North America – and in recent years – globally. There are over 566 federally recognized Tribes in the United States and numerous unrecognized Tribes. There are too many Tribes to name that IEN has been affiliated with since its inception.

INTERROGATORY NO. 3: Provide names of the officers and board members. Who at Indigenous Environmental Network makes decision on this docket?

ANSWER NO. 3: IEN has three board members and no officers. They are Bineshi Albert (Euclaw and Ojibwe), Manual Pino (Acoma Pueblo) and Sayo': kla Kindness (Oneida). Tom Goldtooth, Dallas Goldtooth and Kandi Mossett share decision making for this docket.

INTERROGATORY NO. 4: Please state the names of everyone who will or may appear at the September/October hearings on the above captioned matter. For each such person, state the level of authority to speak which has been granted to each named person.

ANSWER NO. 4: IEN is still deciding who may be appearing at the September/October hearing. Please elaborate on the second part of the question; what does "state the level of authority to speak which has been granted" mean?

INTERROGATORY NO. 5: Please identify any witnesses, whether fact or expert, which you intend to call at the evidentiary hearing on the above-captioned matter. For each such witness, state:

- a. Witness name;
- b. Witness contact information;
- c. Whether the witness is expert or fact;
- d. A general statement descriptive of the matters to which each witness will testify;
- e. Whether the witness will submit sworn pre-filed written testimony; and,
- f. For each expert provide a resume or CV.

ANSWER NO. 5: IEN is still deciding the fact and expert witnesses we will be calling at the evidentiary hearing.

NOTE – INTERROGATORY NO. 6 AND 7 WERE MISSING.

INTERROGATORY NO. 8: Please state with specificity the objections, if any, which Indigenous Environmental Network has to the Dakota Access project. For each such objection:

- a. Outline a complete factual basis, any relevant law, rule or regulation applicable thereto and an expected or desired outcome if any.
- b. For each such objection, state the decision maker responsible for deciding said objection.

ANSWER NO. 8: IEN is still researching the Dakota Access pipeline and the objections that we may be raising based on applicable law, rule or regulation.

Dated this 1st day of May, 2015.

BY: /s/ Kimberly Craven
KIMBERLY CRAVEN
Attorney for Dakota Rural Action
3560 Catalpa Way
Boulder, CO 80304
303.494.1974
kimecraven@gmail.com

Listed Exhibit: 25

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

IN THE MATTER OF THE)	
APPLICATION OF DAKOTA	)	HP14-002
ACCESS, LLC FOR AN ENERGY	)	REPLY TO
FACILITY PERMIT TO	)	INTERROGATORIES OF
CONSTRUCT THE DAKOTA	)	DAKOTA ACCESS LLC TO
ACCESS PIPELINE PROJECT	)	INDIGENOUS ENVIRONMENTAL
	)	NETWORK (SECOND SET)

TO: BRETT KOENECKE, Attorneys for Dakota Access, LLC 503 South Pierre Street
P.O. Box 160, Pierre, SD 57501, (605) 224-8803 brett@mayadam.net

The Indigenous Environmental Network (IEN) hereby submits the following Answers and Objections to Dakota Access Second Set of Interrogatories.

INTERROGATORY NO. 1: Name all tribes with which Indigenous Environmental Network is affiliated in regard to this PUC citing docket.

OBJECTION. The Indigenous Environmental Network objects to this interrogatory on the grounds that the Interrogatory calls for an answer that is not relevant to the scope of the proceedings and the applicants burden of proof under SDCL 49-41B. IEN is not sure what the definition of “affiliated” means in this context but IEN is a long-established Indigenous Environmental organization with a vast membership and has relationships with Indigenous Peoples around the globe.

INTERROGATORY NO. 2: Please list the state of residency of Indigenous Environmental Network’s three board members. Namely: Bineshi Albert, Manual Pino and Sayo’: Kla Kindness.

OBJECTION. The Indigenous Environmental Network objects to this interrogatory on the grounds that the Interrogatory call for an answer that is not relevant to the scope of the proceedings, is an invasion of our board members’ privacy and will not lead to admissible evidence for the applicant’s burden of proof under SDCL 49-41B.

INTERROGATORY NO. 3: Please describe the corporate mechanism by which Tom Goldtooth, Dallas Goldtooth and Kandi Mossett were granted decision making authority as it pertains to the above captioned PUC citing docket.

OBJECTION. The Indigenous Environmental Network objects to this interrogatory on the grounds that the Interrogatory calls for an answer that is not relevant to the scope of the proceedings and the applicant's burden of proof under SDCL 49-41B.

INTERROGATORY NO. 4: Provide the residency address of Tom Goldtooth, Dallas Goldtooth and Kandi Mossett.

OBJECTION. The Indigenous Environmental Network objects to this interrogatory on the grounds that the Interrogatory calls for an answer that is not relevant to the scope of the proceedings, is an invasion of our staff member's privacy and will not lead to admissible evidence for the applicant's burden of proof under SDCL 49-41B.

INTERROGATORY NO. 5: When you decide who will appear at the September/October hearing, please state how they are affiliated to Indigenous Environmental Network. In other words, are they members, officers, or otherwise affiliated?

ANSWER NO. 5: This information is not known at this time since the hearing is months away. IEN will supplement its answer as it gets closer to the September/October hearing date.

INTERROGATORY NO. 6: For those tribes listed in response to Interrogatory 1 above, list all linear utility infrastructure currently located on their reservation land. This request is intended to include, but is not limited to: gas pipelines, water pipelines, and electric lines.

OBJECTION. The Indigenous Environmental Network objects to the Interrogatory on the grounds that the Interrogatory calls for an answer that is not relevant to the scope of the proceedings and the applicant's burden of proof under SDCL 49-41B. These proceedings are

governed by SDCL 49-41B. The lineal utility infrastructure located on reservations are not relevant to the applicants burden of proof or information that the PUC would consider in making a determination if the Applicant has complied with SDCL 49-41B.

INTERROGATORY NO 7: For those tribes listed in response to Interrogatory 1 above, what property rights do those tribes have within one half mile of the pipeline's current proposed route?

OJECTION AND ANSWER NO. 7: The Indigenous Environmental Network objects to the Interrogatory on the grounds that the Interrogatory calls for an answer that is not relevant to the scope of the proceedings and the applicant's burden of proof under SDCL 49-41B. Notwithstanding our objection, all nine of the federally recognized Tribes in South Dakota possess federally reserved water rights that at this point in time have not yet been quantified. They may also possess interests in burial or historical sites that are recognized under federal law. There may be off-reservation tracts of allotted lands in some areas that we are still identifying.

INTERROGATORY NO. 8: For those tribes listed in response to Interrogatory 1 above, how far in feet or miles is the proposed pipeline located from their exterior boundary?

ANSWER NO. 8: This information is not known at this time.

REQUEST FOR PRODUCTION OF DOCUMENTS 1: Provide a copy of all documents referenced in any answer above or which supports any answer above.

No such document currently exist. In accordance with SDCL 15-6-26(e), IEN will continue to supplement its responses and provide additional information as it becomes available.

Dated this 22nd day of June, 2015.

KIMBERLY CRAVEN, ATTORNEY AT LAW

BY: /s/ Kimberly Craven
KIMBERLY CRAVEN
Attorney for IEN
3560 Catalpa Way
Boulder, CO 80304
(303) 494-1974
kimecraven@gmail.com

CERTIFICATE OF SERVICE

Kimberly Craven hereby certifies that on the 22nd day of June, 2015, I electronically sent a true and correct copy of the foregoing in the above captioned action to the following at their last known addresses:

BRETT KOENECKE
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
(605) 224-8803
brett@mayadam.net

Kara Semmler
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
(605) 224-8803
kcs@mayadam.net

/s/ Kimberly Craven
KIMBERLY CRAVEN

Listed Exhibit: 26

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

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

**YANKTON SIOUX TRIBE'S
ANSWERS AND OBJECTIONS TO
INTERROGATORIES OF DAKOTA
ACCESS LLC**

HP14-002

TO: Dakota Access LLC

Pursuant to SDCL §§ 1-26-19, 15-6-33, and 15-6-34, and ARSD 20:10:01:1.02, the Yankton Sioux Tribe (hereinafter "Yankton") hereby submits its responses and objections to Interrogatories of Dakota Access LLC to Yankton Sioux Tribe dated April 1, 2015. The responses that follow shall be supplemented if and when supplementation is required by SDCL § 15-6-26(e) and only as required by that statute.

INTERROGATORIES

1. State the name of each person answering these interrogatories and include for each person their title and business address.

ANSWER: These interrogatories have been answered by Thomasina Real Bird, Esq., and Jennifer S. Baker, Esq., counsel for the Yankton Sioux Tribe, 1900 Plaza Drive, Louisville, CO, 80027.

2. Provide names of the officers and council members.

ANSWER: The officers and members of the Yankton Sioux Tribe Business and Claims Committee are as follows:

Robert Flying Hawk, Chairman

Jean Archambeau, Vice-Chairwoman

Glenford "Sam" Sully, Secretary

Leo O'Connor, Treasurer

Quentin "JB" Bruguier Jr., Member

Jason Cooke, Member

Everdale Song Hawk, Member

Justin Song Hawk, Member

Mona Wright, Member

Yankton presumes the afore-stated information is responsive to Interrogatory No. 2. In the event that different information is sought, please so specify.

3. Please identify any witnesses, whether fact or expert, which you intend to call at the evidentiary hearing on the above-captioned matter. For each such witness, state:
 - a. Witness name;
 - b. Witness contact information;
 - c. Whether the witness is expert or fact;
 - d. A general statement descriptive of the matters to which each witness will testify;
 - e. Whether the witness will submit sworn pre-filed written testimony; and,
 - f. For each expert provide a resume or CV.

ANSWER: Yankton objects to this interrogatory on the grounds that, at this early stage in the proceedings before discovery has been completed, it would be frivolous and unduly burdensome to require a party to speculate as to whom it will call to testify as a fact witness at the evidentiary hearing. Yankton's expert and fact witnesses have not yet been selected. Yankton shall submit pre-filed testimony on behalf of its witnesses in accordance with the PUC scheduling order. Said pre-filed testimony will address the requests contained in this interrogatory.

4. Please state with specificity the objections, if any, which the Yankton Sioux Tribe has to the Dakota Access project. For each such objection:
 - a. Outline a complete factual basis, any relevant law, rule or regulation applicable thereto and an expected or desired outcome if any.
 - b. For each such objection, state the decision maker responsible for deciding said objection.

ANSWER: At this early stage in the proceedings, Yankton lacks sufficient information to state its objections with specificity. Yankton is currently formulating its objections, and shall continue to do so throughout the course of discovery as information is obtained. Yankton shall supplement this response as required by SDCL § 15-6-26(e).

Dated this 22nd day of May, 2015.

Thiri Real Bird

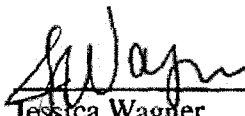
Thomasina Real Bird, SD Bar No. 4415
FREDERICKS PEEBLES & MORGAN LLP
1900 Plaza Drive
Louisville, Colorado 80027
Telephone: (303) 673-9600
Facsimile: (303) 673-9155
Email: trealbird@ndnlaw.com
Attorney for Yankton Sioux Tribe

CERTIFICATE OF SERVICE

I certify that on this 22 day of May, 2015 I sent by email a true and correct copy of **YANKTON SIOUX TRIBE'S ANSWERS AND OBJECTIONS TO INTERROGATORIES OF DAKOTA ACCESS LLC** to the following:

Brett Koenecke
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
brett@mayadam.net

Kara C. Semmler
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
kcs@mayadam.net



Jessica Wagner
Legal Assistant

Listed Exhibit: 27

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

IN THE MATTER OF THE	)	HP14-002
APPLICATION OF DAKOTA)	
ACCESS, LLC FOR AN ENERGY	)	YANKTON SIOUX TRIBE'S
FACILITY PERMIT TO	)	ANSWERS AND OBJECTIONS TO
CONSTRUCT THE DAKOTA	)	INTERROGATORIES OF
ACCESS PIPELINE PROJECT	)	DAKOTA ACCESS LLC TO
	)	YANKTON SIOUX TRIBE
	)	(SECOND SET)

TO: Dakota Access LLC

Pursuant to SDCL §§ 1-26-19, 15-6-33, and 15-6-34, and ARSD 20:10:01:1.02, the Yankton Sioux Tribe (hereinafter "Yankton") hereby submits its responses and objections to Interrogatories of Dakota Access LLC to Yankton Sioux Tribe (Second Set) dated May 29, 2015. The responses that follow shall be supplemented if and when supplementation is required by SDCL § 15-6-26(e) and only as required by that statute.

INTERROGATORY NO. 1: list all linear utility infrastructure located within the Yankton Sioux Reservation. This request is intended to include, but is not limited to: gas pipelines, water pipelines, and electric lines.

OBJECTION: Yankton objects to this interrogatory on the grounds that it is irrelevant to the proceeding and not likely to lead to the discovery of admissible evidence.

INTERROGATORY NO. 2: For each facility owned by a utility company listed in Interrogatory 1 above, provide the name of the facility owner.

OBJECTION: Yankton objects to this interrogatory on the grounds that it is irrelevant to the proceeding and not likely to lead to the discovery of admissible evidence.

INTERROGATORY NO. 3: What property rights does the Yankton Sioux Tribe have or claim within one half mile of the Dakota Access pipeline's current proposed route?

OBJECTION: Yankton objects to this interrogatory on the grounds that it asks for trial preparation materials that consist of the mental impressions, conclusions, opinions, or legal theories of Yankton's attorney.

INTERROGATORY NO. 4: How far in feet or miles is the proposed pipeline located from the Yankton Sioux Reservation exterior boundary?

ANSWER: The Tribe has not performed a survey to determine the exact number of feet or miles between the Reservation boundary and the proposed route, but upon information and belief the distance is approximately 60-70 miles.

INTERROGATORY NO. 5: What water or other rights does the Yankton Sioux Tribe claim could or will be impacted by the proposed pipeline?

OBJECTION: Yankton objects to this interrogatory on the grounds that it asks for trial preparation materials that consist of the mental impressions, conclusions, opinions, or legal theories of Yankton's attorney.

INTERROGATORY NO. 6: Provide all facts to support of your answer to Interrogatory No 5 above.

OBJECTION: Please see objection to No. 5 above.

INTERROGATORY NO. 7: Does the Yankton Sioux Tribe disagree with or oppose the construction of crude oil transportation pipelines in the State of South Dakota, regardless of where situated within the state?

OBJECTION: Yankton objects to this interrogatory on the grounds that it is irrelevant to the proceeding and not likely to lead to the discovery of admissible evidence.

INTERROGATORY NO. 8: Does the Yankton Sioux Tribe have a formal position regarding the construction of crude oil pipelines on its Reservation land? If so, what is it and how was that position developed.

OBJECTION: Yankton objects to this interrogatory on the grounds that it is irrelevant to the proceeding and not likely to lead to the discovery of admissible evidence.

INTERROGATORY NO. 9: Does the Yankton Sioux Tribe have a formal position regarding the construction of crude oil pipelines in the State of South Dakota? If so, what is it and how was that position developed.

OBJECTION: Yankton objects to this interrogatory on the grounds that it is irrelevant to the proceeding and not likely to lead to the discovery of admissible evidence.

INTERROGATORY NO. 10: Does the Yankton Sioux Tribe have a formal position regarding the proposed Dakota Access pipeline? If so, what is it and how was that position developed.

ANSWER: Please see Yankton's Application for Party Status filed in this matter on February 13, 2015. Should Yankton's position change over the course of this proceeding as information is gathered, this response will be supplemented to so reflect.

INTERROGATORY NO. 10: If the answer to No. 7 above is "no," generally state what it is about the proposed Dakota Access pipeline that the Yankton Sioux Tribe finds objectionable.

N/A

INTERROGATORY NO. 11: If the answer to No. 7 above is "yes," generally state the Tribe's objections to the construction of crude oil transportation pipelines in the State of South Dakota.

OBJECTION: Please see objection to No. 7 above.

REQUEST FOR PRODUCTION OF DOCUMENTS 1: Provide a copy of all documents referenced in any answer above or which supports any answer above.

ANSWER: Please see attached.

Please see Yankton Sioux Tribe's Application for Party Status, Exhibit A1 "Project Vicinity Maps" to Dakota Access Pipeline Project Energy Transmission Facility: SDCL 49-41B Application, and the attached map.

Dated this 22nd day of June, 2015.



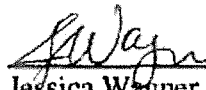
Thomasina Real Bird, SD Bar No. 4415
FREDERICKS PEBBLES & MORGAN LLP
1900 Plaza Drive
Louisville, Colorado 80027
Telephone: (303) 673-9600
Facsimile: (303) 673-9155
Email: trealbird@ndnlaw.com
Attorney for Yankton Sioux Tribe

CERTIFICATE OF SERVICE

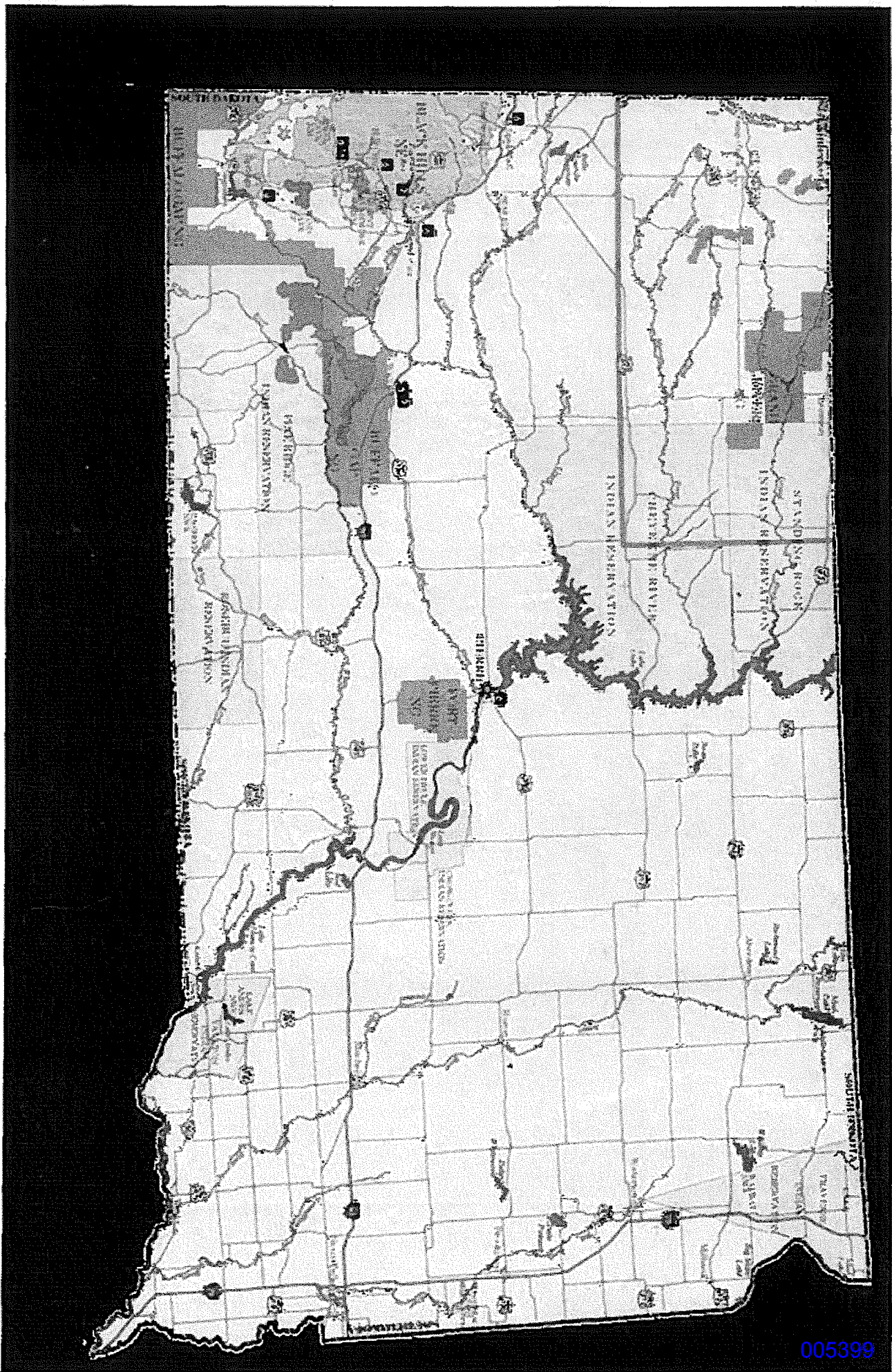
I certify that on this 22 day of June, 2015 I sent by email a true and correct copy of **YANKTON SIOUX TRIBE'S ANSWERS AND OBJECTIONS TO INTERROGATORIES OF DAKOTA ACCESS LLC TO YANKTON SIOUX TRIBE (SECOND SET)** to the following:

Brett Koenecke
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
brett@mayadam.net

Kara C. Semmler
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
kcs@mayadam.net



Jessica Wagner
Legal Assistant



Listed Exhibit: 28

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

IN THE MATTER OF THE	)	HP14-002
APPLICATION OF DAKOTA)	
ACCESS, LLC FOR AN ENERGY)	
FACILITY PERMIT TO	)	YANKTON SIOUX TRIBE'S
CONSTRUCT THE DAKOTA	)	ANSWERS AND OBJECTIONS TO
ACCESS PIPELINE PROJECT	)	INTERROGATORIES OF
	)	DAKOTA ACCESS LLC
	)	(THIRD SET)

TO: Dakota Access LLC

Pursuant to SDCL §§ 1-26-19, 15-6-33, and 15-6-34, and ARSD 20:10:01:1.02, the Yankton Sioux Tribe (hereinafter “Yankton”) hereby submits its responses and objections to Interrogatories of Dakota Access LLC to Yankton Sioux Tribe (Second Set) dated May 29, 2015. The responses that follow shall be supplemented if and when supplementation is required by SDCL § 15-6-26(e) and only as required by that statute.

INTERROGATORY NO. 1: List the name, address, phone number and e-mail address of all those who provided information or contributed to your responses to these Discovery Requests.

ANSWER: These interrogatories have been answered by Jason Cooke, P.O. Box 1153, Wagner, SD 57380, 605-384-3641, jwcooke69@gmail.com; Sarah Zephier, P.O. Box 1153, Wagner, SD 57380, 605-384-3641, jmpena_69@hotmail.com; Faith Spotted Eagle, Box 667, Lake Andes, SD, 57356, eagletrax@hotmail.com; and Thomasina Real Bird, Esq., and Jennifer S. Baker, Esq., counsel for the Yankton Sioux Tribe, 1900 Plaza Drive, Louisville, CO, 80027, 303-673-9600, trealbird@ndnlaw.com and jbaker@ndnlaw.com.

INTERROGATORY NO. 2: Does the Tribe or any witness or potential witness have knowledge of cultural resources along the proposed route which are unknown to the State Historical Preservation Office or other authorities? If so, state such locations or likely locations.

OBJECTION: The Tribe does not have a complete inventory of all cultural resources which are known to the State Historical Preservation Officer and other authorities, thus it is unable to answer this question.

INTERROGATORY NO. 3: Where along the proposed pipeline route does the Tribe claim aboriginal land rights? Please provide the locations with legal descriptions, a map and provide documentation or a basis for the claim.

ANSWER: The Tribe has aboriginal land rights in the area described by the Indian Claims Commission in *Yankton Sioux Tribe v. United States*, 24 Ind. Cl. Comm. 208, 236 (1970). This land is described as follows:

- (1) Beginning at a point in the Missouri River where Hughs, Hyde, and Lyman Counties, South Dakota meet, northeasterly in a direct line through the easternmost point in the Town of Highmore, South Dakota, to a point on South Fork Snake Creek;
- (2) Then easterly down South Fork Snake Creek and Snake Creek to its mouth on the James River;
- (3) Then southerly down the James River to the mouth of Timber Creek;
- (4) Then east-southeasterly in a direct line to the mouth of Stray Horse Creek on the Big Sioux River;
- (5) Then southerly down the Big Sioux River to its mouth on the Missouri River;
- (6) Then westerly and northerly up the middle of the Missouri river to the point of beginning.

A map showing this location is attached hereto as Attachment 1.

INTERROGATORY NO. 4: Does the Tribe hold land which have been adjudicated at any point along the proposed pipeline route? If so, identify the result of such adjudication and describe the location of the land along the proposed route affected by the adjudication.

OBJECTION: This request is vague, as there is no clear meaning for “land which have been adjudicated.”

INTERROGATORY NO. 5: If the proposed pipeline is constructed as described in the application and attached exhibits, do you contend it will violate current state or federal rules or regulations? If so, provide those rules or regulations and a factual basis for your contentions.

OBJECTION: This request calls for legal conclusions, legal analysis, or legal opinions on a matter in contention on the application of law to the facts.

INTERROGATORY NO. 6: Do you believe or contend the proposed facility, if constructed as described in the application and attached exhibits, will pose a threat of serious injury to the environment within or on the Yankton Sioux Reservation? If so, please describe how you believe the environment within or on the Yankton Sioux Reservation will be seriously injured.

ANSWER/OBJECTION: Yes, with respect to the question contained in Interrogatory No. 6. The Tribe is unable to respond to the statement contained in Interrogatory No. 6 as it seeks information that cannot be known at this time.

INTERROGATORY NO. 7: Do you believe or contend the proposed facility, if constructed as described in the application and attached exhibits, will pose a threat of serious injury to the environment outside the Yankton Sioux Reservation, within the state of South Dakota? If so, please describe how you believe the environment outside the Yankton Sioux Reservation, within the state of South Dakota will be seriously injured.

ANSWER/OBJECTION: Yes, with respect to the question contained in Interrogatory No. 7. The Tribe is unable to respond to the statement contained in Interrogatory No. 7 as it seeks information that cannot be known at this time.

INTERROGATORY NO 8: In the event of a pipeline leak or spill along the current proposed route, how would or might the Yankton Sioux Tribe Reservation be directly impacted?

OBJECTION: This request is vague, unduly broad, and burdensome. There are countless scenarios in which a spill or leak might occur, and the Tribe cannot be expected to predict and expound upon each one. There are literally countless ways the Reservation would or might be impacted. Furthermore, it is unclear what is meant by “directly impacted.”

INTERROGATORY NO. 9: List all plant species which you claim have spiritual or religious significance which occur along the proposed pipeline route. Identify any locations where you claim each plant species currently exists.

ANSWER: All plants have spiritual significance, thus all plant species in all locations along the pipeline route have spiritual significance.

INTERROGATORY NO. 10: List all animal species which you claim have spiritual or religious significance which occur along the proposed pipeline route.

ANSWER: All animals have spiritual significance, thus all animal species along the pipeline route have spiritual significance.

Yankton Sioux Reservation will be injured if the proposed project as described in the application and attached exhibits is constructed?

OBJECTION: The above language does not pose a question or a request.

INTERROGATORY NO. 12: How will the health, safety or welfare of those residing within the Yankton Sioux Reservation be impaired if the proposed project as described in the application and attached exhibits is constructed?

OBJECTION: The Tribe is unable to respond to the question contained in Interrogatory No. 12 as it assumes facts not yet known and seeks information that cannot be known at this time.

INTERROGATORY NO. 13: Has the Yankton Sioux Tribe adopted an economic or residential development plan? If so, provide it.

OBJECTION: The information requested in Interrogatory No. 13 is neither relevant nor likely to lead to the discovery of admissible evidence. Furthermore, the Tribe's economic development plan is a confidential document.

INTERROGATORY NO. 14: How will the proposed project as described in the application and attached exhibits violate the Tribe's claimed Winters Doctrine water rights?

OBJECTION: The Tribe is unable to respond to the question contained in Interrogatory No. 14 as it assumes facts not yet known and seeks information that cannot be known at this time. Furthermore, Interrogatory No. 14 is improper as it calls for legal conclusions, legal analysis, or legal opinions on a matter in contention on the application of law to the facts.

INTERROGATORY NO. 15: Has the Tribe adopted a plan for the development of energy resources? If so, provide it.

OBJECTION: The information requested in Interrogatory No. 15 is neither relevant nor likely to lead to the discovery of admissible evidence. Furthermore, such material contains confidential information.


INTERROGATORY NO. 16: How will Yankton Sioux Tribal member human rights be violated if the proposed pipeline as described in the application and attached exhibits is built and operated in South Dakota?

OBJECTION: The Tribe is unable to respond to the question contained in Interrogatory No. 16 as it assumes facts not yet known and seeks information that cannot be known at this time.

REQUEST FOR PRODUCTION OF DOCUMENTS 1: Provide a copy of all documents in your possession which are referenced in any answer above or which supports any answer above.

See Attachments 1-2.

Dated this 21st day of August, 2015.



Jennifer S. Baker
Thomasina Real Bird
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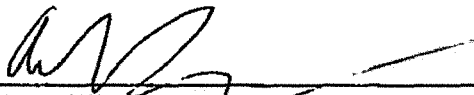
Attorneys for Yankton Sioux Tribe

CERTIFICATE OF SERVICE

I certify that on this 21st day of August, 2015 I sent by email a true and correct copy of **YANKTON SIOUX TRIBE'S ANSWERS AND OBJECTIONS TO INTERROGATORIES OF DAKOTA ACCESS LLC (THIRD SET)** to the following:

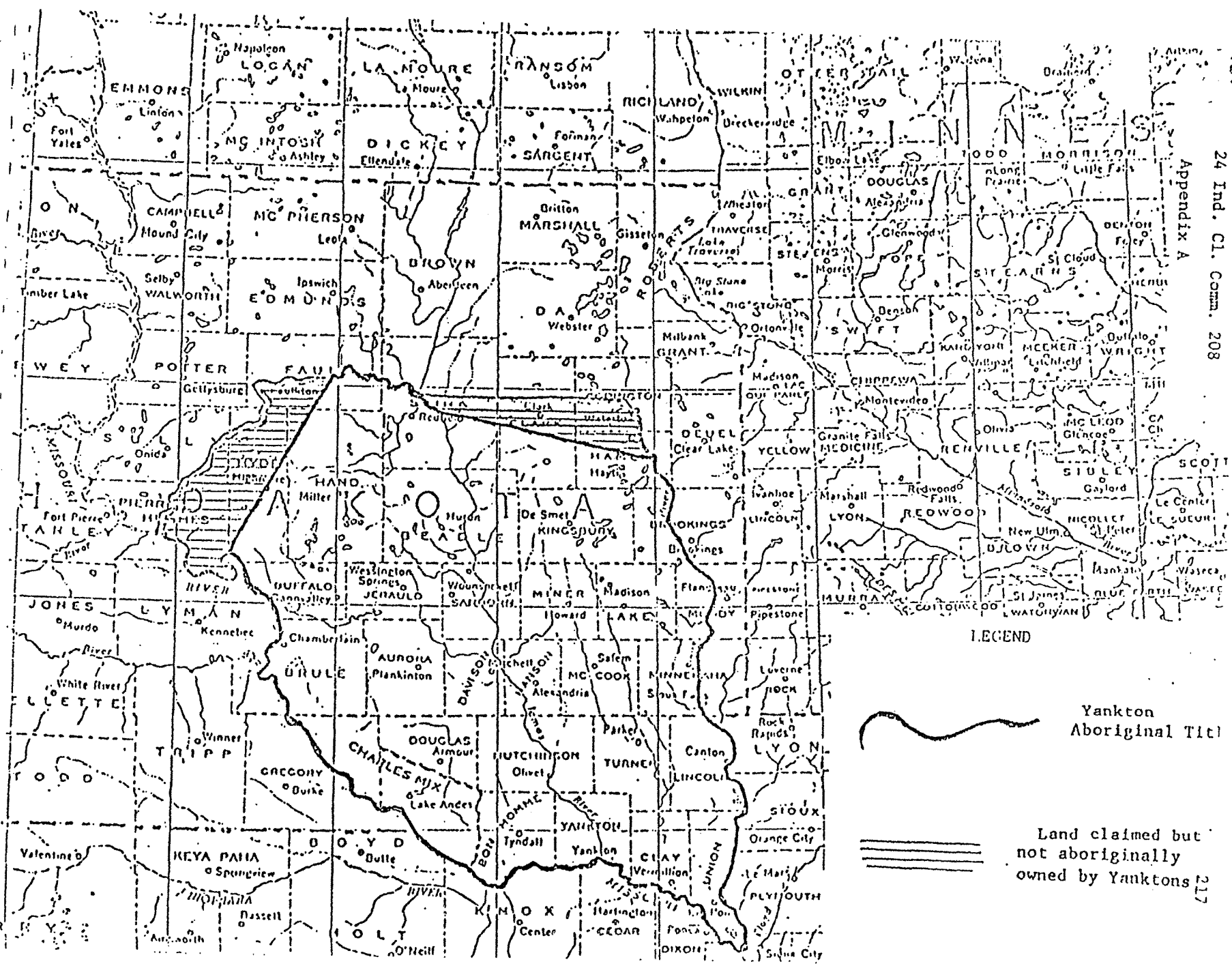
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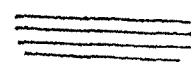
Ashley Klinglesmith
Legal Assistant

ATTACHMENT 1



LEGEND

 Yankton
Aboriginal Title

 Land claimed but
not aboriginally
owned by Yanktons

ATTACHMENT 2

BEFORE THE INDIAN CLAIMS COMMISSION

THE YANKTON SIOUX TRIBE,)	
)	
Plaintiff,)	
)	
THE SIOUX NATION, ET AL.,)	
)	
Intervenors,)	
v.	)	Docket No. 332-C
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

Upon the findings of fact and opinion this day filed herein and which are hereby made a part of this order, the Commission concludes as a matter of law that:

- (a) The plaintiff in Docket No. 332-C is entitled to maintain this action under the Indian Claims Commission Act.
- (b) The Yankton Sioux had aboriginal title to lands bound as follows:
 - (1) Beginning at a point in the Missouri River where Hughs, Hyde, and Lyman Counties, South Dakota meet, northeasterly in a direct line through the easternmost point in the Town of Highmore, South Dakota, to a point on South Fork Snake Creek;
 - (2) Then easterly down South Fork Snake Creek and Snake Creek to its mouth on the James River;
 - (3) Then southerly down the James River to the mouth of Timber Creek;
 - (4) Then east-southeasterly in a direct line to the mouth of Stray Horse Creek on the Big Sioux River;
 - (5) Then southerly down the Big Sioux River to its mouth on the Missouri River;

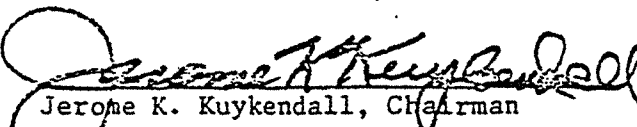
(6) Then westerly and northerly up the middle of the Missouri River to the point of beginning.


(All of the above-described locations are as depicted on the latest editions of the U. S. Geological Survey Maps, Western United States 1:250,000 series).

- (c) The land belonging to the Yankton Sioux Tribe, including its interest in the land reserved for the Sioux by the Treaty of Fort Laramie of September 17, 1851, was taken by the Treaty of April 19, 1858 (11 Stat. 743), which treaty was ratified by the President on February 26, 1859. The valuation date for the lands taken is February 26, 1859.
- (d) The Yankton Sioux did not have aboriginal title to any other land within the boundaries set forth in Plaintiff's Proposed Findings of Fact No. 18, filed July 29, 1968.
- (e) Neither the Teton Sioux nor the Yanktonais Sioux had any interest in the subject lands, and therefore, their intervention herein should be and is hereby dismissed.

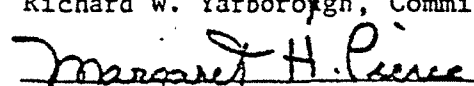
Docket 332-C will proceed to the remaining issues of acreage value and consideration.

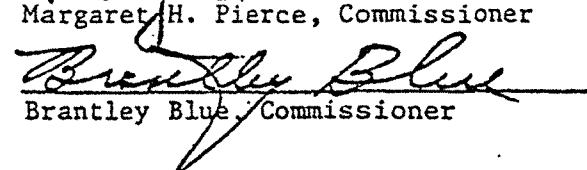
Dated at Washington, D. C., this 14th day of December, 1970.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner

Listed Exhibit: 29

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

IN THE MATTER OF THE	)	HP14-002
APPLICATION OF DAKOTA)	
ACCESS, LLC FOR AN ENERGY	)	YANKTON SIOUX TRIBE'S
FACILITY PERMIT TO	)	ANSWERS TO INTERROGATORIES
CONSTRUCT THE DAKOTA	)	OF DAKOTA ACCESS LLC
ACCESS PIPELINE PROJECT	)	(FOURTH SET)
)	

TO: Dakota Access LLC

Pursuant to SDCL §§ 1-26-19, 15-6-33, and 15-6-34, and ARSD 20:10:01:1.02, the Yankton Sioux Tribe (hereinafter "Yankton") hereby submits its responses and objections to Interrogatories of Dakota Access LLC to Yankton Sioux Tribe (Fourth Set) dated August 10, 2015. The answers that follow shall be supplemented if and when supplementation is required by SDCL § 15-6-26(e) and only as required by that statute.

INTERROGATORY NO. 1: Provide the name of any water systems which serve the Yankton Sioux Reservation?

ANSWER: Randall Community Water District, Wagner, Lakeview Colony, Clearfield Colony, Pickstown, and Lake Andes water systems serve the Yankton Sioux Reservation.

INTERROGATORY NO. 2: Do you contend that, if constructed and operated according to the filed application and exhibits, the Dakota Access pipeline will deplete, contaminate or endanger the supply of water available for the above named water system(s) listed in Interrogatory No. 1? If so, explain how.

ANSWER: Yes. It is inevitable that, if built, the pipeline would spill, thus jeopardizing the quality of the Missouri River. While it cannot be known where leaks will occur, it is all but certain that the Dakota Access pipeline (if built) will spill. Because the route would cross the Missouri River as well as tributaries thereto, it is

possible that a spill could result in tar sands being released into the Missouri River or its tributaries (ultimately ending up in the Missouri River). The components of tar sands are highly toxic and would contaminate the Missouri River, which is the source of the water for the water systems that serve the Yankton Sioux Reservation.

INTERROGATORY NO. 3: Describe where all listed (Interrogatory 1) water system intakes or well head protection areas are located?

ANSWER: The Yankton Sioux Tribe does not possess this information.

INTERROGATORY NO. 4: Does the Yankton Sioux Tribe sell water? If so, please generally describe.

ANSWER: No, the Yankton Sioux Tribe does not sell water.

INTERROGATORY NO. 5: Has the Yankton Sioux Tribe ever sold or otherwise transferred all or a portion of its water rights to any third person for a Consideration? If so, please provide details.

ANSWER: No, the Yankton Sioux Tribe has never sold or otherwise transferred all or a portion of its water rights to any third person for a consideration.

Dated this 9th day of September, 2015.



Jennifer S. Baker
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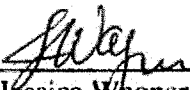
Attorneys for Yankton Sioux Tribe

CERTIFICATE OF SERVICE

I certify that on this 9th day of September, 2015 I sent by email a true and correct copy of **YANKTON SIOUX TRIBE'S ANSWERS TO INTERROGATORIES OF DAKOTA ACCESS LLC (FOURTH SET)** to the following:

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Jessica Wagner
Legal Assistant