

15 My grandparents rented out the property with the intentions to eventually sell the home
16 farm located a mile west of my property. They had plans to retire on these 80 acres. Due
17 to their premature deaths due to cancer, my mother inherited the 80 acres in 2003.

18 As of January 2014, I and my wife own the 80 acres and live there with my daughter.

19 We built a new home on the property in 2011.

20 **Please describe your current farming operations.**

21 Currently our farm is primarily row crop production. Some of the land including the
22 proposed pipeline route is classified by the USDA as Highly Erodible Land. This land is
23 very sensitive and has been in No-till or Conservation Minimum Till since converted to
24 cropland.

25 **To the best your knowledge, what area(s) of your property will the Dakota Access
26 Pipeline cross?**

27 The proposed route is just to the west of our farm buildings and home. It would cross
28 some highly productive farm ground.

29 **How close is the pipeline to any building, bin or pen, water source, or farming
30 facilities (i.e., storage area, feedlot, grazing area, etc.)?**

31 The proposed route is within 1000 feet of our farm buildings and pond.

32 Also, the route is even closer to a neighboring home and a neighboring shelter belt that is
33 being developed for potential future building.

34
35 **Please describe any special characteristics of your property and farmland, and/or
36 whether you plan to build any houses, outbuildings, shelter belts, or other structures
37 on your property.**

38 Our property consists of a larger pond (1acre) in the front yard that was once used to
39 water the cattle that my grandfather owned. The pond drains into a creek that runs
40 around our entire farm site and through the middle of our crop ground. This creek then
41 flows into our neighbors property and eventually leads to Skunk Creek. Our house is only
42 5 years old. We have a healthy shelter belt to protect our farm. We have a large barn, a
43 small building that house our dogs, two large machine sheds and a grain bin. We have
44 plans to add another grain bin in the future. Any spill from the pipeline will harm all of
45 this because the route for the pipeline is scheduled on the northwest hill of our property.
46 Our home, buildings and trees are all down the hill. We have recently put drain tile
47 around our farm land and any spill will go directly into the creek, pond, tile lines along
48 with flow down toward our home and buildings.

49 **Please describe which of your farming operations or other land uses will be**
50 **impaired by the Dakota Access Pipeline and how they will be impaired.**

51 Our no-till, conservation minimum till farming operation will be greatly impaired. The
52 organic matter and soil structure that we have worked towards for many years will be
53 destroyed and then the heat from the pipeline will never allow us to bring back the soil to
54 its current state. Also because of the pipeline construction, rock will be brought up to
55 the surface along with weed seeds. From talking with landowners that have had oil
56 pipelines installed on their property, I believe contractors will not remove the rocks or
57 return the land to its original state.

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

61 We have improved the farmland with drain tile. The tile will be affected by construction.
62 The proper slope of the pipe is critical. A change in slope of a fraction of an inch will
63 have an effect on tile performance. Also I am concerned that the tile may be relocated or
64 rerouted (Agricultural Impact Mitigation Plan 6,f,e,4). Tile systems are specifically
65 designed and any change to tile routing will affect tile line performance and what it was
66 installed to do.

67

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

70 Yes. There will be a serious economic and environmental condition that will negatively
71 affect South Dakota. The proposed route will stop growth in some of the fastest growing
72 areas of South Dakota. Land values will be negatively affected for those with the
73 pipeline on their property, and for landowners near the pipeline. With less development
74 and lower property values, this will reduce state and local tax revenues permanently.
75 Dakota Access has stated that the pipeline will be depreciated over time and South
76 Dakota will end up with no tax revenue after a few years. Dakota Access won't be
77 paying tax on what goes through the pipe and landowners won't be fairly compensated
78 from a company running a business on their land.

79

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

82 Yes, pipelines do leak. DAPL is putting a large burden on property owners and causing a
83 great deal of expense because of it. Property owners that want to protect their land are
84 forced to hire expensive lawyers and spend considerable time trying to protect their

85 homes. Since our pond and water ways are downhill from the proposed pipeline the oil
86 can and will leak into our water and affect our health. We also have a well on our farm
87 that the oil can get into. Several of our farm buildings and farm land are located in a
88 valley and that will be at great risk of any leaks and spills.

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

94 Yes, my wife and I have been sued. DAPL has not proven any legal authority supporting
95 its claim. Also we have incurred legal fees in defending our self against this lawsuit.

96 This is a great example of Dakota Access Pipeline substantially impair the welfare of the
97 inhabitants of the siting area.

98
99 **Has any representative of Dakota Access Pipeline made any statements to you or**
100 **others that you believe are not true? If so, please explain.**

101 Yes, they have made many statements that I feel are untrue. For example, Mr. Mahmoud
102 stated at the January 22 meeting in Sioux Falls that "Once the pipe's in the ground, you
103 typically don't know it's there." This is not true for grain farmers and ranchers. You will
104 be able to see crop damage for many years. A lot longer than what Energy Transfer is
105 paying farmers for damage. In some cases the land will never be back to its most
106 productive state.

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

108 According to Energy Transfer the oil would be destined for Texas refineries. This does
109 not make sense to transport the oil all the way to the south coast. There it will be refined
110 and put on the world market. Some of the refined oil may be sent back to the Midwest,
111 but this would just keep adding cost and increasing the risk of spills.

112
113 **Would you be available to present testimony and respond to questions during the**
114 **formal hearing scheduled for September 29 through October 8, 2015?**

115 Yes, if need be.

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117 **Does that conclude your testimony?**

118 Yes.

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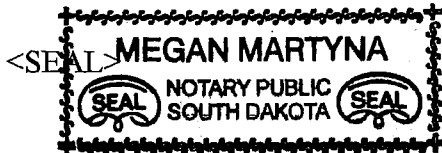
Matthew Anderson

Subscribed and sworn before me this 26th day of June, 2015.

Megan Martyna

Notary Public – South Dakota

My Commission Expires: 1-24-2020



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

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

HP14-002

**PRE-FILED TESTIMONY OF
Ruth E. Arends, Allan C. Arends,
Lorrie L. Bacon, and Sherrie K. Fines-Tracy**

1

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

3 Ruth E. Arends, 614 N. Willow, Pierre, SD 57501

4 Allan C. Arends, 192 W. Lake Drive, Arlington, SD 57212

5 Lorrie L. Bacon, 11 Woodland Drive, Humboldt, IA 50548

6 Sherrie K. Fines-Tracy, 614 N. Willow, Pierre, SD 57501

7 **How are you involved with the Dakota Access Pipeline project?**

8 We are landowners in Minnehaha County, South Dakota affected by the proposed Dakota
9 Access Pipeline.

10

11 **Please describe the history of your family's land ownership, and whether farming
12 will be continued by younger generations.**

13 This is a family farm purchased in 1952. Continuously occupied until 2009. Farmland
14 leased since approximately 1985 with 58 crop acres, 24 pasture acres and 6 acres of
15 buildings.

16 One of the owners has future plans to move back and build a new home on the farmstead.

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18 **Please describe your current farming operations.**

19 Leased since the 1980's and the production of corn, soybeans and livestock is still
20 continuing today.

21

22 **To the best your knowledge, what area(s) of your property will the Dakota Access
23 Pipeline cross?**

24 Originally ¼ mile north to south of the west side, but we recently found out it cuts east to
25 west increasing to 3000 feet.

26

27 **How close is the pipeline to any building, bin or pen, water source, or farming
28 facilities (i.e., storage area, feedlot, grazing area, etc.)?**

29 The current proposed location of the pipeline would be within 250 feet of the building
30 site. The proposed pipeline is also very close to a stock dam and crossing a natural
31 flowing creek and wetlands.

32

33 **Please describe any special characteristics of your property and farmland, and/or
34 whether you plan to build any houses, outbuildings, shelter belts, or other structures
35 on your property.**

36 We have two (2) building eligibility's on the property one of which one of the current
37 owner's has plans of building a new home in the future. In addition to the eligibility's,
38 the northwest corner of the property is prime for commercial development due to two
39 busy black tops intersecting on that corner.

40

41 **Please describe which of your farming operations or other land uses will be**
42 **impaired by the Dakota Access Pipeline and how they will be impaired.**

43 The highly productive land used for raising our crops will be greatly impaired by the
44 pipeline. If the pipeline is built, our crops will never be the same. Disturbed soil from
45 pipeline installation and the heat produced from the pipeline after installation will both
46 have detrimental effects on crop land. It will never return to its highly productive state.
47 In addition, when an oil spill occurs, it will leave our farmland and crops saturated. That
48 land can no longer be farmed and is considered worthless. That was proven by the oil
49 spills in both Benton, MI on September 16, 2014 and in Bismarck, ND on September 29,
50 2013. We are also greatly concerned with stray voltage that may come from this
51 pipeline. The soil, mineral and moisture content of the land, in addition to steel posts are
52 all conductors of electricity. There is a well on the parcel of land. Our tenant runs
53 livestock and there is a stock dam and a natural creek running though the property. If
54 stray voltage were to occur, it could be hazardous and possibly deadly to the livestock.

55
56 **Has your farmland been improved with drain tile? If so, please describe whether**
57 **you are concerned that pipeline construction may damage and impair the drain tile**
58 **performance and investment.**

59 We are not aware of any.

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

62 Yes!! We are very concerned about an oil leak which would get into our water supply.
63 In addition, the pipeline is proposed to run one-quarter mile to the west of Wall Lake,
64 which is approximately one mile north of our property. Wall Lake is part of the aquifer

65 system to the city of Sioux Falls and the overflow is the natural creek through our
66 property. It is the backup reservoir to our largest population city. An oil leak will have
67 devastating effects!

68

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

71 Yes!! This proposed pipeline will be carrying HAZARDOUS MATERIAL! It is
72 extremely flammable. Bakken crude oil has a low flashpoint and may be more explosive
73 than conventional crude oil. It is also toxic!! The cancer-causing agent benzene, is
74 detected in the oil. Breathing benzene can cause drowsiness, dizziness, tachycardia
75 (rapid heart rate), headache, tremors, confusion, unconsciousness, and death. We are
76 very concerned for all the inhabitants in the sitting area.

77

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

83 Yes, we have been served with a Summons and Complaint for Preliminary Injunction to
84 Provide Survey Access. No, Dakota Access has not provided us with any legal authority
85 supporting its claim. Yes, we have and will continue to incur legal fees.

86

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

89 Not that we recall.

90

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

93 We don't recall any untrue statements, but there certainly has been a lack of
94 communication as we are absentee landowners. We were threatened by Collin Stephens
95 with a temporary restraining order if we did not sign the release to survey the property.

96

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

98 **Our family are absentee landowners. From the very beginning we have never**
99 **received a single piece of information from anyone at DAPL that we didn't first**
100 **initiate, and we have found some things that never have been shared pertaining to**
101 **our property.**

102 Our first contact was when Peggy Hoogestraat told us it was going across our property in
103 early November 2014. Doug Bacon, husband of Lorrie, contacted Edwina Scroggins and
104 information was shared at that point. Our family decided to deny access for survey at
105 that time.

106 Our original papers were served to an Arnold Arends in Colton SD., no relation. At the
107 time of Doug's contact with Edwina in mid-November 2014 until the week of
108 February 15, 2015, there was no contact by DAPL. At this time a Collin Stephens from
109 DAPL was looking for Ruth to try and gain access for survey. They still had no clue
110 where any of us lived!! The bill for property taxes sure seems to arrive in Pierre where
111 Ruth lives.

112 Doug Bacon, as the family spokesman, had several conversations phone as well as email
113 with Collin, the last being March 19, 2015. An email sent to Collin offering to rent them
114 access for survey for \$3 per running foot of pipeline to do their survey. No response.
115 We have just found out this week that on March 19, 2015 DAPL filed with PUC a change
116 on the pipeline route. Previously it crossed our property on the west side somewhat north
117 to south for approximately 1200 feet. The new proposal has it entering at the same
118 northwest location but now running all the way across our property to the east, going out
119 the southeast corner, approximately 3000 feet in length. NO NOTIFICATION!! We
120 only learned of this from the tenant and by going to the PUC website. There were many
121 names on the change filed but not ours?

122 We are very concerned about the lack of communication! As in *NONE* unless they want
123 to serve us papers! We are just curious, usually when someone wants something from
124 someone else they communicate and share what is happening. Not these people!!!

125
126 **Would you be available to present testimony and respond to questions during the**
127 **formal hearing scheduled for September 29 through October 8, 2015?**

128 Mostly likely not, because of the distance and our employment status.

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130 **Does that conclude your testimony?**

131 Yes.
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Dated this 2 day of July, 2015

Ruth E. Arends
Ruth E. Arends

Allan C. Arends
Allan C. Arends

Lorrie L. Bacon
Lorrie L. Bacon

Sherrie K. Fines-Tracy
Sherrie K. Fines-Tracy

**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

HP14-002

**PRE-FILED TESTIMONY OF
Delores (Andreessen) Assid**

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF Lincoln)

1 Delores Assid, being first duly sworn on his/her oath, deposes and states as follows:

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

3 Delores Assid

4 3009 South Holly

5 Sioux Falls, SD 57105

6 **How are you involved with the Dakota Access Pipeline project?**

7 I am a landowner in Lincoln County, South Dakota affected by the proposed Dakota
8 Access Pipeline.

9 **Please describe the history of your family's land ownership, and whether farming
10 will be continued by younger generations.**

11 My grandfather, Henry Andreessen, homesteaded this land in 1883. He filed on the land
12 (a half section – 320 acres) in 1882 and then moved onto it in 1883. Henry farmed it for
13 44 years. My parents, Martin and Elsie Andreessen, inherited the farm in 1927, when I
14 was one year old. They retired from farming in 1948, but continued to own the land. My
15 parents rented the land to a farmer, Richard Gores. My sisters, Devona Smith and

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16 Margaret Hilt, and I inherited the farm in 1988, when my mother passed away. We
17 continue to rent the farmland to a farmer, Doug Vanderwerff, who grows corn and
18 soybeans on it. My two daughters and my two nephews will someday inherit the farm
19 from my sisters and me. They plan on continuing to own the land and rent it out. One
20 daughter, Laurie Kunzelman, has been thinking about building a home on the farm.

21 **Please describe your current farming operations.**

22 We rent out the farm for cash rent. The tenant farmer, Doug Vanderwerff, grows corn
23 and soybeans, and has a little hay land on the half section. This man has been farming
24 our land for about 30 years and plans to continue to do so.

25 **To the best of your knowledge, what area(s) of your property will the Dakota Access
26 Pipeline cross?**

27 The pipeline would cross the east quarter section (160 acres) of the farm from the
28 northwest corner to the southeast corner, effectively cutting that quarter section in half.

29 **How close is the pipeline to any building, bin or pen, water source, or farming
30 facilities (i.e., storage area, feedlot, grazing area, etc.)?**

31 The pipeline would run approximately 50 feet from the land surrounding the farm
32 buildings and the windmill, which provides water for the house.

33 **Please describe any special characteristics of your property and farmland, and/or
34 whether you plan to build any houses, outbuildings, shelter belts, or other structures
35 on your property.**

36 My land has cement tile going from a pond north of the house to the road ditch south of
37 the house. The proposed pipeline **would** cross this tile. There is also tile a short distance
38 west of this tile. I'm not sure if the pipeline would cross that tile or not.

39 My daughter, Laurie Kunzelman, has been considering building a home on the southeast
40 corner of the farm, but the pipeline would prevent that. My sisters and I have also
41 considered selling one acreage on the northeast corner of the farm.

42 **Please describe which of your farming operations or other land uses will be**
43 **impaired by the Dakota Access Pipeline and how they will be impaired.**

44 Corn and soybeans are both grown yearly in alternating areas in that quarter section of
45 the farm. The pipeline would severely cut down on crop production of each of them.

46 The tenant would lose acres to plant, receive much less income from that quarter section,
47 and it would inconvenience him when trying to farm the land, with the pipeline cutting
48 that quarter section in half. Consequently, he would be unwilling to pay as much rent per
49 acre, so we would be losing income. No one else would be willing to farm it either, with
50 that pipeline running through there. Also, if we did try to sell any acreages, people would
51 not want to buy and build on the land with that pipeline under it. Dakota Access would
52 not allow any buildings on the easement, either.

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

56 Yes, this quarter has two areas of drain tile. The pipeline would cross at least one of
57 them. The tile is cement and quite old. I am very much afraid that the tile would be
58 damaged. Then the water would not drain out of the low area and could reach the house
59 and other buildings. It would be very costly to replace the drain tiles if they were
60 damaged. I'm also afraid oil could get into the tiles and into the water if the tiles were
61 broken.

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

64 Yes, I definitely believe the pipeline would pose a threat to the environment and the
65 inhabitants of this farm. The oil could leak onto the land and into the water as it has often
66 done in many other areas. The oil could flow into Little Beaver Creek which runs through
67 the farm. Then it could get into Beaver Creek, and subsequently into the Sioux River and
68 the aquifer. The oil in this pipeline is a highly volatile substance. Pipelines explode,
69 rupture, and leak. Even with shut-off valves, a great deal of oil would escape into the
70 environment. If the pipeline exploded, it could definitely hurt or kill people and animals
71 in the area. Also, the oil could be poisonous and carcinogenic to the people and animals
72 in contact with it. I have designated wetlands on my farm which could be threatened by
73 the pipeline.

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

76 Yes, it will most definitely impair the financial welfare of the tenant farmer and the
77 landowners (us), due to the amount of land that will be dug up all the way across that
78 quarter section. Crops will not be as good. This could happen again and again, anytime
79 the pipeline company would decide to go back in and dig it up to put more pipes in, or to
80 work on them for some reason. Yet the pipeline company is only offering a onetime
81 lump sum payment. I am also concerned that stray voltage could affect the health, safety,
82 and welfare of the tenant farmer, the residents, and anyone else near the pipeline. As I
83 stated before, the oil itself could affect the health, safety, and welfare of everyone in the
84 area because of the volatility of the oil and the chemicals that the oil contains. Dakota

85 Access cannot guarantee the safety of the pipeline. There have been more pipeline
86 accidents than train accidents involving oil.

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

92 Yes, Dakota Access has filed a lawsuit against us to allow them to enter our farm to
93 survey it. I told them "No" two different times, that they could not enter our land.

94 Yes, we have hired a lawyer, Glenn Boomsma, to represent us in this matter. This is
95 costing us a great deal of money.

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

98 No, they did not.

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

101 Yes, first of all they told me that I should allow them on my land. If I don't, they will
102 just take it by eminent domain, anyway. However, they do not have the right of eminent
103 domain as of yet.

104 Secondly, they told Rhonda Nielsen, who lives in the house on that quarter section, that
105 my sisters and I had agreed to let Dakota Access enter my land, survey it, and build the
106 pipeline there. They also told her there was nothing she could do about it. Rhonda was
107 very upset that we would do this. We never gave them permission to enter our land,
108 survey it, or build the pipeline there.

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

110 South Dakota and Iowa both grow large amounts of corn. Ethanol producers in South
111 Dakota use much of this corn to produce ethanol, which greatly helps the economy of
112 South Dakota. The oil pipeline will benefit the economy of North Dakota and Texas, but
113 will be of only a small benefit to the economy of South Dakota. That oil is a non-
114 renewable source of fuel and produces greenhouse gases. Corn is a renewable source of
115 fuel. South Dakota should be putting all of its effort into increasing the supply and
116 demand for ethanol. This would be much more beneficial to the farmers and to the state.

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

119 No. I am 89 years old and have recently had my left knee replaced. It is still giving me a
120 great deal of pain.

121 I give my permission for my daughter, Laurie Kunzelman, to speak on my behalf during
122 the formal hearing. Her address is 3604 East Woodsedge St., Sioux Falls, SD 57108.

123 **Does that conclude your testimony?**

124 Yes.

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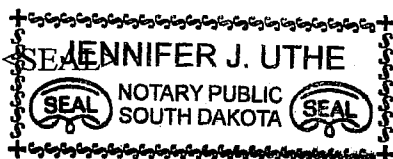
Delores L. Assid

Subscribed and sworn before me this 19 day of June, 2015.

Joseph J. Uthe

Notary Public - South Dakota

My Commission Expires: 9/9/2014



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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| IN THE MATTER OF THE APPLICATION OF DAKOTA ACCESS, LLC FOR AN ENERGY FACILITY PERMIT TO CONSTRUCT THE DAKOTA ACCESS PIPELINE | HP14-002 PRE-FILED TESTIMONY OF <u>ORRIN GEIDE</u> |
|--|--|

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF MINNEHAHA)

Orrin Geide, being first duly sworn on his/her oath, deposes and states as follows:

Please state your name and address.

Orrin Geide

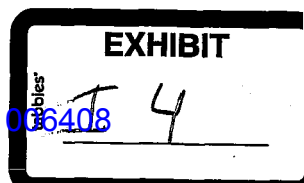
46134 263rd Street

Hartford, SD 57033

How are you involved with the Dakota Access Pipeline project?

I am a landowner in Minnehaha County, South Dakota affected by the proposed Dakota Access Pipeline.

Please describe the history of your family's land ownership, and whether farming will be continued by younger generations.



My land is our families home place which was purchased by my father in 1950 and has been passed down to me so that the farming operation could continue. This land will be affected by the proposed Dakota Access Pipeline.

Please describe your current farming operations.

I grow corn, soybeans and livestock. We use conventional and no till operations.

To the best your knowledge, what area(s) of your property will the Dakota Access Pipeline cross?

It will cross through the east side of my quarter along the section line affecting crop ground and also my pasture which is contains my buffalo herd.

How close is the pipeline to any building, bin or pen, water source, or farming facilities (i.e., storage area, feedlot, grazing area, etc.)?

It will run right on top of my water source which I have three wells that I draw from.

Please describe any special characteristics of your property and farmland, and/or whether you plan to build any houses, outbuildings, shelter belts, or other structures on your property.

I have plans for planting a shelter belt where the proposed pipeline will run through.

Please describe which of your farming operations or other land uses will be impaired by the Dakota Access Pipeline and how they will be impaired.

The highly productive land used for raising our crops will be greatly impaired by the pipeline. If the pipeline is built, our crops will never be the same. Disturbed soil from pipeline installation and the heat produced from the pipeline after installation will both have detrimental effects on crop land. It will never return to it's highly productive state. In addition, when an oil spill occurs, it will leave our farmland and crops saturated. That land can no longer be farmed and is considered worthless. That was proven by the oil spills in both Benton, Mich. on Sept. 16, 2014 and in Bismarck, ND on Sept. 29, 2013. We are also greatly concerned with stray voltage that may come from this pipeline. The soil, mineral and moisture content of the land in addition to steel posts are all conductors of electricity. There are 3 wells on that section of land that our family runs livestock through. If stray voltage were to occur, it could be hazardous and possibly deadly to our livestock.

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

I am waiting approval from the NRCS for drain tile installation in the fall of 2015.

Pipeline construction will greatly impair the drain tile performance and investment.

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

Yes! I am very concerned about an oil leak which would get into our water supply. In addition, the pipeline is proposed to run ¼ mile to the west of Wall Lake, which is approximately 2 ¼ miles from our land. Wall Lake is part of the aquifer system to the city of Sioux Falls. It is the backup reservoir to our highest populated city. An oil leak will have devastating effects!

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

Yes!! This proposed pipeline will be carrying **HAZARDOUS MATERIAL!** It is extremely flammable. Bakken crude oil has a low flashpoint and may be more explosive than conventional crude oil. It is also toxic!! The cancer-causing agent, benzene, is detected in the oil. Breathing benzene can cause drowsiness, dizziness, tachycardia (rapid heart rate), headache, tremors, confusion, unconsciousness, and death. I am very concerned for all the inhabitants in the sitting area.

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

Yes, I have been served with a Summons and Complaint for Preliminary Injunction to Provide Survey Access. No, Dakota Access has not provided me with any legal authority supporting its claim. Yes, I have and continue to incur legal fees.

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

At the January 22, 2015 public meeting in Sioux Falls, I had asked the Dakota Access representatives numerous questions regarding the pipeline project. After I asked these questions and gave my concerns, Joey Mahmoud, Vice President - Engineering, stated that we have "already talked about most of these issues". That statement was simply not true. None of the questions that I asked have ever been personally addressed to me or to my family ~ not that night and not to this day.

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

I am concerned with all of the proposed project "benefits" that Dakota Access is proposing. The estimated monetary benefits that the state receives in the **short term** does not compare to the **long term** monetary benefits that Dakota Access and the 'big oil' companies will be filling their pockets with 'indefinitely'. Alaska does not have income tax due to revenues that they receive off the pipelines. Do not approve a pipeline that will not benefit our state for the life of that pipeline.

If the pipeline permit is approved, I am also greatly concerned with how that will effect our property value.

When an oil spill happens, who will pay for the clean up? When our farmland is left saturated and worthless, what kind of financial compensation will be offered? Will it be to the landowners satisfaction or will things wind up in long protracted legal battles in court?

Pipeline spills are inevitable whether it be from material, welding and equipment failure, corrosion or the environment. Pipelines require constant monitoring and accidents may result from undetected failures due to insufficient or delayed monitoring, deficient integrity management procedures or inadequate training of control center personnel. I am very concerned about the quality and installation of the pipeline as well as the monitoring of this line.

Another GREAT concern is that there is no state agency/inspectors/etc that will enforce permit conditions, easement agreements or "police" the pipeline. That is very FRIGHTENING to my family and to myself. They are just given a free pass to do as they please on the land that we have worked so hard to take care of!!

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

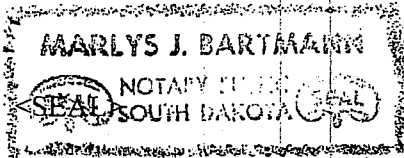
Yes

Does that conclude your testimony?

Yes.

Ann Beider

Subscribed and sworn before me this 2 day of July, 2015.



Marlys J. Bartmann
Notary Public - South Dakota
My Commission Expires: 9-30-2019

**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 | HP14-002 PRE-FILED TESTIMONY OF <u>Linda Ann Goulet</u> |
|---|--|

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF Lincoln)

1 Linda Ann Goulet _____, being first duly sworn on his/her oath,
2 deposes and states as follows:

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

4 Linda Ann Goulet
5 27332 Atkins Place
6 Tea, SD 57064

7 **How are you involved with the Dakota Access Pipeline project?**

8 I am a landowner in Lincoln County, South Dakota affected by the proposed Dakota
9 Access Pipeline.

10
11 **Please describe the history of your family’s land ownership, and whether farming**
12 **will be continued by younger generations.**

14 4/23/1923 Sophia Nichel sold to Gilbert Schoffelman for \$ 18,000. \$112.50 per acre.

EXHIBIT
006415
15

15 **8/1/1930 Upon Gilbert's death distribution to heirs in 1931 – Dora (wife) 1/3 and to**
16 **children remaining 3/2rds (John, Hilda, Aldrich, Henry, Elmer, Laura and Esther)**

17 **6/11/1959 John Schoffelman purchased from his siblings and his mother for \$37,840.**
18 **236.50 per acre.**

19 **3/23/2004 John deeded to children – Janice Petterson, Mavis Parry, Linda Goulet,**
20 **Corliss Wiebers, Shirley Oltmanns, Marilyn Murray & Kevin Schoffelman w/John**
21 **having Life Estate.**

22 **4/13/2012 – Termination of John's Life Estate**

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

25 **Tillable acres will probably continue to be leased for row-crop farming. Pasture**
26 **acres and grasswater ways for cash rent for several years. However discussions**
27 **have taken place for development of the land starting with the 3 building eligibilities**
28 **it now holds.**

29
30
31
32 **Please describe your current farming operations.**

33 **The tillable acres are farmed by Jerry and Bill Crevier and the pasture along with**
34 **the grass waterways is rented by Scott Daggett.**

38 **To the best your knowledge, what area(s) of your property will the Dakota Access**
39 **Pipeline cross?**

40 **Based on the most recent maps by Dakota Access and flags placed in the road ditch,**
41 **the pipeline would enter the NW corner going to the SE corner cutting diagonally**
42 **across the entire farm. This area includes crop production land as well as pasture.**

43

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46 **How close is the pipeline to any building, bin or pen, water source, or farming**
47 **facilities (i.e., storage area, feedlot, grazing area, etc.)?**

48 **Approximately 300 yards to the nearest building and 340 yards to the well.**

49 **It is planned to go under the creek which drains the watershed NW of Tea and flows**
50 **into the Sioux River.**

51 **The pipeline would cross the easement held by South Lincoln Rural Water.**

52 **As stated previously it would cross the grazing area.**

53

54

55

56 **Please describe any special characteristics of your property and farmland, and/or**
57 **whether you plan to build any houses, outbuildings, shelter belts, or other structures**
58 **on your property.**

59 **The land is drain tiled, some of which is clay.**

60 **Open Waterway ditch running south on east side of property.**

61 **It has 3 housing eligibilities with potential for future development since State**
62 **Highway # 17 runs on the west side of the property.**

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67 **Please describe which of your farming operations or other land uses will be**
68 **impaired by the Dakota Access Pipeline and how they will be impaired.**

69 **Initially, no access for daily operations on cropland on south half of property.**

70 **Natural waterways blocked and would need to be reconstructed. The tillable acres**
71 **won't produce the same and the quality of the pasture will be impaired. Future**
72 **development potential diminished due to restrictions of building on pipeline and**
73 **lack of desire for homeowners to live near pipeline.**

74 **There is currently an existing housing development ½ mile NE of our farm, located**
75 **outside of the City of Tea; as well as a second development planned (zoning has been**
76 **changed to agricultural/residential) ½ mile north of our farm. These developments**
77 **are outside the City of Tea growth plan. Just because a particular city doesn't have**
78 **these affected areas in their growth plan, doesn't mean they won't be developed –**
79 **unless of course pipeline easements restrict the development.**

80

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

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

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

Yes, Ruptures, oil leaks, environmental damages in the future.

In February, the Wall Street Journal compared oil from 86 locations around the world and found Bakken crude oil to be the most explosive. This was introduced December 11, 2014 in the Assembly Resolution No 191 State of New Jersey 216th Legislature.

Do you believe that the Dakota Access Pipeline will substantially impair the health, safety and welfare of the inhabitants of the siting area? If so, why? Yes, Watershed damage as East Beaver Creek drains the Watershed North and West of Tea and flows through our farm, eventually into the Bis Sioux River and then the Missouri. Will eliminate the potential for future development due to people not wanting to reside near an oil pipeline.

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Have you been sued by Dakota Access Pipeline to compel court ordered access to

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your land? If so, (1) Has Dakota Access Pipeline provided you any legal authority

114

(i.e., state statute) supporting its claim that you have no right to exclude Dakota

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Access from your land at the time of said lawsuit? and (2) Have you incurred legal

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fees in defending against said lawsuit?

117

Yes – I have been sued.

118

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

119

Yes – I have incurred legal fees.

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Has Dakota Access Pipeline made any statements to you that it is a “common

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carrier” under South Dakota law? If so, please describe. No

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Has any representative of Dakota Access Pipeline made any statements to you or

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others that you believe are not true? If so, please explain. Yes

130

They have stated they contacted all land owners once by letter and twice in person.

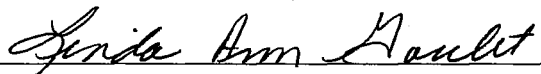
131 **My experience, letter delivered 12/24/2014. While I was out-of-state my neighbor**
132 **left message to call # 605-277-1223 an speak to a Chris Hobbs, supervisor for**
133 **Dakota Access which I did as requested. I have had no other contact with Dakota**
134 **Access.**

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139 **Please state any other concerns you have regarding the Dakota Access Pipeline.**
140 **Will devalue production ground and subsequent crop production.**
141 **Will eliminate opportunity for rural residential development.**

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

148
149 **Does that conclude your testimony?**

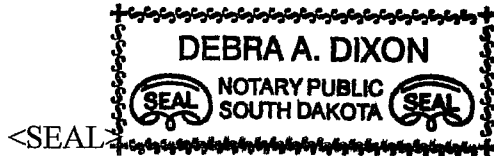
150 Yes.

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156 Subscribed and sworn before me this 19th day of June, 2015.

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Debra A Dixon
Notary Public -- South Dakota
My Commission Expires: 03-12-2018

16 Delores Assid, and I inherited the farm in 1988, when my mother passed away. We
17 continue to rent the farmland to a farmer, Doug Vanderwerff, who grows corn and
18 soybeans on it. My two sons and my two nieces will someday inherit the farm from my
19 sisters and me. They plan on continuing to own the land and rent it out.

20 **Please describe your current farming operations.**

21 We rent out the farm for cash rent. The tenant farmer, Doug Vanderwerff, grows corn
22 and soybeans, and has a little hay land on the half section. This man has been farming
23 our land for about 30 years and plans to continue to do so.

24 **To the best of your knowledge, what area(s) of your property will the Dakota Access
25 Pipeline cross?**

26 The pipeline would cross the southeast quarter section (160 acres) of the farm from the
27 northwest corner to the southeast corner, effectively cutting that quarter section in half.

28 **How close is the pipeline to any building, bin or pen, water source, or farming
29 facilities (i.e., storage area, feedlot, grazing area, etc.)?**

30 The pipeline would run approximately 50 feet from the land surrounding the farm
31 buildings and the windmill, which provides water for the house.

32 **Please describe any special characteristics of your property and farmland, and/or
33 whether you plan to build any houses, outbuildings, shelter belts, or other structures
34 on your property.**

35 My land has cement tile going from a pond north of the house to the road ditch south of
36 the house. The proposed pipeline **would** cross this tile. There is also tile a short distance
37 west of this tile. I'm not sure if the pipeline would cross that tile or not. My sisters and I
38 have also considered selling one acreage on the northeast corner of the farm.

39 **Please describe which of your farming operations or other land uses will be**
40 **impaired by the Dakota Access Pipeline and how they will be impaired.**

41 Corn and soybeans are both grown yearly in alternating areas in that quarter section of
42 the farm. The pipeline would severely cut down on crop production of each of them.
43 The tenant would lose acres to plant, receive much less income from that quarter section,
44 and it would inconvenience him when trying to farm the land, with the pipeline cutting
45 that quarter section in half. Consequently, he would be unwilling to pay as much rent per
46 acre, so we would be losing income. No one else would be willing to farm it either, with
47 that pipeline running through there. Also, if we did try to sell any acreages, people would
48 not want to buy and build on the land with that pipeline under it. Dakota Access would
49 not allow any buildings on the easement, either.

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

53 Yes, this quarter has two areas of drain tile. The pipeline would cross at least one of
54 them. The tile is cement and quite old. I am very much afraid that the tile would be
55 damaged. Then the water would not drain out of the low area and could reach the house
56 and other buildings. It would be very costly to replace the drain tiles if they were
57 damaged. I'm also afraid oil could get into the tiles and into the water if the tiles were
58 broken.

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

61 Yes, I definitely believe the pipeline would pose a threat to the environment and the
62 inhabitants of this farm. The oil could leak onto the land and into the water as it has often

63 done in many other areas. The oil could flow into Little Beaver Creek which runs through
64 the farm. Then it could get into Beaver Creek, and subsequently into the Sioux River and
65 the aquifer. The oil in this pipeline is a highly volatile substance. Pipelines explode,
66 rupture, and leak. Even with shut-off valves, a great deal of oil would escape into the
67 environment. If the pipeline exploded, it could definitely hurt or kill people and animals
68 in the area. Also, the oil could be poisonous and carcinogenic to the people and animals
69 in contact with it. I have designated wetlands on my farm which could be threatened by
70 the pipeline.

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

73 Yes, it will most definitely impair the financial welfare of the tenant farmer and the
74 landowners (us), due to the amount of land that will be dug up all the way across that
75 quarter section. Crops will not be as good. This could happen again and again, anytime
76 the pipeline company would decide to go back in and dig it up to put more pipes in, or to
77 work on them for some reason. Yet the pipeline company is only offering a onetime
78 lump sum payment. I am also concerned that stray voltage could affect the health, safety,
79 and welfare of the tenant farmer, the residents, and anyone else near the pipeline. As I
80 stated before, the oil itself could affect the health, safety, and welfare of everyone in the
81 area because of the volatility of the oil and the chemicals that the oil contains. Dakota
82 Access cannot guarantee the safety of the pipeline. There have been more pipeline
83 accidents than train accidents involving oil.

84 **Have you been sued by Dakota Access Pipeline to compel court ordered access to**
85 **your land? If so, (1) Has Dakota Access Pipeline provided you any legal authority**
86 **(i.e., state statute) supporting its claim that you have no right to exclude Dakota**

87 **Access from your land at the time of said lawsuit? and (2) Have you incurred legal**
88 **fees in defending against said lawsuit?**

89 Yes, Dakota Access has filed a lawsuit against us to allow them to enter our farm to
90 survey it. They have been told "No" two different times, that they could not enter our
91 land. Yes, we have hired a lawyer, Glenn Boomsma, to represent us in this matter. This
92 is costing us a great deal of money.

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

95 No, they did not.

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

98 Yes, first of all they told us we should allow them on my land. If we don't, they will just
99 take it by eminent domain, anyway. However, they do not have the right of eminent
100 domain as of yet.

101 Secondly, they told Rhonda Nielsen, who lives in the house on that quarter section, that
102 my sisters and I had agreed to let Dakota Access enter my land, survey it, and build the
103 pipeline there. They also told her there was nothing she could do about it. Rhonda was
104 very upset that we would do this. We never gave them permission to enter our land,
105 survey it, or build the pipeline there.

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

107 South Dakota and Iowa both grow large amounts of corn. Ethanol producers in South
108 Dakota use much of this corn to produce ethanol, which greatly helps the economy of
109 South Dakota. The oil pipeline will benefit the economy of North Dakota and Texas, but
110 will be of only a small benefit to the economy of South Dakota. That oil is a non-

111 renewable source of fuel and produces greenhouse gases. Corn is a renewable source of
112 fuel. South Dakota should be putting all of its effort into increasing the supply and
113 demand for ethanol. This would be much more beneficial to the farmers and to the state.

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

116 No. I am 83 years old and live in Colorado and have no way to get there as it is a great
117 distance to travel.

118 I also gave my permission for, Laurie Kunzelman, to speak on my behalf during the
119 formal hearing. Her address is 3604 East Woodsedge St., Sioux Falls, SD 57108.

120 **Does that conclude your testimony?**

121 Yes.

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Margaret Hill
Margaret Hill

128 Subscribed and sworn before me this 19th day of June, 2015.

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Ericka Wieck
Notary Public - Kansas
My Commission Expires: 12-31-17

134 <SEAL>
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136



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

HP14-002

PRE-FILED TESTIMONY OF
ROD & JOY HOHN

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF MINNEHAHA)

Rod & Joy Hohn, being first duly sworn on his/her oath, deposes and states as follows:

Please state your name and address.

Rod & Joy Hohn

46178 263rd Street

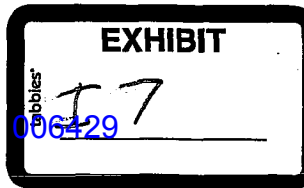
Hartford, SD 57033

rjnhohn@gmail.com

How are you involved with the Dakota Access Pipeline project?

I am a landowner in Minnehaha County, South Dakota affected by the proposed Dakota
Access Pipeline.

**Please describe the history of your family's land ownership, and whether farming
will be continued by younger generations.**



Our land is adjacent to Joy's brothers land, which is where she was raised. That home place was purchased by her father in 1950 and has been passed down to her brother so that the farming operation could continue. Joy's brothers land will also be affected by the proposed Dakota Access Pipeline. We had purchased our adjacent land to the home place to build upon our families farming operation with her brother. Since Joy's brother has no children that would continue the farming operation, our children (ages 12 and 10) have been very active and show great interest in this operation. They have helped with planting & harvest (our 12 year old drove the tractor pulling the grain cart for last fall's harvest), taking care of the cattle (including pulling calves from their mothers) and general upkeep of our farm places (mowing lawn, planting the garden, etc.).

Please describe your current farming operations.

We grow corn, soybeans and livestock. We use conventional and no till operations.

To the best your knowledge, what area(s) of your property will the Dakota Access Pipeline cross?

It will cross through our west quarter along the section line.

How close is the pipeline to any building, bin or pen, water source, or farming facilities (i.e., storage area, feedlot, grazing area, etc.)?

Approximately ¼ of a mile

Please describe any special characteristics of your property and farmland, and/or whether you plan to build any houses, outbuildings, shelter belts, or other structures on your property.

We have two (2) building eligibility's on that section of land and have plans for future development.

Please describe which of your farming operations or other land uses will be impaired by the Dakota Access Pipeline and how they will be impaired.

The highly productive land used for raising our crops will be greatly impaired by the pipeline. If the pipeline is built, our crops will never be the same. Disturbed soil from pipeline installation and the heat produced from the pipeline after installation will both have detrimental effects on crop land. It will never return to it's highly productive state. In addition, when an oil spill occurs, it will leave our farmland and crops saturated. That land can no longer be farmed and is considered worthless. That was proven by the oil spills in both Benton, Mich. on Sept. 16, 2014 and in Bismarck, ND on Sept. 29, 2013. We are also greatly concerned with stray voltage that may come from this pipeline. The soil, mineral and moisture content of the land in addition to steel posts are all conductors of electricity. There are 3 wells on that section of land that our family runs livestock through. If stray voltage were to occur, it could be hazardous and possibly deadly to our livestock.

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

We do not have drain tile that we are aware of.

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

Yes! We are very concerned about an oil leak which would get into our water supply. In addition, the pipeline is proposed to run ¼ mile to the west of Wall Lake, which is approximately 2 ¼ miles from our land. Wall Lake is part of the aquifer system to the city of Sioux Falls. It is the backup reservoir to our highest populated city. An oil leak will have devastating effects!

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

Yes!! This proposed pipeline will be carrying **HAZARDOUS MATERIAL!** It is extremely flammable. Bakken crude oil has a low flashpoint and may be more explosive than conventional crude oil. It is also toxic!! The cancer-causing agent, benzene, is detected in the oil. Breathing benzene can cause drowsiness, dizziness, tachycardia (rapid heart rate), headache, tremors, confusion, unconsciousness, and death. We are very concerned for all the inhabitants in the sitting area.

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

Yes, we have be served with a Summons and Complaint for Preliminary Injunction to Provide Survey Access. No, Dakota Access has not provided us with any legal authority supporting its claim. Yes, we have and continue to incur legal fees.

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

At the January 22, 2015 public meeting in Sioux Falls, Joy had asked the Dakota Access representatives numerous questions regarding the pipeline project. After she asked these questions and gave her concerns, Joey Mahmoud, Vice President - Engineering, stated that we have "already talked about most of these issues". That statement was simply not true. None of the questions that she asked have ever been personally addressed to her or to our family ~ not that night and not to this day.

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

We are concerned with all of the proposed project "benefits" that Dakota Access is proposing. The estimated monetary benefits that the state receives in the **short term** does not compare to the **long term** monetary benefits that Dakota Access and the 'big oil' companies will be filling their pockets with 'indefinitely'. Alaska does not have

income tax due to revenues that they receive off the pipelines. Do not approve a pipeline that will not benefit our state for the life of that pipeline.

If the pipeline permit is approved, we are also greatly concerned with how that will effect our property value.

When an oil spill happens, who will pay for the clean up? When our farmland is left saturated and worthless, what kind of financial compensation will be offered? Will it be to the landowners satisfaction or will things wind up in long protracted legal battles in court?

Pipeline spills are inevitable whether it be from material, welding and equipment failure, corrosion or the environment. Pipelines require constant monitoring and accidents may result from undetected failures due to insufficient or delayed monitoring, deficient integrity management procedures or inadequate training of control center personnel. very concerned about the quality and installation of the pipeline as well as the monitoring of this line.

Another GREAT concern is that there is no state agency/inspectors/etc that will enforce permit conditions, easement agreements or "police" the pipeline. That is very FRIGHTENING to us and our family. They are just given a free pass to do as they please on the land that we have worked so hard to take care of!!

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

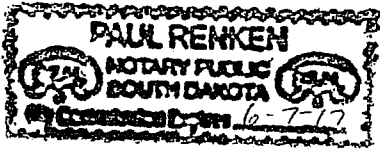
Yes, but only Joy would be available.

Does that conclude your testimony?

Yes.

Paul Renken

Subscribed and sworn before me this 29th day of June, 2015.

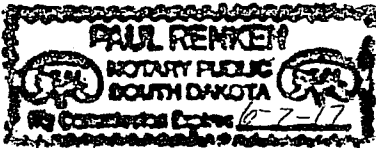


<SEAL>

Paul Renken
Notary Public - South Dakota
My Commission Expires: 6-7-17
County of Minnehaha

Jay Holm

Subscribed and sworn before me this 29th day of June, 2015.



<SEAL>

Paul Renken
Notary Public - South Dakota
My Commission Expires: 6-7-17
County of Minnehaha

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

HP14-002

PRE-FILED TESTIMONY OF
PEGGY HÖGEGSTRAAT

Almost a year ago, SD PUC Chairman Gary Hanson stated officials there first learned about the Dakota Access Pipeline project from landowners three to four weeks before being contacted by company officials. Hanson said "We didn't hear about it originally from the company itself, which is unusual."

For Energy Transfer, this was not unusual but it was a normal tactic to reach landowners before they could even know what was about to be presented. The only information available at that time came from the land agents who appeared at the landowners' doors. Landowners were told their property was chosen to be crossed by a pipeline to be installed through the Midwest. They were told they had no choice but to allow a survey on their property and later an easement agreement would be presented.

This situation was not unusual-it was planned. That is how Energy Transfer gets their foot in the door before the state knows what is coming. Personally, I have received phone calls and letters from landowners across the state who are opposed to the installation of the pipeline. Many of them believed they had no choice but to sign an agreement. One landowner never gave permission for a survey but it was done anyway. The fear of repercussions from Energy Transfer if they speak up has kept landowners from voicing their opinion to the PUC. They feel they have been let down by the system within our state. They feel their land has been handed over to an out-of-state private business for the benefit of the business and its stockholders.

Energy Transfer has done its homework. It has formed yet another limited liability company to go forward with its intentions. It has hired South Dakotans who are familiar with the political and economic leverage in the state. Energy Transfer has focused on issues of concern within the state. Some of those issues include teacher salaries, lack of rail cars, and road repairs. Energy Transfer's solutions to each of these issues have been overrated. Tax monies received from the taxation of the pipelines for schools and counties and townships will be actually be received and allocated by the state. No state official has claimed that the tax numbers provided by Energy Transfer are accurate. In regards to railroads, the lack of rail cars in the past is not due to the transportation of oil as much as Energy Transfer claims.

Energy Transfer's claim of providing jobs in South Dakota has not been so convincing because of South Dakota's low employment rate. Over and over, job opportunities already filled for the proposed pipeline have been enjoyed by out-of-state employees. One of the examples involves the unloading of pipes from a railcar west of Aberdeen. This has been done by employees of T.G. Mercer, a pipe unloading company from Aledo, Texas. The pipes are marked "Made in Canada".

EXHIBIT

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When Dakota Access has been asked a question in the interrogatories about how the share of Bakken oil production that Dakota Access plans to transport by pipeline is currently being transported, the answer is "the request is irrelevant". The question is very relevant because the pipeline is not a necessity to transport the oil. The pipeline will merely provide a cheaper and more flexible opportunity for its shippers to reach multiple markets. All interested parties interested in receiving copies of the open season agreement, including deficiency agreements and proposed tariffs, have to sign a confidentiality agreement. If the proposed pipeline is supposed to be for the benefit of South Dakota and the public, why are there so many secrets? Why are landowners told they cannot disclose easement agreement information after the easements are signed? To add to South Dakota landowners' concern, the crude oil shipped through the proposed pipeline is not guaranteed to stay within the United States.

As a South Dakota landowner myself, I am concerned about the significant lack of protecting rural South Dakota compared to water areas and high populated areas. South Dakota's prime farmland is just as important to the state, nation and the world. Also, requirements set by the regulatory agencies allow opportunities for spills or leaks to not be reported. (See exhibit 1) Property owners are very concerned about the liability issues.

Property owners have questioned the need for surveys prior to the granting of the permit. Surveys already completed are lacking a large amount of information needed to determine the safe crossing or avoidance of sensitive areas, historic areas, or special archaeological areas.

It is a fact that the Bakken oil has been there for many years. It was not until the EPA rules were changed and then the oil began flowing. The rush was on. It appears that Energy Transfer is attempting to make some quick profits. The South Dakota government and leaders across the state have fallen short to: (1) inform landowners and citizens of their rights, (2) explain the process of application by Dakota Access Pipeline, and (3) share the facts and truth of what is to come if this (or any) pipeline is installed.

Large oil companies and agricultural businesses are at war. I ask that sacrificing landowners not be the target of this whole process.

Another concern in regards to the crude oil is the exposure to the carcinogen contained in the oil. The carcinogens are agents directly involved in causing cancer. It makes no sense to ship this dangerous product in a 30 inch pipeline through a highly populated area of South Dakota. (see exhibit 2)

Andrea Thronton of Natural Resource Group has included in her testimony issues including highly erodible soils. Counties, townships and landowners across South Dakota have worked together to prevent erosion. Consideration of this matter by the contractors hastily installing the proposed pipeline is a very serious concern. Reclamation of cropland and pastures is a great concern in regards to each and every farmer. Many farmers fear the land will be damaged and never as productive as it is today. The lack of controlling the spread of noxious weeds after the installation of the pipeline will become a hardship for landowners.

Another hardship for landowners across South Dakota has been the need to hire attorneys to protect their property and their interests. Landowners directly or indirectly affected by the proposed pipeline should be reimbursed for all attorney fees accumulated through the entire process.

Many South Dakotans believe that succession is about honoring the past, profiting today and securing tomorrow. If the pipeline permit is granted, the pipeline will interfere with the orderly development of the region, thus, dishonoring the past. The pipeline will impair the wealth of the inhabitants and the profits of today. Tomorrow will not be secure as the pipeline will pose a threat of serious injury to the environment and the future inhabitants. Please do not stop the succession that South Dakotans are experiencing. Please deny the pipeline permit.

Attached hereto and incorporated herewith are the following documents to support my testimony;

Exhibit 1: Pages 1, 2, and 3 from the DAPL North Facility Response Plan dated June 2015

Exhibit 2: Minnehaha County Residential Distribution map dated June 15, 2015

This concludes my testimony.

Peggy Hoogestraat

Peggy Hoogestraat

Subscribed and sworn before me this 12th day of August, 2015.



Charlene Ritter

Notary Public – South Dakota

My Commission Expires: _____

Charlene Ritter
My Commission Expires 8-25-2020

TABLE 2-3 – REGULATORY AGENCY CONTACT INFORMATION

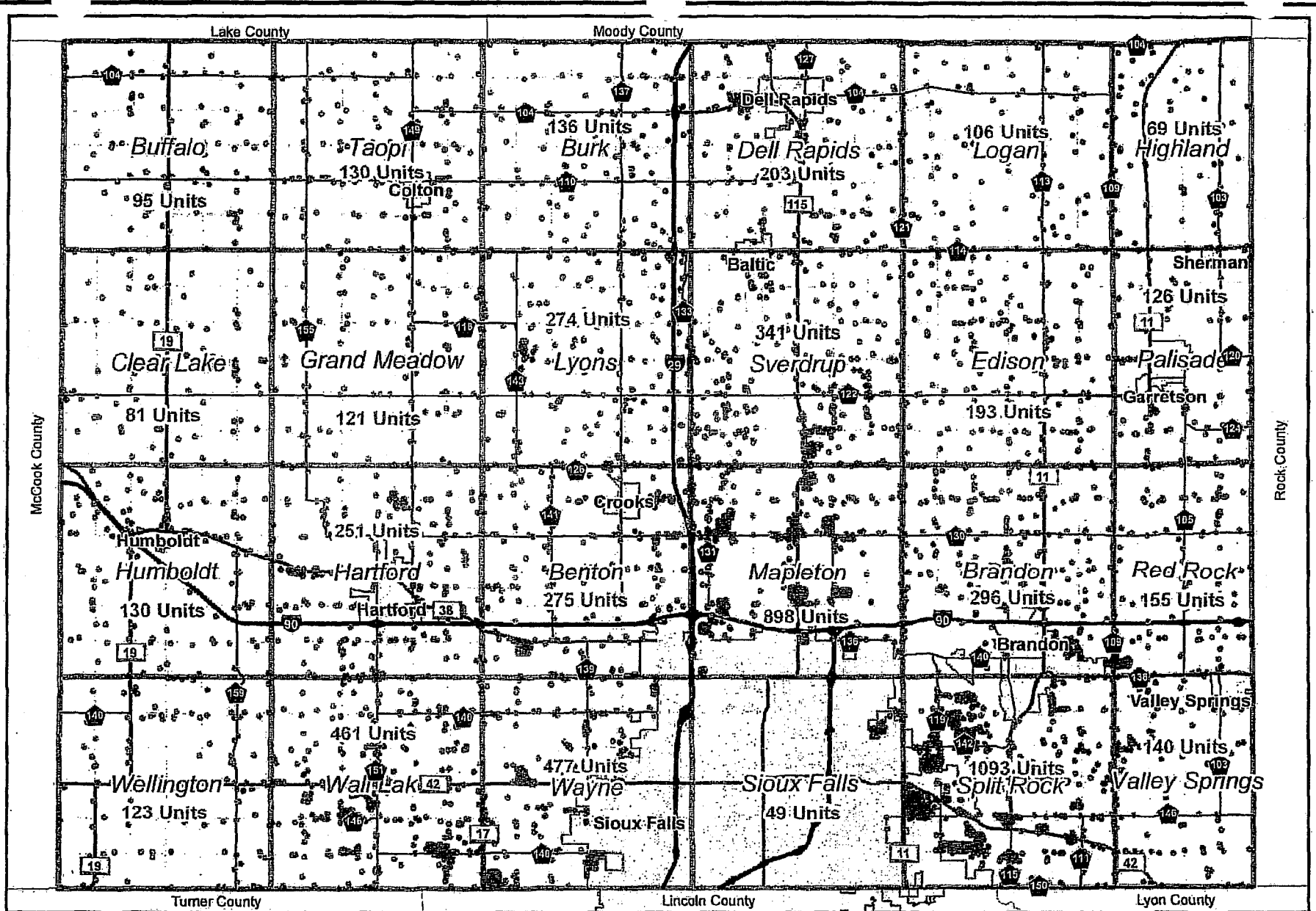
| REGULATORY AGENCY CONTACT INFORMATION | | |
|--|------------------------------------|--|
| Agency | Phone Number | Reporting Requirements |
| Federal Agencies | | |
| National Response Center (NRC) <i>NRC will contact all other federal agencies including USDOT/PHMSA and EPA</i> | (800)424-8802 or (202) 267-2675 | Any spill on water. Telephonic notification is required within 1 hour following the discovery of a release that resulted in any discharge to water |
| U.S. Department of Transportation/Pipeline Hazardous Materials Safety Administration (PHMSA) | (800)424-8802 or (202) 267-2675 | <p>Telephonic Notification</p> <p>At the earliest practicable moment following discovery of a release of the hazardous liquid resulting in an event described above, the operator shall give notice of any failure that:</p> <ul style="list-style-type: none"> • Caused a death or a personal injury requiring hospitalization • Resulted in either a fire or explosion not intentionally set by the operator • Caused estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000 • Resulted in pollution of any stream, river, lake, reservoir, or other similar body of water that violated applicable water quality standards, caused a discoloration of the surface of the water or adjoining shoreline, or deposited a sludge or emulsion beneath the surface of the water or upon adjoining shorelines or • In the judgment of the operator was significant even though it did not meet the criteria of any of the above. <p>Written Reporting</p> <p>A 7000-1 report is required within 30 days after discovery of the accident for each failure in a pipeline system regulated by DOT 195 in which there is a release of the hazardous liquid transported resulting in any of the following:</p> |

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| | | |
|---|--|--|
| <p>U.S. Department of Transportation/Pipeline Hazardous Materials Safety Administration (PHMSA) Continued...</p> | | <ul style="list-style-type: none"> • Explosion or fire not intentionally set by the operator • Release of 5 gallons or more of hazardous liquid except that no report is required for a release of less than 5 barrels resulting from a pipeline maintenance activity if the release is: <ul style="list-style-type: none"> • Not otherwise reportable under this section • Not on water • Confined to company property or pipeline right-of-way and • Cleaned up promptly • Death of any person • Personal injury necessitating hospitalization • Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000. • A supplemental report shall be filed within 30 days of receiving any changes in the information reported or additions to the original DOT 7000-1 report. |
| <p>State Agencies</p> | | |
| <p>North Dakota</p> | | |
| <p>North Dakota Department of Environment Health</p> <p>State Emergency Response Committee</p> <p>Counties: Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, Emmons</p> | <p>(701) 328-5210 1-800-472-2121 (24 hour hotline)</p> <p>(701)-328-8100</p> | <p>Any spill or discharge of liquid or solid waste which may cause pollution of waters of the state must be reported immediately. The owner, operator, or person responsible for a spill or discharge must notify the department or the North Dakota hazardous materials emergency assistance and spill reporting number as soon as possible and provide all relevant information about the spill.</p> |

| State Agencies Continued | | |
|--|--|--|
| South Dakota | | |
| <p>South Dakota Department of Environment and Natural Resources (DENR)</p> <p>State Emergency Response Committee</p> <p>Counties: Campbell, McPherson, Edmunds, Faulk, Spink, Beadle, Kingsbury, Miner, Lake, McCook, Minnehaha, Turner, Lincoln</p> | <p>Main Line 1-605-773-3296</p> <p>After Hours 1- 605-773-3231</p> <p>Main Line 800-433-2288</p> <p>After Hours 605-773-3231</p> | <p>A release or spill of a regulated substance must be reported to DENR immediately if the release or spill threatens the waters of the state, causes an immediate danger to human health or safety, exceeds 25 gallons, causes a sheen on surface waters, contains any substance that exceeds the ground water quality standards of ARSD chapter 74: 54: 01, contains any substance that exceeds the surface water quality standards of ARSD chapter 74: 54: 01, harms or threatens to harm wildlife or aquatic life, or contains crude oil in field activities under SDCL chapter 45-9 is greater than 1 barrel.</p> |

DRAFT



Disclaimer:
 The data is provided "as is" without warranty of any
 accuracy, completeness, timeliness or consistency.
 The user assumes all liability for any use of the
 information, and the user agrees to hold the provider
 harmless for any use of the information. The provider
 makes no warranty, express or implied, for any use
 of the data. The user understands that the data
 is provided for informational purposes only. The
 provider does not warrant the accuracy of the
 data, including the fact that the data is current, and is not
 responsible for any errors, omissions and delays.



MINNEHAHA COUNTY RESIDENTIAL DISTRIBUTION

Legend
 ● Residence



1 inch = 2.5 miles

Date: 6/15/2015

006442

**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

HP14-002

**PRE-FILED TESTIMONY OF
PEGGY HOOGESTRAAT**

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF MINNEHAHA)

1 Peggy Hoogestraat, being first duly sworn on her oath, deposes and states as follows:

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

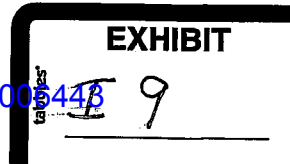
3 Peggy Ann Hoogestraat
4 27575 462nd Avenue
5 Chancellor, SD 57015

6
7 **How are you involved with the Dakota Access Pipeline project?**

8 I am a landowner in Minnehaha County, South Dakota affected by the proposed Dakota
9 Access Pipeline.

10
11 **Please describe the history of your family's land ownership, and whether farming
12 will be continued by younger generations.**

13 Peggy's parents, Elwayne and Marjorie Berens, purchased 320 acres in Humboldt
14 Township from Roger Cronn and Velma Cronn in February, 1970. Elwayne and



15 Marjorie, along with their two daughters, Peggy and Pamela, then moved there from
16 Parker, South Dakota.

17 In March, 1979 Elwayne and Marjorie purchased 120.24 acres adjoining to the north of
18 their 320 acres. This was purchased from Willard Heiden and Donna Heiden with a
19 contract for deed. The contract was paid in full by May 6, 1989.

20 The north 102.24 acres had a railroad line (Chicago and Northwestern Transportation Co)
21 along the north edge of the property. In 1983, the Berens' purchased the railroad right-
22 of-way along that north edge due to the abandoning of the railroad line.

23 Due to the premature deaths of their parents, sisters Peggy and Pamela inherited the
24 above described property. With the distribution of all property, Peggy received the north
25 160 acres as well as the 120.24 acres purchased in 1979.

26 Peggy has rented the cropland and pasture to Robert Person (Pamela's husband) and
27 Matthew Anderson (Peggy's son).

28 Because of the close proximity to Sioux Falls and Hartford, some of the property is more
29 desirable. Peggy has received inquiries into the purchase of the Humboldt Township
30 property. One party was interested in the entire property (see Exhibit 1 hereto) while
31 others desired the property along the northern edge which is bordered by Highway 38
32 (see Exhibit 2 hereto). After four inquiries, Peggy stopped keeping track of the number
33 of inquiries. Peggy's intentions are to possibly build a home for herself along Highway
34 38, or if that is not accomplished, to pass the property on to the grandchildren. There are
35 seven eligibilities listed for the 280.24 acres owned by Peggy.

36 The Peggy A. Revocable Trust is set up to allow Peggy's children to receive income from
37 the land trust as specified in the trust. The residual cash assets and principal upon

38 termination of the land trust will go to the grandchildren. Upon Peggy's death, Matthew
39 Anderson has a lease option to rent all agricultural land held in the Family Trust.

40 Easements on the property include a Right of Way agreement on March 31, 1896 with
41 Northwestern Telephone Exchange for construction, operation and maintenance of its
42 telephone and telegraph lines.

43 Another Right of Way Easement agreement was signed by Peggy with the Minnehaha
44 Community Water, Corp. on February 16, 2006 (see Exhibit 3 hereto). This easement
45 area runs along the North boundary of the Northeast Quarter of Section 24, Township
46 102 North, Range 52 West of the Fifth Principal Meridian, Minnehaha County, South
47 Dakota.

48
49 **Please describe your current farming operations.**

50 My son, Matthew Anderson, farms the cropland. He works on improving the soil for
51 better crop production through humus left behind, proper tillage and fertilizer. He assists
52 me in fencing and the installation of agricultural tiles. This not only improves the
53 production of the land but it helps improve downstream water quality. Brother-in-law,
54 Robert Person, rents the pasture. He assists with the fencing as well as controls the
55 weeds and fertilizes the pasture as needed.

56
57 Because Matthew Anderson and Robert Person have always been good stewards of the
58 land, I have allowed a very reasonable rental rate through the years.

59
60 To the best your knowledge, what area(s) of your property will the Dakota Access
61 Pipeline cross?

62 The pipeline will enter my property from the north along Highway 38. It will cross
63 where the only entrance along Highway 38 is located. The pipeline will cut through 47
64 acres of cropland. In 2013 and 2014, this field was tiled and the abandoned railroad bed
65 was leveled. The pipeline will then cross a new fence that was installed in 2014. The
66 pipeline will enter my pasture ground and cross a wetland area that includes a tributary of
67 Skunk Creek. There are several springs in the pasture including a spring just to the east
68 of the construction site. There are two cattle stock dams (dug outs) along the pipeline
69 area (see Exhibit 4 hereto). An overflow of waters from Beaver Lake goes through this
70 area as well. Ag tiles located to the south and west drain into the pasture. The pipeline
71 would cross highly erodible hills. The pipeline will continue south and east. It will exit
72 my property by crossing another new fence installed in 2014. The pipeline will then
73 cross a minimum maintenance road. This road has been improved by landowners who
74 have needed this road for transportation of farm vehicles and equipment. This road is not
75 desirable for heavy traffic.

76

77 **How close is the pipeline to any building, bin or pen, water source, or farming**
78 **facilities (i.e., storage area, feedlot, grazing area, etc.)?**

79 The pipeline will run within feet of the stock dams located in the pasture. One of the
80 dams may even be destroyed by the path. The pipeline would cross a Skunk Creek
81 tributary. It would also be within yards of a spring on the east. It will be crossing a large
82 portion of the pasture.

83

84 **Please describe any special characteristics of your property and farmland, and/or**
85 **whether you plan to build any houses, outbuildings, shelter belts, or other structures**
86 **on your property.**

87 The north 120.24 acres has both tillable land and pasture land (see Exhibit 5 hereto). The
88 topography is gently rolling to very rolling. The stock dam was recently cleaned out.

89 The pasture has a new fence on the east and north sides. The pasture has a creek that runs
90 through it and has never been farmed. A spring on the east side of the pasture keeps the
91 ground saturated. This tract also had tiling done (completed in 2014) and has a minimum
92 maintenance road on the east boundary (dirt road). The tillable land is clean and
93 productive and the pasture has been well kept-managed as well. The land as it is today is
94 in its highest and best use. As there is an interest in new home sites along Highway 38,
95 some acres with building eligibilities could be sold. As mentioned earlier, I could have
96 sold property along Highway 38 many times but I wanted to keep it for myself or future
97 generations-specifically my grandchildren of whom I have three at this time. I actually
98 have seven eligibilities with the 280.24 acres that I own and I would need to work with
99 Minnehaha County to be able to use all of the eligibilities. Some of the eligibilities are
100 considered "conditional" because of the location within the property.

101 The south 160 acres has a mixture of tillable crop land and pasture. The topography is
102 gently rolling to rolling and is a clean, well farmed-managed tract. This pasture also has
103 a good recently cleaned out stock dam which includes about 8 acres in a grass waterway.
104 There is a minimal maintained road on the east side for access. There is a new fence on
105 the pasture on the east side.

106

107 **Please describe which of your farming operations or other land uses will be**
108 **impaired by the Dakota Access Pipeline and how they will be impaired.**

109 Improvements on the land discussed have been a process for generations. Since 2012, I
110 have made over \$50,000.00 worth of improvements in the area that the pipeline would
111 cross. That does not include my own personal labor. Cleaning out the stock dams for a
112 water source for cattle cost \$4,196.44. Disturbance of soil in the area of the dams will
113 probably change the flow of water which kept the dams full. Construction will probably
114 destroy the south stock dam. A fresh water source for cattle in the pasture would be
115 impaired.

116 Agricultural tiles in the pipeline area were improved in the years 2013 and 2014 at a cost
117 of approximately \$24,578.67 (see Exhibit 6 hereto). These tiles will be directly affected
118 by the pipeline and will no longer serve their purpose. Most of those tiles will be
119 destroyed in the process. If tiles are replaced, as settling occurs, those tiles will also fail.

120 An easement agreement and cost would prohibit me from future agricultural tile
121 replacement.

122 Drainage of additional tiles from the south and west of the installation area will be
123 affected if the end of their drain system is damaged. Production of crops would be
124 greatly impaired by improper drainage and improper replacement of the soil. Production
125 records for the 47 acre field by Highway 38 show that in 2013 soybean yields were up
126 because of the installation of the tiles (see Exhibit 7 hereto). The 2014 corn records show
127 a yield increase (see Exhibit 8 hereto). Notice that more acres were planted in that field
128 in 2014 because of the dirt work done to remove the railroad bed (see Exhibit 9 hereto).

129 Dirt work was done to level the abandoned railroad bed at a cost of \$3,581.64 (see
130 Exhibit 10 hereto). The crop production will be reduced in the area because of a hasty

131 installation of a pipeline. The buildup of humus and nutrients will not be regained within
132 three years.

133 A wetland determination costing \$848.20 was done to determine what and where tiling
134 could be done (see Exhibit 11 hereto). All of the work done by county and local
135 authorities will have been in vain. Hills, slopes and water areas will be changed forever.
136 Heat release from the oil pipes will dry out the soil and affect the productivity of the
137 cropland and pastures.

138 Rocks brought to the surface in the cropland and the pasture will need to be removed. I
139 am concerned the contractor will not do that adequately.

140 The pipeline will cross two areas of new fences installed just last year at the cost of
141 \$17,132.00 (see Exhibit 12 hereto). Wires cut to allow construction machinery through
142 will weaken the whole system of fencing along the route.

143 Weed seeds that have sat vacant for years will be brought to the surface and will cost
144 additional money to control.

145 Continuing to feed the same number of cattle will not be possible during construction or
146 even for years as the grass grows back (see Exhibit 13 hereto). Grass seed purchased in
147 other states will not have the same variety traits needed to produce properly in South
148 Dakota soils and conditions. This will impair the operations of my brother-in-law (not to
149 mention other farmers and ranchers across the state).

150 The water sources for the cattle will be cut off during the construction of the pipeline.

151 The water sources are on the far east side of the pastures.

152 Because of highly erodible conditions throughout much of the pasture, damage will result
153 because of constant erosion until the ground cover returns.

154 I am not able to purchase liability insurance to cover expenses involved with a Dakota
155 Access Pipeline spill, leak or explosion on my property. My farm policy excludes
156 coverage for "Pollutant." I could be sued by a neighbor or others if damage is done to
157 neighboring land. I do not want to pass that liability on to my grandchildren.

158 Because of liability issues, lending institutions could choose not to allow or continue
159 loans connected with the property.

160 The only north driveway will be compromised for months as the installation process
161 proceeds.

162 In recent years, neighbors and myself worked on improving the safety of the minimum
163 maintenance road along the east side of my property, specifically along the side of the
164 160 acre property. The road is needed to continue farm operations such as planting and
165 harvesting as well as hauling cattle. The destruction of this fragile road system is at risk.
166 The surrounding landowners will be impaired if the road is not returned to its prior
167 condition.

168

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

172 Tiling has been done on this property even before my parents owned the land. My
173 parents continued to improve the tiling system during their ownership. In 2013 and 2014,
174 I completed additional tiling on the north 120.24 acres, as mentioned in a previous
175 answer (see Exhibit 14 hereto). The process could not be completed in 2013 because of
176 wet conditions. At the same time, the railroad bed was leveled and tiling was installed in
177 that area as well. These tiles were placed approximately 3.5 to 3.75 feet deep. In some

178 parts where a hill was crossed, the tiles may be up to 3.5 to 6 feet deep. All of this was
179 completed according to the rules and regulations of the Minnehaha Conservation District.
180 Tiling is also located on the southwest portion of my property. This continues through
181 the pasture and releases the water in the proposed construction area. Another area of
182 tiling is located on the south edge of the pasture, very near the last segment of the
183 pipeline.

184 Tiling removes only excess water. It does not reduce the amount of plant-available
185 water. Well-drained soil encourages deep and healthy root systems. Tiling systems to
186 the north and south of my property have worked together for years to provide effective
187 management practices of erosion, water runoff, and quality water.

188 I believe that most South Dakota tiles in the area of the pipeline construction will be
189 destroyed with the installation of the pipeline. The remaining tile will not function
190 properly because of the disturbance of the whole system. This will not only impair my
191 farming operation but the quality of life for families in the surrounding area.

192

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

195 At the January 13, 2015 meeting with the Minnehaha County Commission, Lincoln
196 County Commission, and the Sioux Falls City Council, Joey Mahmoud explained that the
197 Dakota Access Pipeline will be a large pipeline that will be used to ship about one-third
198 of the Bakken crude oil produced today. He also explained that if problems arise, it
199 would take several minutes to shut down the valves on the 30" pipe. Any leak, spill or
200 explosion would involve a large amount of volatile crude oil before the entire flow would
201 stop. At that meeting, Joey and other Dakota Access employees did not answer the

202 question as to how far apart the valves are along the pipeline. They explained that valves
203 were placed before and after certain water bodies to decrease the amount of damage.
204 A decrease in the amount of damage is not reassuring to me when it is near a private well,
205 a tributary, creek, lake, river or anywhere.
206 Because of the large amount of crude oil passing through the pipeline each day, there is a
207 threat of serious injury to the environment and the inhabitants within the siting area. The
208 present state and local governments are powerless to protect citizens at this time.
209 Recent projects to improve water quality on the Big Sioux River and Skunk Creek will be
210 in vain because of future leaks or spills and because of the destruction of connected
211 agricultural tiles throughout southeastern South Dakota during the installation process.
212 Erosion in the siting area will cause injury to the environment.

213
214 **Do you believe that the Dakota Access Pipeline will substantially impair the health,**
215 **safety and welfare of the inhabitants of the siting area? If so, why?**

216 Previous pipeline accidents have shown there is no doubt that the health and safety of
217 people and animals will be impaired when accidents occur. Pipeline accidents are not
218 rare. I do not claim to be an expert on the complications involved but the dangers are
219 obvious. There are deer, fox, geese, ducks, coyote, gophers and various birds in the area
220 of my property.

221 The welfare of inhabitants of the siting area will be greatly impaired as well.

222 Landowners involved with the pipeline installation, as well as surrounding neighbors,
223 will experience a loss in value of their property. Who will want to live around such a
224 large pipeline carrying a dangerous product? Just because it will be out of sight doesn't
225 mean it won't be a problem. Local counties, townships and schools will receive less

226 property tax from citizens of the area. Claims are made that the values will not go down
227 but that is because that has not been tested yet. We now have a big test to face in the
228 future.

229 Claims are made that schools, townships and counties will benefit from the taxes paid on
230 personal property owned by Dakota Access in the state of South Dakota. That personal
231 property will depreciate through the years, thus decreasing the amount of taxes received
232 within the state considerably. This appears to be a "Robin Hood" activity-taking from
233 the landowners and giving to the schools, townships and counties. Meanwhile, a Texas
234 company will profit from the use of the landowner's property.

235 Southeastern farmers have invested a lot in agricultural tiles in recent years. Crop
236 farmers will receive less income once their fields are disturbed. In our lifetime, the soil
237 will not be back to its present state of productivity. Farmers need to meet the needs of a
238 hungry world. The disturbed tile lines will not drain properly. Some land areas will
239 become new wetlands because the present agricultural tiles will no longer work together.
240 Grasslands will also be less productive, resulting in a hardship for those who rely on that
241 source for the herds of cattle, sheep or bison that they have worked so hard to build up.
242 The welfare of the farmers of South Dakota will be affected if farmland is handed over to
243 Dakota Access/Energy Transfer for their profit. Farmers would receive more benefits if
244 the land was used for crops including corn for ethanol. Ethanol saves consumers money
245 while offering an opportunity for farmers to sell their corn locally. That not only relieves
246 the congestion of rail cars but it keeps the price of corn at profitable margin. Support of
247 ethanol keeps land values and farm income from going down. Support of ethanol keeps
248 the jobs in South Dakota. Most of the jobs created by the proposed pipeline will be done
249 by out of state employees. Refer to the comments sent to the PUC throughout the

250 process. Many of the comments have come from out of state employees wanting a job in
251 South Dakota. The economic opportunities of out of state employees seem to have
252 priority over the South Dakota citizens.

253

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

259 Yes

260 (1) No

261 (2) Yes

262

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

265 I have only heard statements about that in public meetings or have seen it written in some
266 papers.

267

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

270 I have heard from Joey Mahmoud, Edwina Scroggins (land agent), and a select few
271 landowners that Dakota Access Pipeline will do everything it can to accommodate the
272 landowners. Edwina was told by me that I have plans for future homes along Highway
273 38. She was also told about the recently installed agricultural tiles (see Exhibit 15

274 hereto). She offered a revised map showing the pipeline moved over a short distance (see
275 Exhibit 16 hereto). When it came time for the installation, the revision would not have
276 made any difference.

277 The Stofferahn family north of my property will have their business development plans
278 extremely altered due to the lack of accommodation by Dakota Access Pipeline.

279 Widows are going to experience less income from their farmland which will be crossed
280 by the pipeline. No one is accommodating them. Families with plans of development for
281 future homes, buildings or shelter belts have been told their plans cannot be
282 accommodated. Only a select few landowners have actually been "accommodated". I
283 wonder how you get on that list of landowners.

284 Another comment made is that the pipeline route was reviewed and researched before the
285 actual route was determined. It appears that a line was drawn across the Midwest states
286 and then Dakota Access began the process of applying for a permit. Out dated maps
287 were used in the permit process. One map used still showed a railroad that had been
288 abandoned in the 1980's. Research would have shown that the route would cross:

- 289 1. Highly populated areas
- 290 2. Growth areas of towns in South Dakota
- 291 3. Highly productive farm ground in all states involved
- 292 4. Agricultural tiles connected throughout all of the states involved

293 Dakota Access has purposely kept landowners uninformed. Difficulty in finding
294 information in the process has caused a lot of confusion and frustration. More complete
295 information about the process was not available until after the application for a permit
296 was presented to the PUC in December, 2014. Many landowners had already been
297 approached. Maps found online are not only outdated but are difficult to read.

298 An Energy Transfer handout given at the January 13, 2015 joint meeting of the
299 Minnehaha County Commission, Lincoln County Commission, and the Sioux Falls City
300 Council was different than the handout given at the January 22, 2015. That caused a
301 problem in the presentation given by Joy Hohn at the 22nd meeting.

302 Most landowners have had to keep up with their jobs and have not had the time needed to
303 research the whole project. To add to the disappointments, the State of South Dakota is
304 very incomplete in informing the landowners.

305 It should not be assumed that all citizens subscribe to newspapers or know how to use a
306 computer. Many misaddressed certified letters (to notify of upcoming public meetings)
307 for landowners directly affected by the pipeline and surrounding landowners were not
308 delivered in a timely manner (see Exhibit 17 hereto). At that time, I had to convince a
309 nearby landowner that, in fact, the pipeline was crossing his property. Despite the fact
310 that he was never asked for survey permission, he believes surveying has been completed
311 on his land. Another landowner was told to sign the easement or he would get less
312 money later, especially if he fights the pipeline.

313
314 **Please state any other concerns you have regarding the Dakota Access Pipeline.**

315 My greatest concern is that if the PUC grants, with conditions, the permit to install the
316 Dakota Access Pipeline, conditions placed by the PUC will not necessarily be met. The
317 PUC does not police the installation or have state inspectors on the job to make sure the
318 conditions are met. Easement agreements will not be enforced. We have thus given an
319 out of state business the opportunity to use our land and resources as it so chooses. There
320 will be no turning back. There are additional pipelines already planned.

321 January handouts from Energy Transfer state a project objective-“Interconnect with third-
322 parties for redelivery of crude oil to processing facilities and refineries located in the
323 Midwest and Gulf Coast for production of motor fuels and other crude oil derivatives that
324 support the U.S. economy” (see Exhibits 18 and 19 hereto). It has been understood that
325 the crude oil would go to the Gulf Coast and later could be available as fuel for any
326 country. Energy Transfer sometimes changes the story-for example-some North
327 Dakotans have been told that the oil will be going to Illinois for distribution to refineries
328 in the eastern states. This was read in a May 27th, 2015 article that I cannot copy because
329 of copyright laws. My concern is that Energy Transfer changes the story to cover the
330 possibility of the crude oil crossing the United States only to be used eventually by a
331 foreign country. We have no guarantee that the oil will stay in the United States.
332 I am concerned that the proposed pipeline’s capacity may be increased beyond 570,000
333 barrels per day by adding additional pump stations at closer intervals along the pipeline
334 route and by injecting higher levels of drag reducing agents.
335 I am concerned of the possibility of additional pipes installed within the easement in the
336 future as well as other types of fluid transported throughout the pipes.
337 The state of South Dakota does not have funds to cover future oil spills, leaks, or
338 explosions.
339 There is no safe way to transport crude oil. The United States, in coordination with
340 Canada, has developed new regulations that govern the transportation of crude oil,
341 ethanol and other flammable liquids by rail. The rule focuses on safety improvements
342 designed to prevent accidents, mitigate consequences in the event of an accident and
343 support emergency response.

344 I am concerned about the outdoor storage of pipe shipped in for the use of the proposed
345 pipeline. Premature aging and deterioration due to the elements will be experienced
346 before all of the pipe will be installed.

347 South Dakota may not experience problems with the pipeline while “on our watch” but
348 the problems will come. I hold the PUC very responsible for the future of South Dakota.

349 I am concerned that Dakota Access has convinced many landowners that there is no need
350 for concern. Landowners have been told that they have no choice in the process and that
351 their land will be taken by eminent domain anyway.

352 My concern is that, eventually, we will have tourists coming to South Dakota to view the
353 oil spills, leaks and explosions rather than going to see Mount Rushmore. I favor sales
354 tax paid by tourists rather than property tax paid by a Texas company.

355 I am concerned for the Dewey C. Gevik Outdoor Conservation Learning Area in
356 Minnehaha County. The Gevik Learning Area makes possible an interpretive educational
357 experience that is open to the public, featuring several conservation practices such as the
358 restoration of a wetland, grassed waterway with a rock weir structure, rock crossings,
359 shelterbelts, native grass plantings, and hiking trails. Located just one-half mile west of
360 Wall Lake, the Learning Area showcases natural resources at their finest while also
361 filtering the water flowing into Wall Lake. Three walking trails offer access to all the
362 diverse environments, and ninety-four species of birds have been documented by bird
363 watching clubs. Observation decks have been constructed so people can relax as they
364 enjoy watching wildlife in their natural habitat. The proposed Dakota Access Pipeline
365 will cross through the area just described.

366 Neighboring landowners have no rights in regards to the pipeline. It is alarming how
367 close many already established homes will be to the pipeline. In the past, I have had to

368 get permission from the neighbors downstream before I could install agricultural tile.
369 Now they have no rights, even if this pipeline is within feet of their property or home.
370 These neighbors will receive no compensation for the loss of property value or loss of
371 safety.

372 The land agent told me there would be inspectors on the site. Dakota Access or the
373 contractor will provide the inspectors-the land agent stated that she was an inspector for
374 her own husband's construction company (one of the companies hired by Dakota
375 Access). I did not have comfort in knowing the connection between the husband and
376 wife.

377 At the January 13th joint meeting, Joey Mahmoud stated that possibly not all contractors
378 will do everything right. This was said as questions were asked about roads and a
379 possible negative impact. There will be many construction companies involved. Joey
380 mentioned that he could deduct from their (the contractors) pay if the job was not done
381 right. Joey stated that Dakota Access would make it right. My concern is that the
382 damage cannot be reversed. This could include improper procedures done on the roads,
383 across water or electrical lines, or with the landowner.

384 I am concerned that most easement agreements are one-sided and are similar to a
385 permanent land take-over.

386 Additional concerns have been addressed in each question presented in the
387 Interrogatories and Requests for Production of Documents to Dakota Access LLC.

388

389 **Why have you become involved with this process so extensively?**

390 Because I care about others as I have been taught. My example of farm ownership and
391 management is not much different than many South Dakotans. I am just a steward of the
392 land. God has given me this land to use as a tool in life.

393 I have lived in eastern South Dakota all of my life. I have watched farm families that
394 have made plans for their future and the future generations-it is called a transition
395 process. Those families have spent their savings, time and energy to improve and pass
396 the land on to the next generation or to sell the property for their retirement. They have
397 considered changes will come because of death, illness, or even undesirable weather
398 conditions. One change they did not expect was their plans would be stopped because of
399 an out of state business wanting to do business through their land. Dakota Access and
400 Energy Transfer have thrown money at the issues and claim they have fairly reimbursed
401 the farmers for the inconvenience.

402 I am concerned that the installation of the Dakota Access Pipeline will, in fact, deter the
403 progress that generations of South Dakotans have accomplished. I am concerned that the
404 proposed large capacity pipeline will move a dangerous and explosive product across the
405 highly populated eastern South Dakota.

406 South Dakota has a responsibility to use its resources to produce food. We must wisely
407 use our natural resources for agriculture and tourism. South Dakota has experienced an
408 orderly development of this region. Today's decisions could set a precedent for
409 additional pipelines coming to South Dakota.

410 We can hope there is no oil spill, but hope is not a plan.

411

412 **Are you able to provide any documentation to support your testimony above.**

413 Yes. Attached hereto and incorporated herewith are the following documents;

- 414 **Exhibit 1:** May 4, 2015 letter to Robert Person;
- 415 **Exhibit 2:** May 4, 2015 letter to Dave Benning;
- 416 **Exhibit 3:** February 16, 2006 Right Of Way Easement;
- 417 **Exhibit 4:** Tributary of Skunk Creek;
- 418 **Exhibit 5:** The North 120.24 acres of both tillable and pasture land;
- 419 **Exhibit 6:** Invoice #1223 dated June 5, 2013 from Kaffar Tiling & Ditching in
420 the amount of \$24,578.67
- 421 **Exhibit 7:** Production records from Farm Credit Services of America for the 47
422 acre field by Highway 38 show that in 2013 soybean yields were up
423 because of the installation of the tiles;
- 424 **Exhibit 8:** The 2014 corn records from Farm Credit Services of America;
- 425 **Exhibit 9:** 2014 cornfield "Mom's Hwy 38";
- 426 **Exhibit 10:** Invoice #1224 dated June 5, 2013 from Kaffar Tiling & Ditching I
427 the amount of \$3,581.64;
- 428 **Exhibit 11:** Invoice #13222 dated June 11, 2013 from Minnehaha Conservation
429 District in the amount of \$848.20;
- 430 **Exhibit 12:** Invoice #273 dated April 18, 2014 in the amount of \$17,132.70;
- 431 **Exhibit 13:** United States Dept. of Agriculture Seeding Plan and Record for late
432 spring 5/15 to 6/15;
- 433 **Exhibit 14:** North 120.24 acres;
- 434 **Exhibit 15:** Proposed Route – DAPL;
- 435 **Exhibit 16:** Revised map showing the pipeline moved over a short distance;
- 436 **Exhibit 17:** Misaddressed certified letter;
- 437 **Exhibit 18:** Handout from Energy Transfer (Asset Overview);

438 **Exhibit 19:** Handout from Energy Transfer (Project Overview)

439 These documents were referenced in my testimony on the prior pages.

440
441 **Would you be available to present testimony and respond to questions during the**
442 **formal hearing scheduled for September 29 through October 8, 2015?**

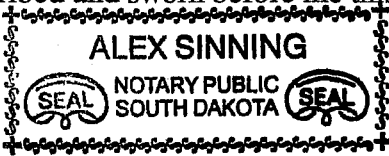
443 Yes

444
445 **Does that conclude your testimony?**

446 Yes.

447
448 Peggy Hoogstraal
449
450 Peggy Hoogstraal

451 Subscribed and sworn before me this 24 day of June, 2015.



452
453
454 Alex Sinning
455 Notary Public – South Dakota
456 My Commission Expires: 8-25-2020
457

458 <SEAL>

459 **Alex Sinning**
460 **My Commission Expires 8-25-2020**

5/4/15

Robert Person
25875 Skunk Creek Ave
Hartford, SD 57033-6348

Dear Robert,

I am in the process of gathering historical information connected with property that I own west of 460th Avenue along Highway 38 west of Hartford. This information is needed because of a proposed pipeline to be installed across the property.

In the past, I have had four or more inquiries to purchase the property listed above. At one time, you asked if the land was available for sale as well as all land south to the property owned by Pamela Person. Land prices were not discussed as I had no intention of selling at that time but discussed the fact that you would be contacted if that changed.

I need a note (with your signature) from you stating that you in fact did inquire about the purchase of the land west of Hartford. This does not legally bind you to anything other than contributing to the historical information.

A brief note and your signature at the bottom of this letter would be sufficient.

Thank you for your time in consideration of this matter.

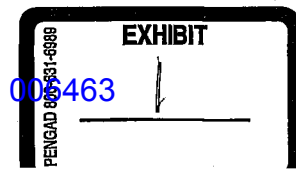
Sincerely,

Peggy Hoogstraet

Peggy Hoogstraet
27575 462nd Ave
Chancellor, SD 57015
605-214-0623

*I have talked to Peggy in the past about
Interest in buying the Land above from her,*

Robert Person



005463

5/4/15

Dave Benning
The Gold Mine, Inc.
3505 E 10th St
Sioux Falls, SD 57103

Dear Dave,

I am in the process of gathering historical information connected with property that I own west of 460th Avenue along Highway 38 west of Hartford. This information is needed because of a proposed pipeline to be installed across the property.

In the past, I have had four or more inquiries to purchase the property listed above. At one time, you asked if the land was available for sale to build a storage building there. Land prices were not discussed as I had no intention of selling at that time but I kept your contact information.

I need a note (with your signature) from you stating that you in fact did inquire about the purchase of the land west of Hartford. This does not legally bind you to anything other than contributing to the historical information.

A brief note and your signature at the bottom of this letter would be sufficient.

Thank you for your time in consideration of this matter.

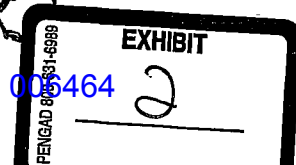
Sincerely,

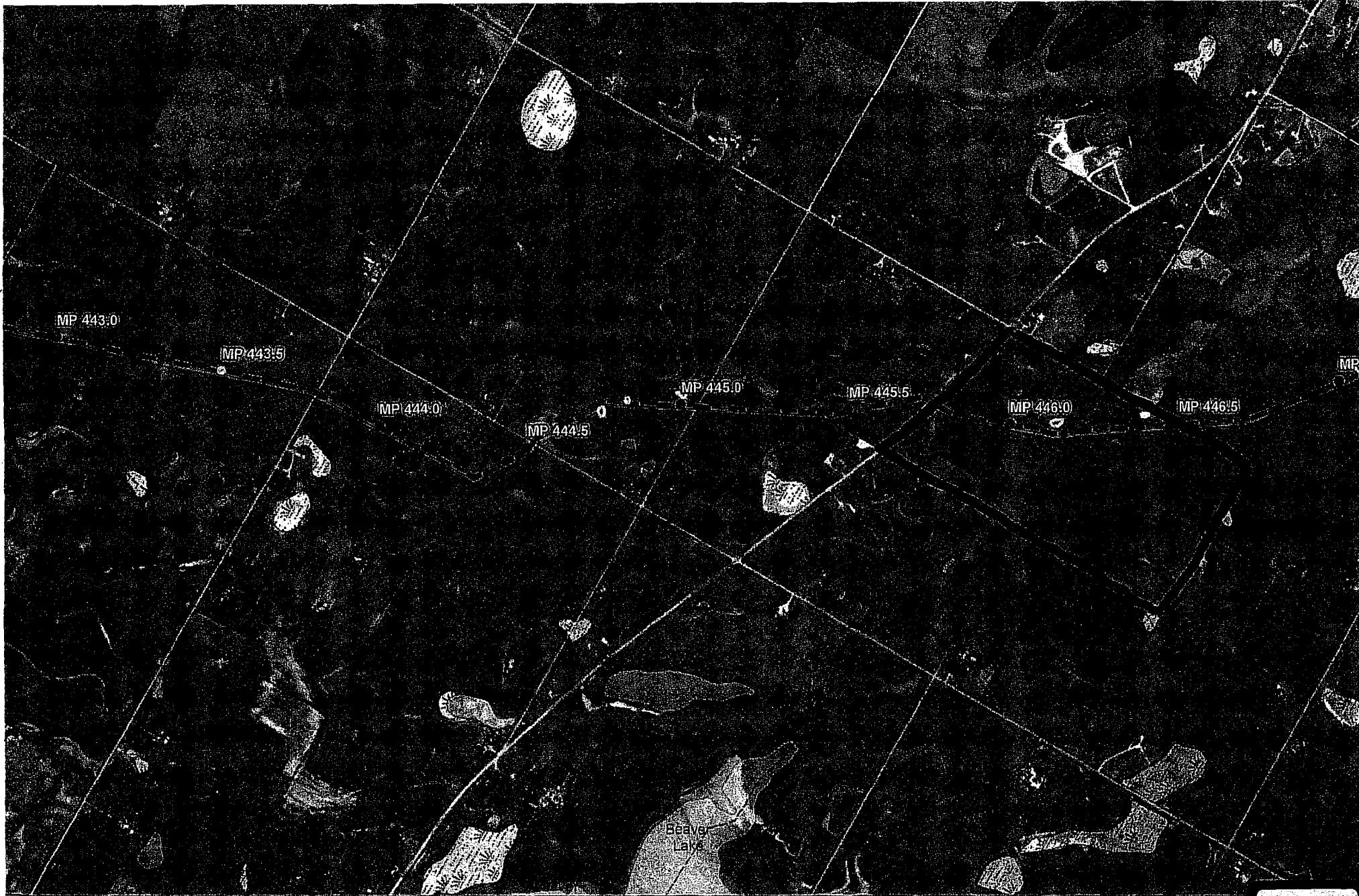
Peggy Hoogestraat

Peggy Hoogestraat
27575 462nd Ave
Chancellor, SD 57015
605-214-0623

I David Benning inquired about purchasing Peggy Hoogestraat land along Highway 38 west of Hartford about 8 years ago. I wanted to put storage units on it.

*Sincerely
David Benning*





- | | | | | |
|---------------------|------------------------|-----------------|------------------------|---------------------------|
| ● Milepost | ▭ Spink Pump Station | ▭ PEM Wetland | NHD Stream Type | NHD Waterbody Type |
| ▲ Launcher/Receiver | ▭ Topeka Shiner Stream | ▭ PSS Wetland | — 334 Connector | ▭ 390 Lake/Pond |
| ◆ Mainline Valve | ▭ PAB Wetland | ▭ NHD Waterbody | — 460 Stream | ▭ 466 Swampmarsh |
| — Proposed Route | | | — 558 Artificial Path | |

006466

EXHIBIT

4



EXHIBIT 467
5
D 000-631-6988



006468



006469



.....
.....

Kaffar Tiling & Ditching

512 S. Main
 Humboldt, SD 57035
 (605) 941-7320

Invoice

| | |
|----------|-----------|
| Date | Invoice # |
| 6/5/2013 | 1223 |

| |
|---------|
| Bill To |
| |

| |
|---------|
| Project |
| |

| Quantity | Description | Rate | Amount |
|----------|-----------------------|-------|------------|
| 6,900 | 5" perforated tile | 1.65 | 11,385.00T |
| 2,000 | 5" NonPerforated Tile | 1.75 | 3,500.00T |
| 5,810 | 4" perforated tile | 1.45 | 8,424.50T |
| 60 | 6" Dual Wall Pipe | 2.50 | 150.00T |
| 10 | Tile Junction | 30.00 | 300.00T |
| 11 | 5" internal endplug | 2.00 | 22.00T |
| 5 | 6" rodent guard | 5.75 | 28.75T |
| 5 | 4" internal endplug | 1.75 | 8.75T |
| 4 | 5" Wye | 6.50 | 26.00T |
| 5 | 5" reducing tee | 5.50 | 27.50T |
| 1 | 4" Wye | 4.55 | 4.55T |
| 3 | 416C IT CAT Backhoe | 70.00 | 210.00T |

Subtotal \$24,087.05

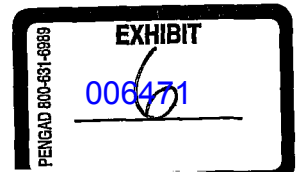
Excise Tax (2.041%) \$491.62

Total \$24,578.67

As mandated by the State of South Dakota, a 2.041% Excise Tax must be paid.

It's been a pleasure working with you!

OK#1035
 7-8-13





Serviced by RAIN & HAIL LLC

Approved Insurance Provider Ace Property & Casualty Ins. Co.

EXHIBIT

6869-103-008 (01/08)

| CROP INSURANCE | | | | | | | | | | PRODUCTION AND ACREAGE REPORTING FORM | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|---|-------------------------------------|--|--|--|--|--|-------------------------------------|--|--|-------------------------------|--|--|-------------------------------------|--|--|--|--|--|--|-------------------------------|--|--|--|--|
| Policy Number <u>RH-SD-0663411</u> | | | | | | | | | | <input type="checkbox"/> Production Report and/or <input type="checkbox"/> Acreage Report | | | | | | | | | | | | | | | | | | | |
| Policy Holder Information | | | | | Agency/Agent Information | | | | | County | | Cropland Acres | | Crop | | **New Producer | | Plan | | Level | | Options, Elections, or Endorsements | | % Price Elect, Proj Price, or Amt of Ins | | | | | |
| Insured's Name <u>MATTHEW L ANDERSON</u> | | | | | Farm Credit Services of America SIOUX FALLS | | | | | | | | | | | | | | | | | | | | | | | | |
| Insured's Street or Mailing Address <u>25985 461ST AVE HARTFORD SD 57033</u> | | | | | PO Box 88737 Sioux Falls SD 57108 | | | | | | | | | | | | | | | | | | | | | | | | |
| Insured's Phone <u>(605) 951-8926</u> | | | | | Phone <u>(605) 362-5218</u> | | | | | | | | | | | | | | | | | | | | | | | | |
| ID # <u>XXXXX6473</u> | | | | | ID # Type <u>SSN</u> | | | | | Code <u>SD470204</u> | | State <u>SD</u> | | Crop Year <u>2015</u> | | ** I certify I have not produced the insured crop in the county for more than two years. | | | | | | | | | | | | | |
| Insured's Authorized Representative | | | | | | | | | | Is applicant insuring the tenant/landlords share? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | | | | | | | | | | |
| County <u>MINNEHAHA</u> | | Unit # <u>0001-0003</u> | | County <u>MINNEHAHA</u> | | Unit # <u>0001-0004</u> | | County | | Unit # | | County | | Unit # | | County | | Unit # | | | | | | | | | | | |
| Crop <u>SOYBEANS</u> | | Farm Name <u>MOM'S HWY 3B</u> | | Crop <u>SOYBEANS</u> | | Farm Name <u>ROBERTS EAST</u> | | Crop | | Farm Name | | Crop | | Farm Name | | Crop | | Farm Name | | | | | | | | | | | |
| Yield # <u>6</u> | | Area Class | | FSA Farm # <u>0</u> | | Yield # <u>9</u> | | Area Class | | FSA Farm # <u>0</u> | | Yield # | | Area Class | | FSA Farm # | | | | | | | | | | | | | |
| Practice - NON IRR | | | | FSA Farm/Tract/Field # | | | | Practice - NON IRR | | | | FSA Farm/Tract/Field # | | | | Practice | | | | FSA Farm/Tract/Field # | | | | | | | | | |
| Irrigation | | Cropping | | Organic | | Interval | | Irrigation | | Cropping | | Organic | | Interval | | Irrigation | | Cropping | | Organic | | Interval | | | | | | | |
| Sec/Tnshp/Rng/Other | | | | | | | | | | Sec/Tnshp/Rng/Other | | | | | | | | | | | | | | | | | | | |
| Type - COMM | | | | 0013-102N-052W | | | | Type - COMM | | | | 0024-102N-052W | | | | Type | | | | | | | | | | | | | |
| Commodity | | Class | | Sub Class | | Intended Use | | Commodity | | Class | | Sub Class | | Intended Use | | Commodity | | Class | | Sub Class | | Intended Use | | | | | | | |
| Year | | Production | | Acres | | Yield | | Type | | T Yield | | Year | | Production | | Acres | | Yield | | Type | | T Yield | | | | | | | |
| 2005 | | 0.00 | | 0.00 | | 0.00 | | | | 38.00 | | 2005 | | 0.00 | | 0.00 | | 0.00 | | | | 43.00 | | | | | | | |
| 2006 | | 0.00 | | 0.00 | | 0.00 | | | | Prior Yld/Guar | | 2006 | | 0.00 | | 0.00 | | 0.00 | | | | Prior Yld/Guar | | | | | | | |
| 2007 | | 0.00 | | 0.00 | | 0.00 | | | | 46.00 | | 2007 | | 0.00 | | 0.00 | | 0.00 | | | | 48.00 | | | | | | | |
| 2008 | | 0.00 | | 0.00 | | 0.00 | | | | | | 2008 | | 0.00 | | 0.00 | | 0.00 | | | | | | | | | | | |
| 2009 | | 0.00 | | 0.00 | | 38.00 | | L | | Rate Yield | | 2009 | | 0.00 | | 0.00 | | 0.00 | | | | Rate Yield | | | | | | | |
| 2010 | | 0.00 | | 0.00 | | 38.00 | | L | | 46.00 | | 2010 | | 0.00 | | 0.00 | | 0.00 | | | | 51.00 | | | | | | | |
| 2011 | | 2118.00 | | 42.00 | | 50.00 | | A | | Yield Flag | | 2011 | | 0.00 | | 0.00 | | 43.00 | | T | | Yield Flag | | | | | | | |
| 2012 | | 0.00 | | 0.00 | | 0.00 | | Z | | TA | | 2012 | | 0.00 | | 0.00 | | 43.00 | | T | | TA | | | | | | | |
| 2013 | | 2640.66 | | 45.50 | | 58.00 | | A | | Total Yield | | 2013 | | 1545.83 | | 25.00 | | 62.00 | | A | | Total Yield | | | | | | | |
| 2014 | | 0.00 | | 0.00 | | 0.00 | | Z | | | | 2014 | | 2889.00 | | 53.00 | | 55.00 | | A | | | | | | | | | |
| Total | | Prelmn Yld | | Yld Indcatr | | Record Type | | Appr Yield | | Appr Guar | | Avg Yield | | Total | | Prelmn Yld | | Yld Indcatr | | Record Type | | Appr Yield | | Appr Guar | | Avg Yield | | | |
| | | | | | | | | 46.00 | | 29.90 | | | | | | | | | | | | 51.00 | | 33.15 | | | | | |
| Multi Crop Yr Rptg Resn | | | | | | | | | | Multi Crop Yr Rptg Resn | | | | | | | | | | | | | | | | | | | |
| Prsr #/Name | | | | | | | | | | # of Trees/Vines | | | | | | | | | | Added Land New Crop P/T/TMA | | | | | | | | | |
| Acres | | Plant Date | | Acres | | Plant Date | | Acres | | Plant Date | | Acres | | Plant Date | | Acres | | Plant Date | | Acres | | Plant Date | | Acres | | Plant Date | | | |
| Insured's Interest | | | | | Other persons sharing in crop | | | | | Insured's Interest | | | | | Other persons sharing in crop | | | | | Insured's Interest | | | | | Other persons sharing in crop | | | | |
| 1.000 | | | | | | | | | | 1.000 | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Insured | | <input type="checkbox"/> Uninsured | | <input type="checkbox"/> Uninsurable | | <input type="checkbox"/> Insured | | <input type="checkbox"/> Uninsured | | <input type="checkbox"/> Uninsurable | | <input type="checkbox"/> Insured | | <input type="checkbox"/> Uninsured | | <input type="checkbox"/> Uninsurable | | <input type="checkbox"/> Insured | | <input type="checkbox"/> Uninsured | | <input type="checkbox"/> Uninsurable | | <input type="checkbox"/> Insured | | <input type="checkbox"/> Uninsured | | <input type="checkbox"/> Uninsurable | |
| <input type="checkbox"/> Unreported | | <input type="checkbox"/> Zero Acreage | | <input type="checkbox"/> High Risk | | <input type="checkbox"/> Unreported | | <input type="checkbox"/> Zero Acreage | | <input type="checkbox"/> High Risk | | <input type="checkbox"/> Unreported | | <input type="checkbox"/> Zero Acreage | | <input type="checkbox"/> High Risk | | <input type="checkbox"/> Unreported | | <input type="checkbox"/> Zero Acreage | | <input type="checkbox"/> High Risk | | <input type="checkbox"/> Unreported | | <input type="checkbox"/> Zero Acreage | | <input type="checkbox"/> High Risk | |
| <input type="checkbox"/> PP | | <input type="checkbox"/> Required Field Review | | <input type="checkbox"/> Required Inspection | | <input type="checkbox"/> PP | | <input type="checkbox"/> Required Field Review | | <input type="checkbox"/> Required Inspection | | <input type="checkbox"/> PP | | <input type="checkbox"/> Required Field Review | | <input type="checkbox"/> Required Inspection | | <input type="checkbox"/> PP | | <input type="checkbox"/> Required Field Review | | <input type="checkbox"/> Required Inspection | | <input type="checkbox"/> PP | | <input type="checkbox"/> Required Field Review | | <input type="checkbox"/> Required Inspection | |



Serviced by RAIN & HAIL LLC

Approved Insurance Provider Ace Property & Casualty Ins. Co.

For Your Records



| CROP INSURANCE | | | | | | | | | | PRODUCTION AND ACREAGE REPORTING FORM | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|---|-------------------------------------|--|--|--|--|--|-------------------------------------|--|--|--|--|--|-------------------------------------|--|--|--|--|--|-------------------------------------|--|--|--|--------|--|
| <input type="checkbox"/> Production Report and/or <input type="checkbox"/> Acreage Report | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Policy Number RH-SD-0653411 | | | | | <input type="checkbox"/> Production Report and/or <input type="checkbox"/> Acreage Report | | | | | County | | | | | Cropland Acres | | | | | | | | | | | | | | |
| Policy Holder Information Insured's Name: MATTHEW L ANDERSON Insured's Street or Mailing Address: 25985 461ST AVE HARTFORD SD 57033 Insured's Phone: (605) 951-8926 ID #: XXXXX6473 Insured's Email: | | | | | Agency/Agent Information Farm Credit Services of America SIOUX FALLS PO Box 88737 Sioux Falls SD 57109 Phone: (605) 362-5218 Code: SD470204 | | | | | MINNEHAHA | | | | | CORN | | | | | | | | | | | | | | |
| Person Type: S ID # Type: SSN | | | | | Is applicant insuring the tenant/landlords share? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | MINNEHAHA | | | | | SOYBEANS | | | | | | | | | | | | | | |
| Insured's Authorized Representative | | | | | State: SD Crop Year: 2015 | | | | | **New Producer: <input type="checkbox"/> RP <input type="checkbox"/> RP <input type="checkbox"/> | | | | | Plan: 70 Level: 65 Options, Elections, or Endorsements: TA, YA, EU % Price Elect, Proj Price, or Amt of Ins: 100% 100% | | | | | | | | | | | | | | |
| County: MINNEHAHA | | Unit #: 0001-0001 | | County: MINNEHAHA | | Unit #: 0001-0002 | | County: MINNEHAHA | | Unit #: 0001-0003 | | Crop: CORN | | Farm Name: VOGT/GREGERSEN | | Crop: CORN | | Farm Name: HOME | | Crop: CORN | | Farm Name: MOM'S HWY 38 | | | | | | | |
| Yield #: 3 | | Area Class: | | FSA Farm #: 0 | | Yield #: 1 | | Area Class: | | FSA Farm #: 19976 | | Yield #: 5 | | Area Class: | | FSA Farm #: 0 | | Practice - NON IRR | | FSA Farm/Tract/Field # | | Practice - NON IRR | | | | | | | |
| Irrigation | | Cropping | | Organic | | Interval | | Sec/Tnshp/Rng/Other | | Irrigation | | Cropping | | Organic | | Interval | | Sec/Tnshp/Rng/Other | | Irrigation | | Cropping | | Organic | | | | | |
| Type - GSG | | 0003-101N-051W | | Type - GSG | | 0019-102N-051W | | Type - GSG | | 0013-102N-052W | | Commodity | | Class | | Sub Class | | Intended Use | | Commodity | | Class | | Sub Class | | | | | |
| Year | | Production | | Acres | | Yield | | Type | | T Yield | | Year | | Production | | Acres | | Yield | | Type | | T Yield | | Year | | | | | |
| 2002 | | 0.00 | | 0.00 | | 151.00 | | T | | 151.00 | | 2005 | | 0.00 | | 0.00 | | 0.00 | | 151.00 | | 2008 | | 0.00 | | | | | |
| 2003 | | 0.00 | | 0.00 | | 151.00 | | T | | Prior Yld/Guar | | 2006 | | 0.00 | | 0.00 | | 0.00 | | Prior Yld/Guar | | 2009 | | 0.00 | | | | | |
| 2004 | | 0.00 | | 0.00 | | 151.00 | | T | | 155.00 | | 2007 | | 1016.00 | | 8.00 | | 127.00 | | A | | 155.00 | | 2010 | | 0.00 | | | |
| 2005 | | 1002.00 | | 8.00 | | 187.00 | | A | | | | 2008 | | 0.00 | | 0.00 | | 0.00 | | Z | | | | 2011 | | 0.00 | | | |
| 2009 | | 0.00 | | 0.00 | | 0.00 | | Z | | Rate Yield | | 2009 | | 1389.40 | | 8.00 | | 174.00 | | A | | Rate Yield | | 2012 | | 0.00 | | | |
| 2010 | | 0.00 | | 0.00 | | 0.00 | | Z | | 155.00 | | 2010 | | 2907.00 | | 16.00 | | 182.00 | | A | | 145.00 | | 2013 | | 0.00 | | | |
| 2011 | | 0.00 | | 0.00 | | 0.00 | | Z | | Yield Flag | | 2011 | | 1159.00 | | 8.00 | | 145.00 | | A | | Yield Flag | | 2014 | | 0.00 | | | |
| 2012 | | 0.00 | | 0.00 | | 0.00 | | Z | | | | 2012 | | 797.60 | | 16.00 | | 50.00 | | A | | TA, YA | | 2013 | | 0.00 | | | |
| 2013 | | 0.00 | | 0.00 | | 0.00 | | Z | | Total Yield | | 2013 | | 4350.00 | | 27.00 | | 161.00 | | A | | Total Yield | | 2014 | | 0.00 | | | |
| 2014 | | 0.00 | | 0.00 | | 0.00 | | Z | | | | 2014 | | 1400.00 | | 8.00 | | 175.00 | | A | | | | 2014 | | 11165.00 | | | |
| Total | | Prelmn Yld | | Yld Indcatr | | Record Type | | Appr Yield | | Appr Guar | | Avg Yield | | Total | | Prelmn Yld | | Yld Indcatr | | Record Type | | Appr Yield | | Appr Guar | | Avg Yield | | | |
| | | | | | | | | 155.00 | | 108.50 | | | | | | | | | | | | 160.00 | | 112.00 | | | | 184.00 | |
| Multi Crop Yr Rptg Resn | | ***R/O: | | Multi Crop Yr Rptg Resn | | ***R/O: | | Multi Crop Yr Rptg Resn | | ***R/O: | | Multi Crop Yr Rptg Resn | | ***R/O: | | Multi Crop Yr Rptg Resn | | ***R/O: | | Multi Crop Yr Rptg Resn | | ***R/O: | | Multi Crop Yr Rptg Resn | | ***R/O: | | | |
| Prsr #/Name | | # of Trees/Vines | | Added Land New Crop P/T/TMA | | Prsr #/Name | | # of Trees/Vines | | Added Land New Crop P/T/TMA | | Prsr #/Name | | # of Trees/Vines | | Added Land New Crop P/T/TMA | | Prsr #/Name | | # of Trees/Vines | | Added Land New Crop P/T/TMA | | Prsr #/Name | | # of Trees/Vines | | | |
| Acres | | Plant Date | | Acres | | Plant Date | | Acres | | Plant Date | | Acres | | Plant Date | | Acres | | Plant Date | | Acres | | Plant Date | | Acres | | Plant Date | | | |
| Insured's Interest | | Other persons sharing in crop | | Insured's Interest | | Other persons sharing in crop | | Insured's Interest | | Other persons sharing in crop | | Insured's Interest | | Other persons sharing in crop | | Insured's Interest | | Other persons sharing in crop | | Insured's Interest | | Other persons sharing in crop | | Insured's Interest | | Other persons sharing in crop | | | |
| 1.000 | | | | 1.000 | | | | 1.000 | | | | 1.000 | | | | 1.000 | | | | 1.000 | | | | 1.000 | | | | | |
| <input type="checkbox"/> Insured | | <input type="checkbox"/> Uninsured | | <input type="checkbox"/> Uninsurable | | <input type="checkbox"/> Insured | | <input type="checkbox"/> Uninsured | | <input type="checkbox"/> Uninsurable | | <input type="checkbox"/> Insured | | <input type="checkbox"/> Uninsured | | <input type="checkbox"/> Uninsurable | | <input type="checkbox"/> Insured | | <input type="checkbox"/> Uninsured | | <input type="checkbox"/> Uninsurable | | <input type="checkbox"/> Insured | | <input type="checkbox"/> Uninsured | | | |
| <input type="checkbox"/> Unreported | | <input type="checkbox"/> Zero Acreage | | <input type="checkbox"/> High Risk | | <input type="checkbox"/> Unreported | | <input type="checkbox"/> Zero Acreage | | <input type="checkbox"/> High Risk | | <input type="checkbox"/> Unreported | | <input type="checkbox"/> Zero Acreage | | <input type="checkbox"/> High Risk | | <input type="checkbox"/> Unreported | | <input type="checkbox"/> Zero Acreage | | <input type="checkbox"/> High Risk | | <input type="checkbox"/> Unreported | | <input type="checkbox"/> Zero Acreage | | | |
| <input type="checkbox"/> PP | | <input type="checkbox"/> Required Field Review | | <input type="checkbox"/> Required Inspection | | <input type="checkbox"/> PP | | <input type="checkbox"/> Required Field Review | | <input type="checkbox"/> Required Inspection | | <input type="checkbox"/> PP | | <input type="checkbox"/> Required Field Review | | <input type="checkbox"/> Required Inspection | | <input type="checkbox"/> PP | | <input type="checkbox"/> Required Field Review | | <input type="checkbox"/> Required Inspection | | <input type="checkbox"/> PP | | <input type="checkbox"/> Required Field Review | | | |

2014 cornfield
"Mom's Hwy 38"



PENGAD 500-631-6999
EXHIBIT
9

006474

Kaffar Tiling & Ditching

512 S. Main
 Humboldt, SD 57035
 (605) 941-7320

Invoice

| | |
|----------|-----------|
| Date | Invoice # |
| 6/5/2013 | 1224 |

| |
|---------|
| Bill To |
| |

| |
|---------|
| Project |
| |

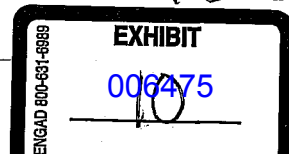
| Quantity | Description | Rate | Amount |
|----------|-----------------------------|--------|-----------|
| 3 | 416C IT CAT Backhoe | 70.00 | 210.00T |
| 11 | 312CL Caterpillar Excavator | 135.00 | 1,485.00T |
| 11 | D5H CAT Dozer | 165.00 | 1,815.00T |

| | |
|----------------------------|------------|
| Subtotal | \$3,510.00 |
| Excise Tax (2.041%) | \$71.64 |
| Total | \$3,581.64 |

As mandated by the State of South Dakota, a 2.041% Excise Tax must be paid.

It's been a pleasure working with you!

CK# 3410
 7-8-13



PENGAD 800-681-8888



Minnehaha Conservation District

2408 E. Benson Road
Sioux Falls, SD 57104

BILL TO

Matthew Anderson
25985 461st Ave.
Hartford, SD 57033

DATE INVOICE #

6/11/2013 13222

| ITEM | DESCRIPTION | QTY | RATE | AMOUNT |
|---|---------------------------------|------|--------|--------|
| | IN PARTNERSHIP WITH BRIAN TOP | | | |
| | T-12205 | | | |
| Certified Wetla... | Certified Wetland Determination | 1 | 700.00 | 700.00 |
| Certified Wetla... | Certified Wetland Determination | 74.1 | 2.00 | 148.20 |
| | | | | 848.20 |
| | | | 0.00 | 0.00 |
| <p><i>Paid by Peggy Hoogestraat</i> <i>CK# 3404 3-25-13 \$424.10</i> <i>CK# 3409 6-18-13 \$424.10</i></p> | | | | |

DUE UPON RECEIPT

Total

\$848.20

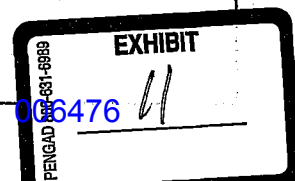
Method of Payment:

VISA Master Card
 Discover Check or Money Order Enclosed

Card No.

Exp. Date ____/____/____

Your Signature _____



Preferred Fencing & Cedar Removal

INVOICE

Bill To

Invoice # 0273

Hartford Farms
c/o Peggy Hoogestraat

Date of Services

4/18/14

Services Rendered

Quantity

Rate

Amount

New fence built and old
fence torn out. All materials
supplied by contractor

New fence built

9,665^{sq}

\$1.55

14,980²⁵

Old fence torn out

7,195

.20

1,493

P.D. CK # 4430

Bank van check
through 17132.DD

DUE UPON RECEIPT

(late fee incurred if payment not received after 10 days)

Total Services:

16,473²⁵

Tax:

658⁹³

Total Invoiced:

\$17,132²⁰

We appreciate the work!

CEDAR REMOVAL, FENCING, CONTINUOUS FENCE, GATES, TUBS AND ALLEYS AVAILABLE

PLEASE REMIT PAYMENT TO: BOE COLEMAN

boemancoleman@yahoo.com * 308-520-5534 * 51506 872 Rd. * Orchard, NE 68764

00647

EXHIBIT

12

CPA-4 ID 14

SEEDING PLAN AND RECORD

Cooperator Peggy Hoogestraat County Minnehaha MLRA 102B
 Program CTA Practice No. 327 Practice Name Conservation Cover
 Call or Referral No _____ Seeded by: _____

PLANNED

APPLIED

| | | |
|---------------------|--|----|
| Field Number | 1 | |
| Seedbed preparation | Clean, smooth, weed free seedbed will be prepared | |
| Seeding Equipment | Special Grass Drill | |
| Acres | 1 | |
| Seeding date | LATE SPRING 5/15 TO 6/15 | |
| Site | Ly | Ly |
| Protection Provided | Clip weeds before they compete for moisture and light. | |

PLANNED

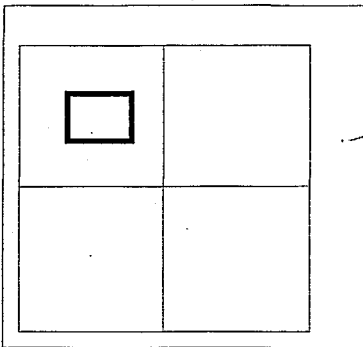
| Seed Species | Variety or Seed Source 1/ may be Common or improved variety listed | Pure Live Seed (PLS) lbs/ac Full Rate | Percent in Mixture | Pure Live Seed (PLS) lbs/ac Needed | Acres to Seed | PLS lbs Required |
|--------------------|---|---------------------------------------|--------------------|------------------------------------|---------------|------------------|
| Big bluestem | Bison | 7.43 | 25.0 | 1.86 | 1 | 1.86 |
| Green needlegrass | Common | 7.26 | 15.0 | 1.09 | 1 | 1.09 |
| Western wheatgrass | Common | 9.72 | 20.0 | 1.94 | 1 | 1.94 |
| Switchgrass | Dacotah | 4.47 | 20.0 | 0.89 | 1 | 0.89 |
| Indiangrass | Central Iowa Germplasm | 6.77 | 20.0 | 1.35 | 1 | 1.35 |

Origin of non-varietal (common) grass seed of both native and introduced species is limited to IA, MN, MT, ND, NE, SD, and WY.
 Thickspike wheatgrass may be substituted for western wheatgrass if the latter is not available and only west of the Missouri River. Multiply the western wheatgrass seeding rate by .72.

APPLIED

| Seed Species | Variety or Seed Source | Percent Purity | Percent Germination | Pounds Bulk Seed Planted | Acres Certified | PLS Pounds Planted |
|--------------------|------------------------|----------------|---------------------|--------------------------|-----------------|--------------------|
| Big bluestem | Bison | | | | | |
| Green needlegrass | Common | | | | | |
| Western wheatgrass | Common | | | | | |
| Switchgrass | Dacotah | | | | | |
| Indiangrass | Central Iowa Germplasm | | | | | |

Plan Map



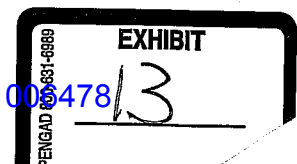
Tract _____
 N _____
 S. _____
 T. _____
 R. _____

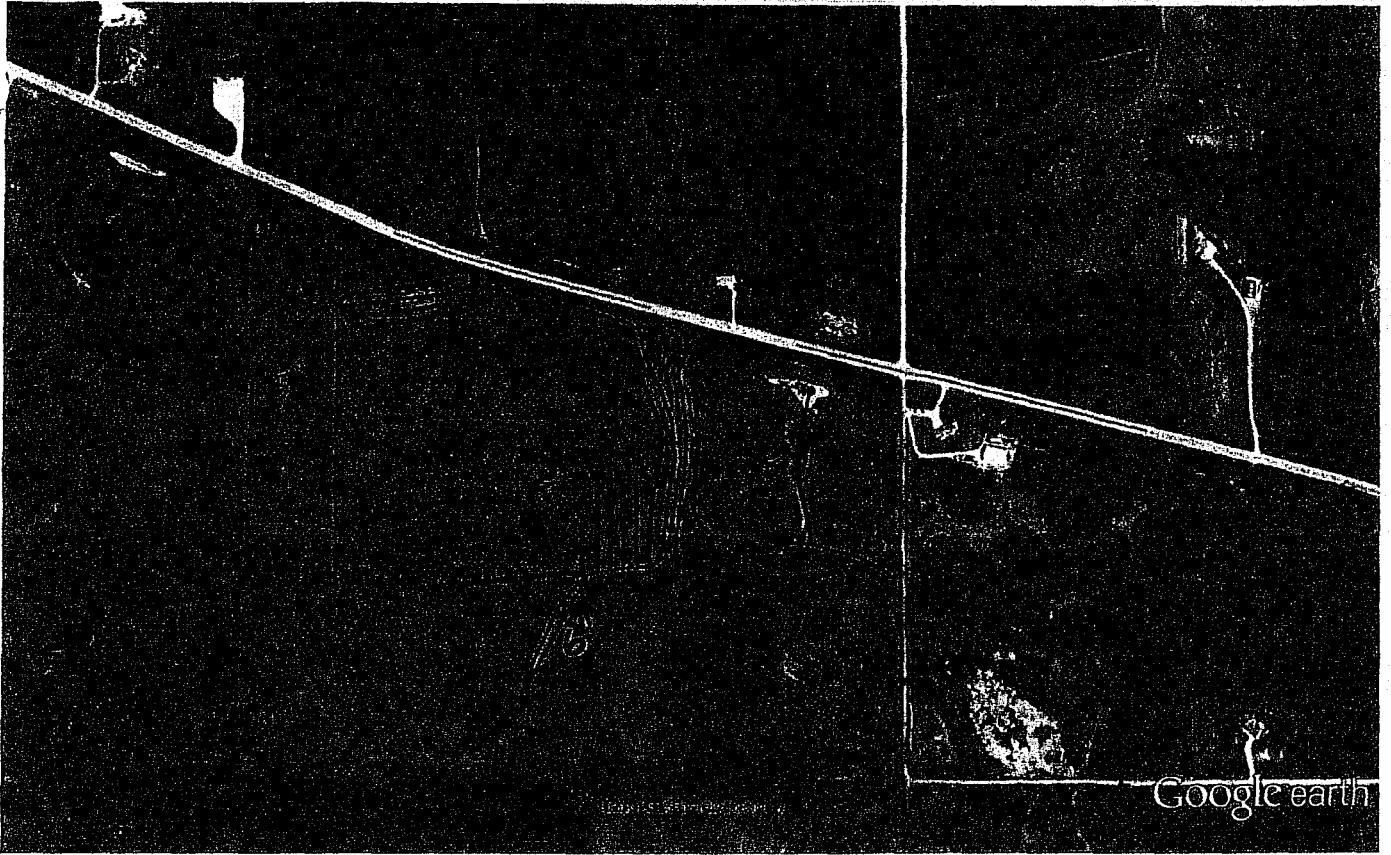
Planning assistance by ML Lacey
 (Name and Date)

Practice Meets SD Standards and Specifications: Yes No

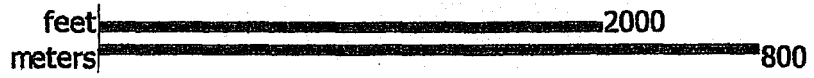
Certified By: _____
 (Name and Date)

Recheck of Quantities By: _____
 (Name and Date)





Google earth



PENGAD 800-851-6980
EXHIBIT
06479/4



Peggy Hoogestraat <gardengalpeggy@gmail.com>

Fwd: Shot- Proposed Route- DAPL

Edwina Scroggins <scrogginsedwina@yahoo.com>
To: "gardengalpeggy@gmail.com" <gardengalpeggy@gmail.com>

Fri, Nov 14, 2014 at 4:59 PM

Here is the second proposed route, this is the best they could do. Hope this will help. Just let me know.

Thanks,
Edwina Scroggins

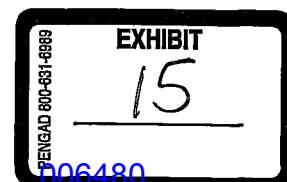
575-779-6536

God's Blessings!

Begin forwarded message:

From: Marlon Scroggins <mscrogg57@gmail.com>
Date: November 14, 2014 at 1:33:24 PM CST
To: Edwina Scroggins <scrogginsedwina@yahoo.com>
Subject: Shot

Thanks: Marlon Scroggins
Construction Manager
Dakota Access Pipeline Project
4401 S. Technology Dr. South Suite
Sioux Falls, SD.
575-779-6496
mscrogg57@gmail.com



MP 445.5

MP 445.5
MP 445.5

38

MP 446.0

MP 446.0
MP 446.0

© 2014 Google

460th Ave

Google earth

EXHIBIT
16
006481
PENGDAD 800-681-8888

1991

Imagery Date: 8/20/2012 43°38'06.67" N 97°00'55.71" W elev 1647 ft eye alt 5808 ft

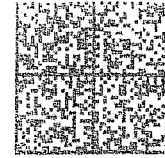
AFTER FIVE DAYS RETURN TO
MAY ADAM
Since 1881
P.O. Box 160
PIERRE, SOUTH DAKOTA 57501-0160

recd 1-9-15

CERTIFIED MAIL™

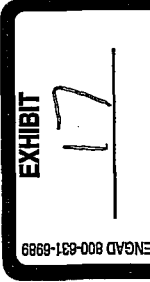


7013 2250 0000 2643 7774

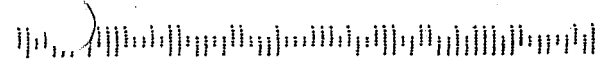


U.S. POSTAGE
ZIP 57501 \$ 006.69⁰⁰
02 1W
0001372345 JAN 07 2015

Mary A. Titus
27575 462nd Avenue
Chancellor, South Dakota 57015-5712

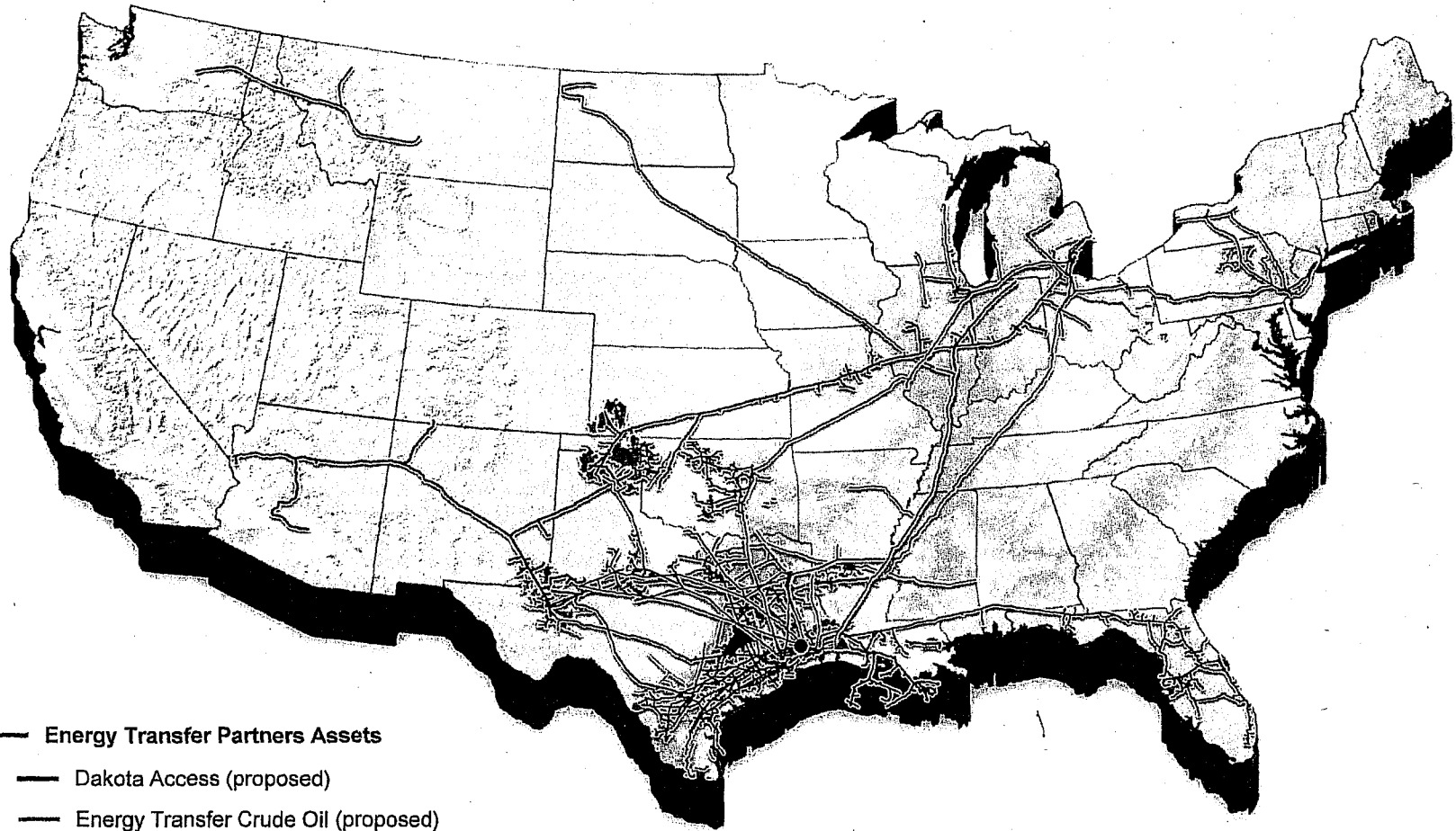


570155712 0002



006482

Energy Transfer Partners - Asset Overview



- Energy Transfer Partners Assets
- Dakota Access (proposed)
- Energy Transfer Crude Oil (proposed)
ET Rover Pipeline (proposed)
- Regency Energy Partners Assets
- Sunoco Logistics Assets

EXHIBIT
18
ENGAD 800-631-6989

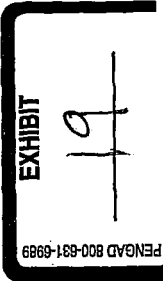
Project Overview

- Dakota Access, LLC has secured long-term binding contractual commitments to:

- Transport approximately 450,000 barrels per day of crude oil starting Q4 2016
- Potential to transport approximately 570,000 or more barrels per day depending upon additional potential shipper commitments

- Objective:

- Move crude oil from the Bakken Three Forks area in northwestern North Dakota to the Patoka Hub in Patoka, Illinois
- Interconnect with third-parties for re-delivery of crude oil to processing facilities and refineries located in the Midwest and Gulf Coast for production of motor fuels and other crude oil derivatives that support the US economy



16 Delores, and her two sisters, Devona Smith and Margaret Hilt, inherited the farm in 1988,
17 when my grandmother passed away. My mother and aunts continue to rent the farmland
18 to a farmer, Doug Vanderwerff, who grows corn and soybeans on it. My sister, my two
19 cousins, and I will someday inherit the farm from my mother and aunts. We plan on
20 continuing to own the land and rent it out. My husband and I have been thinking about
21 building a home on the farm.

22 **Please describe your current farming operations.**

23 The farm is rented out for cash rent. The tenant farmer, Doug Vanderwerff, grows corn
24 and soybeans, and has a little hay land on the half section. This man has been farming
25 this land for about 30 years and plans to continue to do so, unless the pipeline would
26 change that.

27 **To the best of your knowledge, what area(s) of your property will the Dakota Access**
28 **Pipeline cross?**

29 The pipeline would cross the east quarter section (160 acres) of the farm from the
30 northwest corner to the southeast corner, effectively cutting that quarter section in half.

31 **How close is the pipeline to any building, bin or pen, water source, or farming**
32 **facilities (i.e., storage area, feedlot, grazing area, etc.)?**

33 The pipeline would run approximately 50 feet from the land surrounding the farm
34 buildings and the windmill, which provides water for the house.

35 **Please describe any special characteristics of your property and farmland, and/or**
36 **whether you plan to build any houses, outbuildings, shelter belts, or other structures**
37 **on your property.**

38 The farm has old cement tile going from a pond north of the house to the road ditch south
39 of the house. This old tile is fragile. The proposed pipeline **would** cross this tile. There

40 is also tile a short distance west of this tile. I'm not sure if the pipeline would cross that
41 tile or not. The tile could easily be damaged by excavation of the ground near it, heavy
42 equipment going over it, or settling of the ground afterwards.

43 My husband and I have been considering building a home on the southeast corner of the
44 farm, but the pipeline would prevent that. My mother and aunts have also considered
45 selling one acreage on the northeast corner of the farm. There are three housing
46 eligibilities remaining on that quarter section of the farm with possible future
47 development, since Highway 17 runs on the east side of the farm. A realtor has already
48 asked my mom if she was interested in selling the farm. There are housing developments
49 ½ mile east of the farm and another one planned ½ mile north of the farm. Even though
50 these are outside of the growth plan for Tea, they are still being developed. Pipeline
51 easements could restrict developments in the area.

52 **Please describe which of your farming operations or other land uses will be**
53 **impaired by the Dakota Access Pipeline and how they will be impaired.**

54 Corn and soybeans are both grown yearly in alternating areas in that quarter section of
55 the farm. The pipeline would severely cut down on crop production of each of them.

56 The tenant would lose acres to plant, receive much less income from that quarter section,
57 and it would inconvenience him when trying to farm the land, with the pipeline cutting
58 that quarter section in half. Consequently, he would be unwilling to pay as much rent per
59 acre, so my mother would be losing income. *The renter may decide that the hassle isn't*

60 *worth trying to farm the land that is cut in half by the pipeline.* No one else would be
61 willing to farm it either, with that pipeline running through there. Then my mother and
62 aunts would lose total income from that farm for as long as it would take to find another
63 renter. Also, if they ever did try to sell any acreages, people would not want to buy and

64 build on the land with that pipeline under it. Dakota Access would not allow any
65 buildings on the easement, either.

66 When the land is dug up for the pipeline, it would damage the quality of the soil. The
67 topsoil and subsoil as well as lower layers would be mixed. This will hurt plant growth
68 for at least ten years. There will be some compaction of the soil, which would also impact
69 plant growth. Weed seeds will be brought to the surface, so there will be additional costs
70 to control them. The soil around the pipeline will be warmer and could cause more
71 insects and disease to survive in the soil. That could also affect plant production. Rocks
72 would be brought to the surface and need to be removed. I am afraid Dakota Access will
73 not do this, as happened with the Keystone pipeline.

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

77 Yes, this quarter has two areas of drain tile. The pipeline would cross at least one of
78 them. The tile is cement and quite old. We do not know exactly how deep the tile is
79 because it was installed many years ago. I am very much afraid that the tile would be
80 damaged. Then the water would not drain out of the low area and could reach the house
81 and other buildings as well as drowning out crops. This would cause a loss of income,
82 also. It would be difficult, and very costly to replace the drain tiles if they were damaged.
83 Land around the tile will settle and could cause the tile to break. I'm also afraid oil
84 could get into the tiles and into the water if the tiles were broken.

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

87 Yes, I definitely believe the pipeline would pose a threat to the environment and the
88 inhabitants of this farm because of the large amounts of volatile, toxic oil going through
89 this pipeline every day. The oil could leak onto the land and into the water as it has
90 often done in many other areas. The oil could flow into Little Beaver Creek which runs
91 through the farm only about 1/8 of a mile from the proposed pipeline. Then it could get
92 into Beaver Creek, and subsequently into the Sioux River and the aquifer. The Bakken
93 oil in this pipeline is a highly volatile substance. It has been found to be the most
94 explosive oil when compared to oil from 86 locations around the world. Pipelines
95 explode, rupture, and leak. Even with shut-off valves, a great deal of oil would escape
96 into the environment. If the pipeline exploded, it could definitely hurt or kill people and
97 animals in the area. Also, the oil is poisonous and carcinogenic to the people and animals
98 in contact with it. The oil contains benzene and other chemicals. Benzene is cancer-
99 causing, as well as causing many other health problems, including death. The
100 environment could be permanently damaged if there was a leak or spill, and could
101 probably never be farmed again. There are designated wetlands on the farm which could
102 be threatened by the pipeline.

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

105 Yes, it will most definitely impair the financial welfare of the tenant farmer and the
106 landowners (my mother and aunts), due to the amount of land that will be dug up all the
107 way across that quarter section. Crops will not be as good for many years, possibly ten or
108 twenty years. This could happen again and again, anytime the pipeline company would
109 decide to go back in and dig it up to put more pipes in, or to work on them for some

110 reason. Yet the pipeline company is only offering a onetime lump sum payment to my
111 mother and aunts.

112 I am also concerned that stray voltage could affect the health, safety, and welfare of the
113 tenant farmer, the residents, and anyone else near the pipeline. The soil, depending on
114 mineral and moisture content, as well as steel posts on the land, can conduct electricity.
115 When you look at the many previous pipeline accidents, you can see that the health and
116 safety of people and animals are at stake. As I stated before, the oil itself could affect the
117 health, safety, and welfare of everyone, and of the many animals in the area, because of
118 the volatility of the oil and the chemicals such as benzene, that the oil contains.

119 Dakota Access cannot guarantee the safety of the pipeline. There have been more
120 pipeline accidents than train accidents involving oil.

121 I am also very concerned that the pipeline will lower the property value of the farm. It
122 will also lower the value of the property of surrounding neighbors. Because of this,
123 property taxes paid to the government will be decreased.

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

129 No I haven't, but my mother and aunts have. Dakota Access has filed a lawsuit against
130 them to allow Dakota Access to enter the farm to survey it. My mother told them "No"
131 two different times, that they could not enter her land.

132 Yes, they have hired a lawyer, Glenn Boomsma, to represent them in this matter. It is
133 costing them a great deal of money to prevent Dakota Access from surveying, using
134 eminent domain, and placing the pipeline on their farm.

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

137 No, they did not.

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

140 Yes, first of all they told my mother that she should allow them on her land. If she didn't,
141 they will just take it by eminent domain, anyway. However, they do not have the right of
142 eminent domain as of yet.

143 Secondly, they told Rhonda Nielsen, who lives in the house on that quarter section, that
144 my mother and aunts had agreed to let Dakota Access enter their land, survey it, and
145 build the pipeline there. They also told her there was nothing she could do about it.

146 Rhonda was very upset that my family would do this. My mother and aunts never gave
147 them permission to enter their land, survey it, or build the pipeline there.

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

149 Liability is a major concern. Dakota Access may not be held accountable if there is a
150 spill, leak, or explosion on the farm. Neighbors could sue my mom if damage is done to
151 their land. If there is an oil spill, who will pay for the cleanup?

152 If the pipeline is no longer used, who will pay for removing it?

153 If Dakota Access gets the easement, it would give them the right to enter anywhere on
154 the farm at anytime, to add more pipe, or for any other reason. To me, this is a takeover
155 of the land that is being forced upon us, harming present and future generations.

156 South Dakota and Iowa both grow large amounts of corn. Ethanol producers in South
157 Dakota use much of this corn to produce ethanol, which greatly helps the economy of
158 South Dakota. The oil pipeline will benefit the economy of North Dakota and Texas, but
159 will be of only a small benefit to the economy of South Dakota. That oil is a non-
160 renewable source of fuel and produces greenhouse gases. Corn is a renewable source of
161 fuel. South Dakota should be putting all of its effort into increasing the supply and
162 demand for ethanol. This would be much more beneficial to the farmers and to the state.
163 Lincoln County is one of the fastest growing areas in the country. The pipeline would be
164 running near the most populated part of South Dakota, including the cities of Sioux Falls,
165 Tea, Lennox, and Harrisburg. Future development of this area would be seriously
166 hindered. The eastern part of South Dakota also has the most highly productive cropland
167 in the state. *I don't understand why anyone would even consider putting the pipeline*
168 *through here.*

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

171 Yes, I would be available if allowed. My mother and aunts have given their permission
172 for me to speak on their behalf at the hearing because none of them will be able to attend
173 the hearing.

174 **Does that conclude your testimony?**

175 Yes.

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Laurie Kungelman

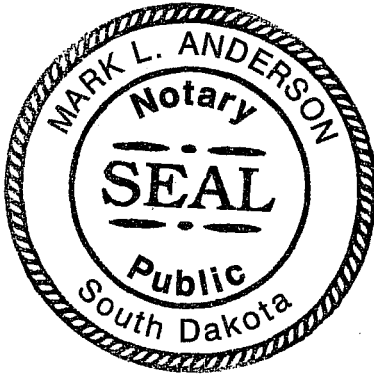
Subscribed and sworn before me this 6 day of July, 2015.

Mark J. Anderson

Notary Public – South Dakota

My Commission Expires: 6/22/18

<SEAL>



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

| | |
|---|--|
| <p>IN THE MATTER OF THE APPLICATION OF DAKOTA ACCESS, LLC FOR AN ENERGY FACILITY PERMIT TO CONSTRUCT THE DAKOTA ACCESS PIPELINE</p> | <p>HP14-002</p> <p>PRE-FILED TESTIMONY OF KENT MOECKLY</p> |
|---|--|

STATE OF SOUTH DAKOTA)
COUNTY OF Marshall) :SS

Kent Moeckly, being first duly sworn on his/her oath, deposes and states as follows:

1. Please state your name and address.

Kent Moeckly

PO Box 903

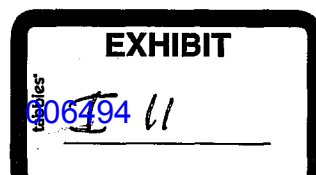
Britton, SD 57430

2. Are you involved with the Dakota Access Pipeline project?

No, but I am a landowner in Marshall County, South Dakota that was crossed by the TransCanada - Phillips Petroleum Pipeline.

3. Describe the history of your family's land ownership.

My grandfather settled on the land in Marshall County in the early 1900's and my family has operated the land to the present time.



4. Has your land been impacted or adversely affected by a currently existing pipeline?

Yes, the TransCanada - Phillips Petroleum Pipeline

5. If so, please provide the specifics related to the prior questions.

TransCanada in their construction process ripped open our black dirt and ultimately, mixed it with the clay and lesser desirable soils thereby reducing its value and productivity for years to come. During the reclamation process, the black dirt was spread into totally wet, sloppy conditions including standing water which was against the regulations and thereby resulted in mixing of the good black dirt with the clay and less desirable soils. Therefore the result of this carelessness has cost my family land value and productivity. We now live in constant fear of the pipeline breaking and ruining our land.

6. Have your crop yields and/or drain tiles been adversely impacted by a currently existing gas and/or oil pipeline? If so, please provide the complete details.

Crop yields have been lessened.

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

I have tremendous concerns regarding our valuable water resource(s). Once the pipeline breaks, any nearby water becomes undrinkable and unusable for the rest of time.

We are dealing with a thin-walled, high-pressure, hazardous material pipeline in which the dangers to people and property can never be understated.

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

Yes

9. Does that conclude your testimony?

Yes

[Handwritten Signature]

Subscribed and sworn before me this 6 day of July, 2015.

[Handwritten Signature]

Notary Public – South Dakota

My Commission Expires: April 11, 2018

<SEAL>

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

HP14-002

PRE-FILED TESTIMONY OF
Marilyn Jean Murray

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF Minnehaha

Marilyn Jean Murray, being first duly sworn on his/her oath, deposes and states as follows:

Please state your name and address.

Marilyn Jean Murray

1416 S. Larkspur Trl.

Sioux Falls, SD 57106

How are you involved with the Dakota Access Pipeline project?

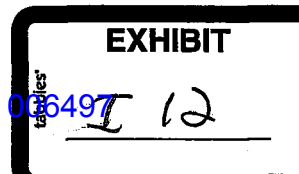
I am a landowner in Lincoln County, South Dakota affected by the proposed Dakota Access Pipeline.

Please describe the history of your family's land ownership, and whether farming will be continued by younger generations.

4/26/1883 Land was Homesteaded by Philip Eichhorn-
 He was given a Patent (deed) September, 1887.

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

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



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

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

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

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

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

12/4/1959 – John added Leona's name

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

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

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

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

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

Please describe your current farming operations.

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

To the best your knowledge, what area(s) of your property will the Dakota Access Pipeline cross?

Based on the most recent maps by Dakota Access and flags placed in the road ditch, the pipeline would enter the NW corner going to the SE corner cutting diagonally across the entire farm. This area includes crop production land as well as pasture.

How close is the pipeline to any building, bin or pen, water source, or farming facilities (i.e., storage area, feedlot, grazing area, etc.)?

Approximately 300 yards to the nearest building and 340 yards to the well.

It is planned to go under the creek which drains the watershed NW of Tea and flows into the Sioux River.

The pipeline would cross the easement held by South Lincoln Rural Water.

As stated previously it would cross the grazing area.

Please describe any special characteristics of your property and farmland, and/or whether you plan to build any houses, outbuildings, shelter belts, or other structures on your property.

The land is drain tiled, some of which is clay.

Open Waterway ditch running south on east side of property.

It currently has 3 housing eligibilities with potential for additional future longer term development since Highway 17 runs on the west side of the property.

Please describe which of your farming operations or other land uses will be impaired by the Dakota Access Pipeline and how they will be impaired.

Initially, no access for daily operations on cropland on south half of property. Natural waterways blocked and would need to be reconstructed. The tillable acres won't produce the same and the quality of the pasture will be impaired.

Future development potential diminished due to restrictions of building on pipeline and lack of desire for homeowners to live near pipeline. There is currently an existing housing development ½ mile NE of our farm, located outside of the City of Tea as well as a second development planned (zoning has been changed to agriculture/residential) ½ mile directly north of our farm. These developments are outside of the City of Tea growth plan. Just because a particular city doesn't have these affected areas in their growth plan, doesn't mean they won't be developed – unless of course pipeline easements restrict the development.

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

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

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

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

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

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

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

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

Yes- I have been sued.

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

Yes- I have incurred legal fees.

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

The fact that their plan is to run the pipeline through Minnehaha and Lincoln county shows total disregard for the welfare of our state, it's inhabitants and the future development in the this area. I'm concerned it will lower my property value.

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

No.

Does that conclude your testimony?

Yes.

Marilyn Jean Murray

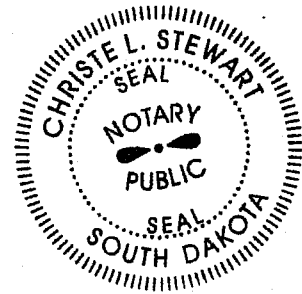
Subscribed and sworn before me this 18th day of June, 2015.

Christie L Stewart

Notary Public – South Dakota

My Commission Expires: 9-7-17

<SEAL>



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

| | |
|---|--|
| <p>IN THE MATTER OF THE APPLICATION OF DAKOTA ACCESS, LLC FOR AN ENERGY FACILITY PERMIT TO CONSTRUCT THE DAKOTA ACCESS PIPELINE</p> | <p>HP14-002</p> <p>PRE-FILED TESTIMONY OF Shirley Mae Oltmanns</p> |
|---|--|

STATE OF SOUTH DAKOTA)
:SS

COUNTY OF Minnehaha

Shirley Mae Oltmanns , being first duly sworn on his/her oath, deposes and states as follows:
Please state your name and address.

Shirley Mae Oltmanns

26576 466th Ave

Sioux Falls, SD 57106

How are you involved with the Dakota Access Pipeline project?

I am a landowner in Lincoln County, South Dakota affected by the proposed Dakota Access Pipeline.

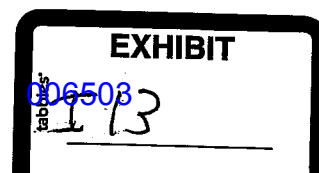
Please describe the history of your family's land ownership, and whether farming will be continued by younger generations.

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

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

Please describe your current farming operations.

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To the best your knowledge, what area(s) of your property will the Dakota Access Pipeline cross?

Based on the most recent maps by Dakota Access and flags placed in the road ditch, the pipeline would enter the NW corner going to the SE corner cutting diagonally across the entire farm. This area includes crop production land as well as pasture.

How close is the pipeline to any building, bin or pen, water source, or farming facilities (i.e., storage area, feedlot, grazing area, etc.)?

Approximately 300 yards to the nearest building and 340 yards to the well.

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As stated previously it would cross the grazing area.

Please describe any special characteristics of your property and farmland, and/or whether you plan to build any houses, outbuildings, shelter belts, or other structures on your property.

The land is drain tiled, some of which is clay.

Open Waterway ditch running south on east side of property.

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Please describe which of your farming operations or other land uses will be impaired by the Dakota Access Pipeline and how they will be impaired.

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Future development potential diminished due to restrictions of building on pipeline and lack of desire for homeowners to live near pipeline. There is currently an existing housing development ½ mile NE of our farm, located outside of the City of Tea as well

as a second development planned (zoning has been changed to agriculture/residential) ½ mile directly north of our farm. These developments are outside of the City of Tea growth plan. Just because a particular city doesn't have these affected areas in their growth plan, doesn't mean they won't be developed – unless of course pipeline easements restrict the development.

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

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

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

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

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Yes- I have been sued.

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

Yes- I have incurred legal fees.

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The fact that their plan is to run the pipeline through Minnehaha and Lincoln county shows total disregard for the welfare of our state, it's inhabitants and the future development in the this area. I'm concerned it will lower my property value, and quality of life of any future inhabitants.

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

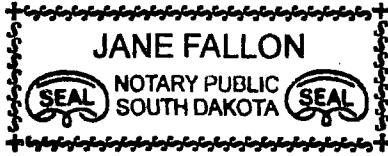
No.

Does that conclude your testimony?

Yes.

Shirley M. Altman

Subscribed and sworn before me this 22nd day of June, 2015.



<SEAL>

Jane Fallon
Notary Public – South Dakota
My Commission Expires: 7-6-17

**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

HP14-002

PRE-FILED TESTIMONY OF

MAVIS ARLENE PARRY

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF Minnehaha

1 MAVIS ARLENE PARRY, being first duly sworn on his/her oath, deposes and states as
2 follows:

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

4 **MAVIS ARLENE PARRY**

5 **3 Mission Mountain RD**

6 **Clancy, Montana 59634**

7 **How are you involved with the Dakota Access Pipeline project?**

8 I am a landowner in Lincoln County, South Dakota affected by the proposed Dakota
9 Access Pipeline.

10 **Please describe the history of your family's land ownership, and whether farming**
11 **will be continued by younger generations.**

12 4/26/1883 Land was Homesteaded by Philip Eichhorn- he paid \$3.00 per acre- toward
13 the above quarter. He was given a Patent (deed) September, 1887.

14
15 4-16-1896 sold to Paul Nichel for \$1800.

16
17 2/28/1920 Quit claim deed from Rose (daughter of Paul and Sophia Nichel) & Milo
18 Hoffinan to Sophia Nichel.

EXHIBIT

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56 pipeline would enter the NW corner going to the SE corner cutting diagonally across the
57 entire farm. This area includes crop production land as well as pasture.

58 **How close is the pipeline to any building, bin or pen, water source, or farming**
59 **facilities (i.e., storage area, feedlot, grazing area, etc.)?**

60 Approximately 300 yards to the nearest building and 340 yards to the well.

61 It is planned to go under the creek which drains the watershed NW of Tea and flows into
62 the Sioux River.

63 The pipeline would cross the easement held by South Lincoln Rural Water.

64 As stated previously it would cross the grazing area.

65

66 **Please describe any special characteristics of your property and farmland, and/or**
67 **whether you plan to build any houses, outbuildings, shelter belts, or other structures**
68 **on your property.**

69 The land is drain tiled, some of which is clay.

70 Open Waterway ditch running south on east side of property.

71 It currently has 3 housing eligibilities with potential for additional future longer term
72 development since Highway 17 runs on the west side of the property.

73

74 **Please describe which of your farming operations or other land uses will be**
75 **impaired by the Dakota Access Pipeline and how they will be impaired.**

76 Initially, no access for daily operations on cropland on south half of property. Natural
77 waterways blocked and would need to be reconstructed. The tillable acres won't produce
78 the same and the quality of the pasture will be impaired.

79 Future development potential diminished due to restrictions of building on pipeline and
80 lack of desire for homeowners to live near pipeline. There is currently an existing
81 housing development ½ mile NE of our farm, located outside of the City of Tea as well
82 as a second development planned (zoning has been changed to agriculture/residential) ½
83 mile directly north of our farm. These developments are outside of the City of Tea growth
84 plan. Just because a particular city doesn't have these affected areas in their growth plan,
85 doesn't mean they won't be developed – unless of course pipeline easements restrict the
86 development.

87
88 **Has your farmland been improved with drain tile? If so, please describe whether**
89 **you are concerned that pipeline construction may damage and impair the drain tile**
90 **performance and investment.**

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

94
95 **Do you believe that the Dakota Access Pipeline will pose a threat of serious injury to**
96 **the environment or the inhabitants within the siting area? If so, why?**

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

99 In February, the Wall Street Journal compared oil from 86 locations around the world and
100 found Bakken crude oil to be the most explosive. This was introduced December 11,
101 2104 in the Assembly Resolution No 191 State of New Jersey 216th Legislature.

102

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

105 Watershed damage as East Beaver Creek drains the Watershed North and West of Tea
106 and flows through our farm, eventually into the Big Sioux River and then the Missouri.

107 Will eliminate the potential for future development due to people not wanting to reside
108 near an oil pipeline.

109
110 **Have you been sued by Dakota Access Pipeline to compel court ordered access to**
111 **your land? If so, (1) Has Dakota Access Pipeline provided you any legal authority**
112 **(i.e., state statute) supporting its claim that you have no right to exclude Dakota**
113 **Access from your land at the time of said lawsuit? and (2) Have you incurred legal**
114 **fees in defending against this lawsuit?**

115 Yes- I have been sued.

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

117 Yes- I have incurred legal fees.

118
119 **Please state any other concerns you have regarding the Dakota Access Pipeline.**

120 The fact that their plan is to run the pipeline through Minnehaha and Lincoln county
121 shows total disregard for the welfare of our state, it's inhabitants and the future
122 development in the this area. I'm concerned it will lower my property value.

123
124 **Would you be available to present testimony and respond to questions during the**
125 **formal hearing scheduled for September 29 through October 8, 2015?**

126 No.

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Does that conclude your testimony?

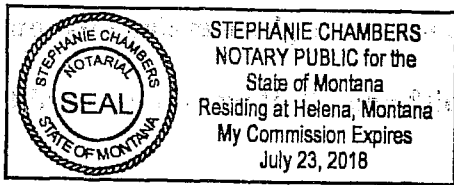
Yes.

Maria Aileen Barry

Subscribed and sworn before me this 19 day of June, 2015.

Notary Public - Montana
My Commission Expires: 07/23/2018

<SEAL>



Stephanie Chambers
Stephanie Chambers

**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

HP14-002

**PRE-FILED TESTIMONY OF
JANICE ELAINE PETTERSON**

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF LINCOLN)

1 Janice Elaine Petterson, being first duly sworn on his/her oath, deposes and states as
2 follows:

3 My name is Janice Petterson and my address is 6401 S. Lyncrest Ave., Apt. 307, Sioux
4 Falls, South Dakota 57108. This document is intended to be my rebuttal testimony in this matter.

5 Attached hereto and incorporated herewith are the following documents:

- 6 • The Wall Street Journal article Bakken Shale Oil Carries High Combustion Risk
7 dated February 23, 2014;
- 8 • The Wall Street Journal article North Dakota Fracking: Behind the Oil-Train
9 Explosions dated July 7, 2014;
- 10 • The Wall Street Journal article Oil Deaths Rise as Bakken Boom Fades dated
11 March 12, 2015;
- 12 • State Of New Jersey Assembly Resolution No. 191; and
- 13 • Town Of Red Hook Resolution No. 2 Dated January 28, 2015 Opposing Building
14 Of The Pilgrim Pipeline.

EXHIBIT

006545
tabbies
15

16 The above documents are being submitted to the PUC so as to provide additional
17 information concerning the volatility and dangerous characteristics of the Bakken Shale Oil in North
18 Dakota. In fact, pipeline shipping the Bakken Shale Oil has been prohibited in the State Of New
19 Jersey on the basis that it is "a very volatile fuel" and due to the "significant safety concerns/risks
20 posed to the citizens/communities of the State of New Jersey." The Town Of Red Hook, New York
21 in its Resolution No. 2 Dated January 28, 2015 Opposing Building Of The Pilgrim Pipeline has
22 reached the same conclusion.

23 Janice Elaine Petterson
24 Janice Elaine Petterson
25
26

27
28 Subscribed and sworn before me this 14th day of August, 2015.
29

30 Janice Petterson
31 Notary Public – South Dakota
32 My Commission Expires: 3-10-16
33
34
35
36

<SEAL>

THE WALL STREET JOURNAL

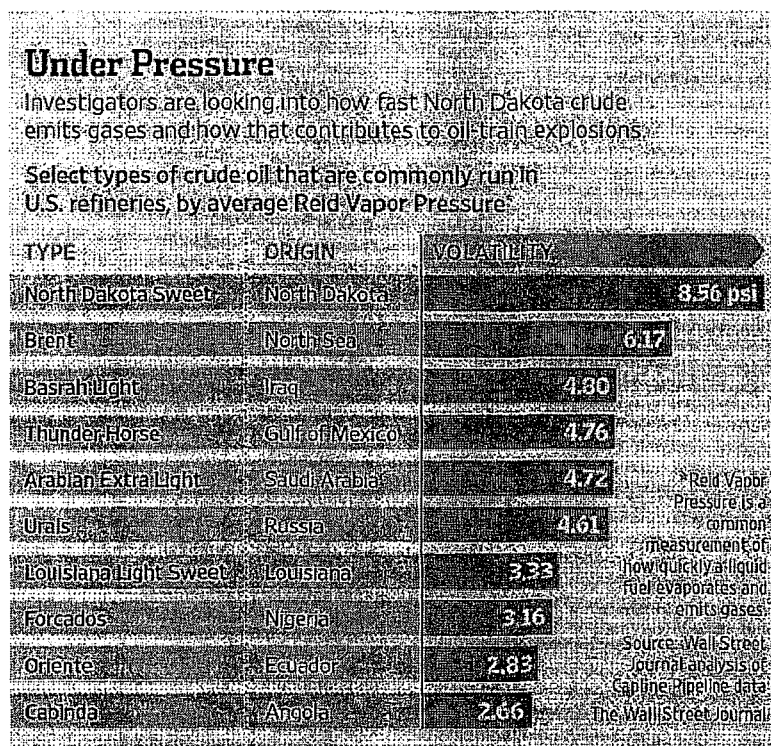
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<http://www.wsj.com/articles/SB10001424052702304834704579401353579548592>

BUSINESS

Bakken Shale Oil Carries High Combustion Risk

Analysis of Crude From North Dakota Raises Further Questions About Rail Transportation



By RUSSELL GOLD

Feb. 23, 2014 7:10 p.m. ET

Crude oil from North Dakota's Bakken Shale formation contains several times the combustible gases as oil from elsewhere, a Wall Street Journal analysis found, raising new questions about the safety of shipping such crude by rail across the U.S.

006517

Federal investigators are trying to determine whether such vapors are responsible for recent extraordinary explosions of oil-filled railcars, including one that killed several dozen people in Canada last summer.

The rapid growth of North Dakota crude-oil production—most of it carried by rail—has been at the heart of the U.S. energy boom. The volatility of the crude, however, raises concerns that more dangerous cargo is moving through the U.S. than previously believed.

Neither regulators nor the industry fully has come to terms with what needs to be done to improve safety. There have been some steps, for example, slowing trains and promising to redirect around high-risk areas. But debate still rages over whether railcars need to be strengthened, something the energy industry has resisted.

"Given the recent derailments and subsequent reaction of the Bakken crude in those incidents, not enough is known about this crude," said Sarah Feinberg, chief of staff at the U.S. Transportation Department. "That is why it is imperative that the petroleum industry and other stakeholders work with DOT to share data so we can quickly and accurately assess the risks."

Potential fixes could create their own problems: Clamping down on rail transport could thwart the growth of oil output and slowing oil trains could affect the rail industry's ability to move freight around the country.

The Journal analyzed data that had been collected by the Capline Pipeline in Louisiana, which tested crude from 86 locations world-wide for what is known as vapor pressure. Light, sweet oil from the Bakken Shale had a far higher vapor pressure—making it much more likely to throw off combustible gases—than crude from dozens of other locations.

Neither federal law nor industry guidelines require that crude be tested for vapor pressure. Marathon Petroleum Corp. , which operates Capline, declined to elaborate on its operations except to say that crude quality is tested to make sure customers receive what they pay for.

According to the data, oil from North Dakota and the Eagle Ford Shale in Texas had vapor-pressure readings of over 8 pounds per square inch, although Bakken readings reached as high as 9.7 PSI. U.S. refiner Tesoro Corp. , a major transporter of Bakken crude to the West Coast, said it regularly has received oil from North Dakota with even more volatile pressure readings—up to 12 PSI.

By comparison, Louisiana Light Sweet from the Gulf of Mexico, had vapor pressure of 3.33 PSI, according to the Capline data.

Federal regulators, who have sought information about vapor pressure and other measures of the flammability and stability of Bakken crude, have said the energy industry hasn't provided the data despite pledges to do so.

The industry's chief lobbying group said it was committed to working with the government but that historically it hadn't collected the information. The energy industry has resisted the idea that Bakken Shale oil's high gas level is contributing to oil train explosions, but the American Petroleum Institute is revisiting the question, said President Jack Gerard. "Are we testing everything we should be testing?"

David Miller, head of the institute's standards program, said a panel of experts would develop guidelines for testing crude to ensure it is loaded into railcars with appropriate safety features. New tests could include measures of viscosity, corrosion and vapor pressure, he said.

The rapid growth in transporting oil by rail was rocked by several accidents last year. Last summer a train loaded with 72 cars of crude exploded, leveling downtown Lac-Mégantic, Quebec, and killing 47 people. Later in the year, derailed trains exploded in Alabama and North Dakota, sending giant fireballs into the sky. Derailments, typically caused by track problems or equipment failure, triggered the accidents. While crude oil is considered hazardous, it isn't usually explosive.

Most oil moving by rail comes from the Bakken Shale, where crude production has soared to nearly a million barrels daily at the end of last year from about 300,000 barrels a day in 2010.

The rapid growth in Bakken production has far outpaced the installation of pipelines, which traditionally had been relied on to move oil from wells to refineries. Most shale oil from Texas moves through pipelines, but about 70% of Bakken crude travels by train.

Bakken crude actually is a mixture of oil, ethane, propane and other gaseous liquids, which are commingled far more than in conventional crude. Unlike conventional oil, which sometimes looks like black syrup, Bakken crude tends to be very light.

"You can put it in your gas tank and run it," said Jason Nick, a product manager at testing-instruments company Ametek Inc. "It smells like gasoline."

Equipment to remove gases from crude before shipping it can be hard to find in the Bakken. Some Bakken wells are flowing so quickly that companies might not be able to separate the gas from the oil, said Lynn Helms, director of North Dakota's Department of Mineral Resources. "At a really high flow rate, it is just much more difficult to get complete gas separation," he said.

There also is a financial benefit to leaving gaseous liquids in the oil, because it gives companies more petroleum to sell, according to Harry Giles, the retired head of quality for the U.S. Energy Department's Strategic Petroleum Reserve and a former head of the Crude Oil Quality Association.

The federal government doesn't spell out who should test crude or how often. Federal regulations simply say that oil must be placed in appropriate railcars.

There are three "packaging groups" for oil, based on the temperatures at which it boils and ignites. But these tests don't look at how many volatile gases are in the oil, and that is the industry's challenge, according to Don Ross, senior investigator with the Transportation Safety Board of Canada. "There is no accepted industry method for testing for gassy crude," he said.

Without clear guidance, some oil producers simply test their crude once and generate a "material safety data sheet" that includes some broad parameters and characteristics.

After last summer's deadly Canadian incident, investigators said several data sheets that were supposed to describe oil quality were either incomplete or incorrect.

Much of the oil industry remains resistant to upgrading the 50,000 railcars that are used to carry crude oil, saying it would be too time consuming and expensive. The problem, they argue, isn't the cargo but a lack of railroad safety.

Some observers of the energy industry are starting to call for oil companies to ensure the crude being poured into railcars isn't too volatile.

"We need some standards," said Bill Lywood, an oil-industry consultant in Edmonton, Alberta, who measures crude characteristics for producers in Western Canada. "The industry should not be filling railcars with unstabilized crude."

—Laura Stevens and Tom McGinty contributed to this article.

Write to Russell Gold at russell.gold@wsj.com

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<http://www.wsj.com/articles/north-dakota-fracking-behind-the-oil-train-explosions-1404761720>

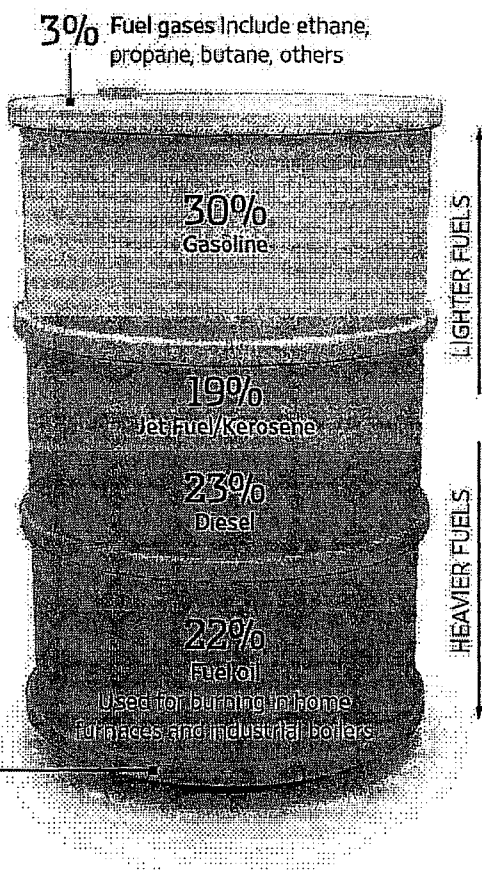
BUSINESS

North Dakota Fracking: Behind the Oil-Train Explosions

Volatile Gases Aren't Removed From Bakken Shale Crude; 'The Regulations Are Silent'

A Volatile Mix

Of the typical products that come from Bakken Shale crude oil, fuel gases are the most explosive. Breakdown of products from Bakken crude:



3% Petroleum coke
A solid generally burned in power plants

Sources: Bentek (numeric breakdown); Colorado School of Mines (descriptions); The Wall Street Journal

By RUSSELL GOLD and CHESTER DAWSON

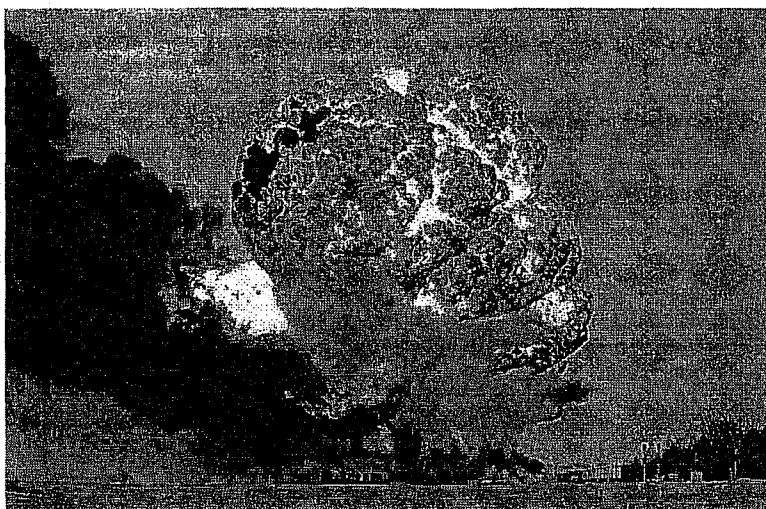
Updated July 7, 2014 4:01 p.m. ET

When energy companies started extracting oil from shale formations in South Texas a few years ago, they invested hundreds of millions of dollars to make the volatile crude safer to handle.

In North Dakota's Bakken Shale oil field, nobody installed the necessary equipment. The result is that the second-fastest growing source of crude in the U.S. is producing oil that pipelines often would reject as too dangerous to transport.

Now the decision not to build the equipment is coming back to haunt the oil industry as the federal government seeks to prevent fiery accidents of trains laden with North Dakota oil. Investigators probing crude-by-rail accidents, including one a year ago that killed 47 people in Quebec, are trying to determine why shale oil has proved so combustible—a question that has taken on growing urgency as rail shipments rise.

Only one stabilizer, which can remove the most volatile gases before transport, has been built in North Dakota and it hasn't begun operation, according to a review by The Wall Street Journal.



A fireball erupted from an exploding train car after a crash outside Casselton, N.D., in December. Oil from the state's Bakken Shale isn't stabilized to make it less volatile. ZUMA PRESS

Stabilizers use heat and pressure to force light hydrocarbon molecules—including ethane, butane and propane—to form into vapor and boil out of the liquid crude. The operation can lower the vapor pressure of crude oil, making it less volatile and therefore safer to transport by pipeline or rail tank car.

As the Journal previously reported, oil tapped from shale is generally more volatile and more similar to jet fuel than traditional crude oil, which has seldom been linked to explosive accidents. The production of this volatile oil through hydraulic fracturing has soared, accounting for most of the additional 3 million barrels a day of oil that the U.S. produces today compared with 2009.

The federal government is weighing whether to require stabilization, holding high-level meetings with oil executives.

"We are open to any recommendations with a demonstrated ability to improve safety, including the stabilizing or further processing Bakken crude," says Sarah Feinberg, the chief of staff to Transportation Secretary Anthony Foxx.

If the government mandates the use of stabilizers, companies would have to make big investments in equipment and might have to slow development of the Bakken oil field.

MORE FRACKING COVERAGE

Additonal reading on oil-train safety

- Secrecy of Oil-by-Train Shipments Causes Concern

(<http://online.wsj.com/news/articles/SB10001424052702303749904579577861760037536>)
5/22/14

- U.S. Issues Emergency Order to Crude-Oil Rail Shippers

(<http://online.wsj.com/news/articles/SB10001424052702303880604579405412862500426>)
2/26/2014

- Bakken Shale Oil Carries High Combustion Risk

(<http://online.wsj.com/news/articles/SB10001424052702303819704579320971969135440>)
2/23/2014

- Cities Grapple With Oil-Train Safety

(<http://online.wsj.com/news/articles/SB10001424052702303819704579320971969135440>)
1/14/2014

Energy executives point out that neither federal nor state regulations require crude to be stabilized before it is transported. Some say stabilization is unnecessary, noting that South Texas produces more of the highly volatile oil known as condensate.

"There is nothing wrong with the crude oil" in the Bakken, says Jeff Hume, vice chairman of Continental Resources Inc., one of the largest crude producers in North Dakota. "It does not need stabilization."

Robert Hall, a National Transportation Safety Board director, says the decision on

whether to stabilize is driven by commercial considerations. "The regulations are silent," he says.

About a million barrels a day are pumped from the Bakken, an oil field that has grown so fast that few pipelines exist to transport the crude. Instead, about 630,000 barrels a day travel by train to refineries on the East, West and Gulf coasts, a trend that is growing because the energy industry has found rail shipments to be more flexible than fixed pipelines.

Federal officials have expressed concern that unstabilized Bakken oil has been loaded onto trains and shipped without proper labeling or handling. Local safety officials have warned that their communities aren't prepared to handle a derailment.

The American Petroleum Institute, a Washington-based lobbying group for the oil industry, doesn't offer standards for how crude should be treated before being shipped. "We have not seen any data to suggest processing crude in the field reduces risk," a spokesman says. The North Dakota Petroleum Council expresses a similar view.

But pipelines, which carry most of the crude oil moved in the U.S., at times require stabilization of oil for safety purposes, according to a spokesman for Enbridge Inc., one of the biggest pipeline companies in North America.

Many industry experts and energy executives say privately that using stabilizing units would improve safety but are reluctant to make that point publicly for fear of antagonizing the companies that do business in North Dakota.

One exception is a company that has built the first stabilizer there, which is scheduled to open in the next few weeks.

"It is safer to stabilize that product before it goes into rail cars," says David Scobel, chief operating officer of Caliber Midstream Partners LP of Denver. "It is not accurate to say, 'If we stabilize the crude, that's the magic solution so there will be no more fires.' But it is more stable."

Starting in 2008, energy companies that had been using new techniques to tap shale for natural gas began turning those methods, including fracking and horizontal drilling, on formations rich in oil. While much of this activity took place in Texas, which has a century-old oil industry, one of the most promising discoveries was in shale under North Dakota plains better known for producing wheat and canola.

Over the past six years, the industry has drilled 7,000 wells in North Dakota, almost all of them spread across about 15,000 square miles of the Bakken. Rather than installing pipelines to collect oil from these far-flung locations, companies used trucks to collect the oil and started building rail terminals to ship it by train. Crude-by-rail shipments from North Dakota have quadrupled since 2012

The most combustible components of Bakken crude—known as light ends—constitute between 2% and 11.9% of its volume, according to an analysis by the American Fuel & Petrochemical Manufacturers, an industry trade group. Other sources have a lower figure for Bakken light ends. These vaporous liquids can be valuable, but only if pipelines or special railcars are available to transport them.

Lacking that infrastructure, stripping out volatile liquids could hurt profits by reducing the volume of crude for sale. Stabilizing the crude could cut potential revenue by perhaps 2%, an industry executive estimates.

Hess Corp. , a large Bakken-crude producer, considered building a stabilizer in 2011 for North Dakota oil. Instead, the company opted for a less expensive, more rudimentary process that heats oil to between 80 and 120 degrees Fahrenheit in so-called heater treaters to strip out light ends. A stabilizer wasn't needed, Hess Vice President Gerbert Schoonman says.

But heater treaters aren't as precise as stabilizers and can't remove as much volatile material, according to an executive at a company that produces both kinds of equipment.

The situation in the Bakken contrasts with the Eagle Ford Shale in South Texas. In 2012, there was basically no equipment to stabilize the crude. But companies have spent hundreds of millions of dollars to build centralized facilities and pipelines to move the resulting propane and butane to a Gulf Coast petrochemical complex.

The crude was stabilized enough to be shipped without incident through pipelines, trucks and rail tank cars, says Rusty Braziel, an industry consultant. "Over a two-year period of time, the vast majority of the problem went away."

—Alison Sider contributed to this article.

Write to Russell Gold at russell.gold@wsj.com and Chester Dawson at chester.dawson@wsj.com

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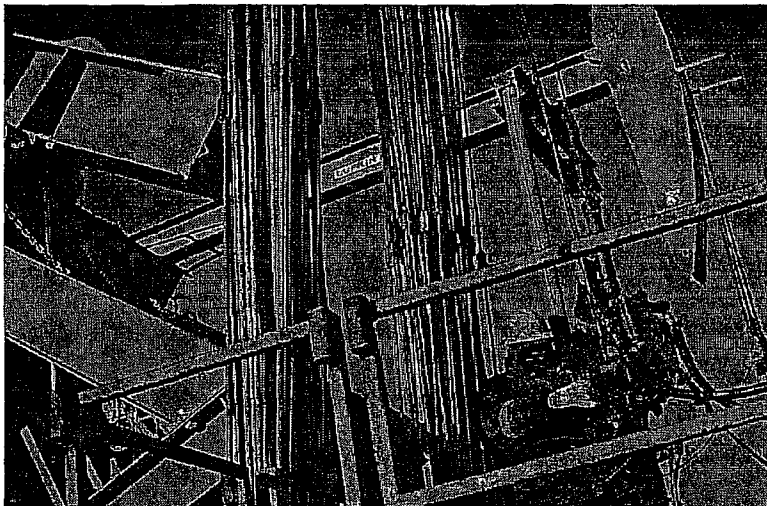
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<http://www.wsj.com/articles/oil-deaths-rise-as-bakken-boom-fades-1426187062>

BUSINESS

Oil Deaths Rise as Bakken Boom Fades

At least 38 oil-field fatalities occurred nationally in five months; the 'most dangerous' job in America



As crude prices retreat, oil companies have cut the rates they pay contractors who work at sites on North Dakota's oil-rich Bakken formation by 20% or more. A drilling site outside Williston, N.D. *PHOTO: REUTERS*

By ALEXANDRA BERZON

Updated March 12, 2015 8:46 p.m. ET

BISMARCK, N.D.—At least eight workers have died since October in North Dakota's oil fields, more than in the preceding 12 months combined.

The uptick in fatalities comes as many oil companies are responding to plummeting crude-oil prices by dialing back their drilling activity in the state, one of the hubs of the U.S. energy boom.

006527

Some federal safety officials say they suspect oil's plunge might be a factor in the accidents because it puts cost-cutting pressure on oil-field services companies, whose employees do much of the work at drilling sites. The rash of accidents in North Dakota, which has the highest workplace death rate in the country, began around the time the number of drilling rigs in the state began to decline but, the officials said, it's too early to draw conclusions.

In one two-week period in January, two workers and the owner of a small oil-field services company died in three separate accidents that included a fire and the probable inhalation of deadly chemicals.

In addition, safety officials said there have been an unusual number of basic safety errors, including cases in which workers brought space heaters, generators or other gear that could spark fires into enclosed spaces containing flammable vapors.

MORE OIL STORIES

- Crude-Oil Price Collapse Takes Toll on Williston, N.D. (<http://www.wsj.com/articles/crude-oil-price-collapse-takes-toll-on-williston-1426184505>)
- North Dakota Crude Production Falls (<http://www.wsj.com/articles/north-dakota-crude-production-falls-from-record-highs-as-oil-prices-slide-1426188823>)
- How Falling Oil Prices Are Hindering Iraq's Ability to Fight ISIS (<http://www.wsj.com/articles/how-falling-oil-prices-are-hindering-iraqs-ability-to-fight-islamic-state-1426033756?KEYWORDS=oil>)
- Train Wrecks Hit Tougher Oil Railcars (<http://www.wsj.com/articles/train-wrecks-hit-tougher-oil-railcars-1425861371>)

"These are the kinds of incidents that we haven't seen in a while," said Eric Brooks, who directs the U.S. Occupational Safety and Health Administration's Bismarck office. "With the drop in oil prices, companies may be looking to protect the profit margin by hiring contractors that are not experienced," he said.

"It's simple math," said Dennis Schmitz, a safety consultant to oil companies operating in the state. "There's absolutely potential that some of what we're seeing is driven by the price of oil."

But Mr. Schmitz said he has noticed oil companies have become more proactive about worker safety since last fall. And oil executives said that declining oil prices and production might ultimately make the state's oil fields safer by weeding out less-experienced operators.

In the meantime, according to industry executives, oil companies have cut the rates they pay contractors who work at sites on North Dakota's oil-rich Bakken formation by 20% or more. That has forced them and their subcontractors to find ways to trim costs.

One safety worker in oil services said his company had cut the number of people who do certain jobs to three from four, which makes the work more difficult. Other workers said the cost cuts had trickled down to their jobs in subtler ways that shouldn't affect safety.

Oil-field worker Zachary Sherwood, who came to North Dakota three years ago from Minnesota, where he delivered pizzas, said he hadn't experienced any recent change in safety practices. "Safety culture up here is very prominent," he said.

North Dakota isn't the only place where oil-field fatalities are on the rise, according to a Wall Street Journal analysis of federal data. In Colorado, three workers died in separate accidents over a one-month period last fall, the same number as in the preceding 12 months.

Nationally, the Journal analysis of OSHA and local records found 38 oil-field deaths from October through February, the first five months of the federal government's current fiscal year. That compares with 68 deaths during all of the previous year. The numbers don't include car accidents, which account for about half of the industry's workplace deaths. They also don't include the three workers who died in a major rig explosion in Texas earlier this week.

In 2012, the most recent year for which data are available, North Dakota's overall rate of workplace deaths shot up to 17.7 fatalities per 100,000 workers—five times the national average.

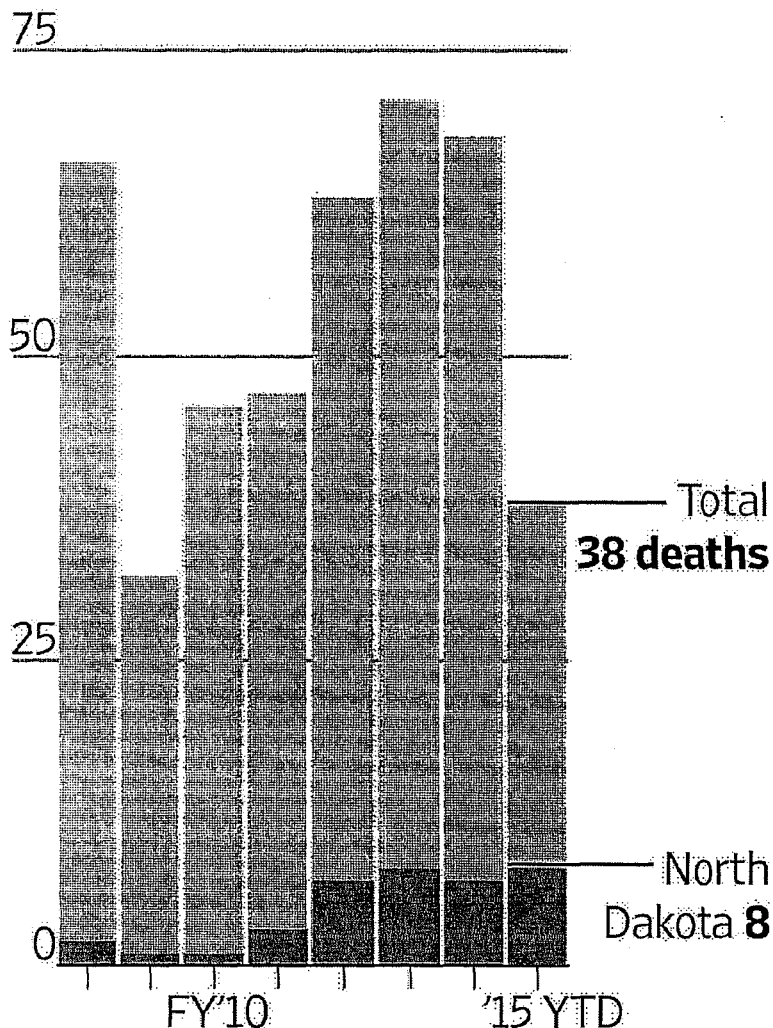
"The statistics for workplace safety don't look so good," North Dakota Gov. Jack Dalrymple said in a recent speech. "I try to explain to people that it so happens that our industries are among the most dangerous in America."

Safety experts, workers and a review of documents indicate that the factors behind the state's oil-field accidents are many, including grueling 12-hour work shifts for as many as 20 days in a row and rampant turnover. They also say job sites can be chaotic as multiple contractors struggle to coordinate their work.

The experts say that the oil companies that own drilling sites generally set safety guidelines for their oil-service contractors and largely depend on them to ensure workers' safety. But companies don't always properly supervise or enforce their safety policies and haven't always given workers proper protective gear.

Counting Up

Oil field fatalities through February total 38 deaths.



Note: Fiscal years end Sept. 30.
 Source: WSJ analysis of Occupational Safety and Health Administration data

THE WALL STREET JOURNAL.

Kari Cutting, vice president of the North Dakota Petroleum Council, a trade group for oil interests in the state, said her group's members generally have robust safety programs. "The goal of the industry is zero safety incidences," she said. "Because you never reach zero incidences, you are always striving to be better all the time."

OSHA's ability to police the industry is limited. It has eight inspectors in North Dakota, the same number as before the oil boom, and a nearly 150,000-square-mile territory to cover.

Among the recent fatalities was 37-year-old Wesley Herrmann, who was a handyman in Georgia before he came to North Dakota three years ago. After two years working for an oil-field services company he bought a truck and opened his own

company. Before long, friends and former colleagues say, he was overseeing four trucks and 12 employees who were doing work for at least five different oil companies.



Daniel Peabody, shown in 2010, died at a North Dakota drilling site after he was pinned between a semi-truck and a water tank as he directed traffic. PHOTO: JESSICA PEABODY

On Jan. 6, investigators say, a fire broke out when Mr. Herrmann or one of his employees was working in an enclosed shed near a heater tank that separates oil into various components. The fire, said people with knowledge of the situation, might have been sparked by a battery-operated drilling tool, which wasn't supposed to be in the vicinity. Mr. Herrmann died and two of his workers suffered burns.

Former colleagues said Mr. Herrmann had plenty of training, and were at a loss about the incident. "He had three years of intense experience," said Mark Lenti, who hired Mr. Herrmann for his first oil patch job.

Daniel Peabody, 29, died in a separate accident after he was pinned between a semi-truck and a water tank as he directed traffic at a drilling site. Though OSHA's investigation is continuing, regulators said the accident appeared to stem from poor organization at the site.

His wife, Jessica Peabody, and the couple's four young children raised money through a website to buy a headstone for Mr. Peabody. "I don't think either of us knew how dangerous it really was," Ms. Peabody said.

— *Russell Gold contributed to this article.*

Write to Alexandra Berzon at alexandra.berzon@wsj.com

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ASSEMBLY RESOLUTION No. 191

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 11, 2014

Sponsored by:

Assemblywoman **LINDA STENDER**
District 22 (Middlesex, Somerset and Union)
Assemblyman **JOHN F. MCKEON**
District 27 (Essex and Morris)
Assemblywoman **MILA M. JASEY**
District 27 (Essex and Morris)
Assemblyman **JON M. BRAMNICK**
District 21 (Morris, Somerset and Union)
Assemblywoman **HOLLY SCHEPISI**
District 39 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman **Diegnan**, Assemblywoman **N.Munoz**, Assemblyman **Benson**,
Assemblywomen **Watson Coleman** and **Spencer**

SYNOPSIS

Opposes Pilgrim Pipeline project in NJ.

CURRENT VERSION OF TEXT

As introduced



(Sponsorship Updated As Of: 12/19/2014)

1 AN ASSEMBLY RESOLUTION opposing the Pilgrim Pipeline project
2 in New Jersey.

3

4 WHEREAS, Pilgrim Pipeline Holdings is proposing to build two new
5 parallel oil pipelines through the States of New Jersey and New
6 York that would transport crude oil and refined petroleum
7 products between Albany, New York and Linden, New Jersey;
8 and

9 WHEREAS, The pipeline will carry oil extracted from North Dakota's
10 Bakken shale formation, produced through the process of hydraulic
11 fracturing, or fracking; and

12 WHEREAS, The transport of crude oil has increased more than 4,000
13 percent in North America over the past six years as a result of the
14 increased production of crude oil from the Bakken shale formation;
15 and

16 WHEREAS, In February the Wall Street Journal compared oil from 86
17 locations around the world and found Bakken crude oil to be the
18 most explosive; and

19 WHEREAS, The Pilgrim Pipeline project would expand capacity to
20 bring more of this very volatile fuel into the State on a route that
21 passes densely populated and environmentally sensitive areas, and
22 preserved lands; and

23 WHEREAS, The Pilgrim Pipeline project raises significant safety
24 concerns for the State of New Jersey including potential harm to
25 municipal and county infrastructure, and would likely have a
26 negative impact upon future development in the community; and

27 WHEREAS, The federal Pipeline and Hazardous Materials Safety
28 Administration (PHMSA) only has 135 inspectors and 375 state
29 partners to oversee 2.6 million miles of pipeline, and only a fifth of
30 that pipeline system has been inspected since 2006; and

31 WHEREAS, A pipeline spill or rupture could harm communities, the
32 environment, and drinking water supplies and would negatively
33 affect the health, safety, and welfare of the State's residents; and

34 WHEREAS, The New Jersey Legislature recognized the significance of
35 the New Jersey Highlands Region and afforded special protection to
36 the region and its resources in 2004 with the passage of the New
37 Jersey Highlands Water Protection and Planning Act, which created
38 the Highlands Water Protection and Planning Council and the
39 Highlands Regional Master Plan to ensure resource-based planning
40 would be used in the Highlands Region to combat sprawl and the
41 depletion of water quality and quantity, as the region provides
42 drinking water to 5.4 million State residents; and

43 WHEREAS, The federal government acknowledged the exceptional
44 value of Highlands resources and the urgent need for their
45 preservation in 2004 when Congress passed the Highlands
46 Conservation Act which recognizes the importance of the water,
47 forest, agricultural, wildlife, recreational, and cultural resources of

1 the Highlands Region, and the national significance of the region to
2 the United States; and

3 **WHEREAS**, The current proposed route of the Pilgrim Pipeline crosses
4 through 10 municipalities and critical drinking water supply
5 watersheds in the Highlands Region, and many State residents in
6 municipalities along the proposed route depend on ground water
7 and public community water systems for their water supply and
8 septic systems for waste disposal, and this project will impact
9 groundwater quality and quantity and residents' septic fields along
10 and adjacent to the right of way; and

11 **WHEREAS**, Many State residents depend on surface water originating
12 from communities through which the oil pipelines will pass,
13 including the Ramapo River Basin Aquifer System, which provides
14 100 percent of the water for Mahwah, Ramsey, Oakland, Franklin
15 Lakes, Allendale, Pompton Lakes and Wayne, and, during drought
16 can supply 190 million gallons of water a day to the Wanaque
17 Reservoir, which supplies 3.5 million people; and

18 **WHEREAS**, The PHMSA reports 280 significant incidents annually
19 with oil pipelines, and if an incident were to occur along this
20 proposed route, it could potentially impact the drinking water of
21 millions of residents in New Jersey and New York; and

22 **WHEREAS**, The wise stewardship of the natural resources of the State
23 of New Jersey requires protection of water supplies and other
24 natural resources for generations to come; and

25 **WHEREAS**, Protection of the State's water supplies and resources is
26 better accomplished by prevention of contamination and
27 environmental degradation, rather than attempting to clean up
28 contamination and restoring degraded environments after the fact;
29 now, therefore,

30
31 **BE IT RESOLVED** by the General Assembly of the State of New
32 Jersey:

33
34 1. This House opposes the construction and operation of the
35 proposed Pilgrim Pipeline and urges the United States Army Corps
36 of Engineers, the New Jersey Department of Environmental
37 Protection, the New Jersey Highlands Water Protection and
38 Planning Council, and any other federal, state, or local entity
39 engaged in review of the Pilgrim Pipeline project to reject the
40 project, and thereby prohibit its construction through New Jersey.

41
42 2. In addition, this House calls for a moratorium on any and all
43 planning, surveying, and construction of the Pilgrim Pipeline
44 through the State of New Jersey, because this project will traverse
45 and negatively impact numerous significant natural resource areas
46 of the Highlands Region.

1 3. This House also calls for a full environmental review of the
2 project and calls on the United States Army Corps of Engineers to
3 prepare an Environmental Impact Statement for the entire route of
4 the project under the National Environmental Policy Act.
5 Additionally, this House calls on the New Jersey Department of
6 Environmental Protection to conduct a thorough environmental
7 review of the project, including a Highlands Act review.

8
9 4. This House further urges the New York State Legislature to
10 adopt a similar resolution so both states can stand united in
11 opposition to this project.

12
13 5. Copies of this resolution, as filed with the Secretary of State,
14 shall be transmitted by the Clerk of the General Assembly to the
15 President of the United States, the Commanding General and Chief
16 of Engineers of the United States Army Corps of Engineers, each
17 member of the New Jersey Congressional Delegation, the Governor
18 of New Jersey, the Commissioner of the New Jersey Department of
19 Environmental Protection, the New Jersey Highlands Water
20 Protection and Planning Council, the Governor of New York, and
21 the Senate President and Assembly Speaker for the State of New
22 York.

23
24
25 STATEMENT

26
27 This resolution expresses the Assembly's opposition to the
28 Pilgrim Pipeline project and urges the United States Army Corps of
29 Engineers, the New Jersey Department of Environmental Protection
30 (NJDEP), the New Jersey Highlands Water Protection and Planning
31 Council, and any other federal, state, or local entity engaged in
32 review of the Pilgrim Pipeline project to reject the project. The
33 resolution also urges the Army Corps of Engineers to prepare an
34 environmental assessment for the project under the National
35 Environmental Policy Act and calls on the NJDEP to thoroughly
36 review the project's impacts.

37 The Pilgrim Pipeline project would construct two new parallel
38 oil pipelines in the State, linking Albany, New York, and Linden,
39 New Jersey. The pipeline would transport Bakken shale oil
40 produced by fracking in North Dakota. This oil is highly explosive
41 and pipeline transportation would threaten local communities with
42 the risk of spills and other accidents. The pipeline would cut
43 through communities that are already overburdened by pollution,
44 and environmentally sensitive areas that supply drinking water to
45 the State's residents.

TOWN OF RED HOOK
RESOLUTION NO. 2 DATED JANUARY 28, 2015
OPPOSING BUILDING OF THE PILGRIM PIPELINE

WHEREAS, Pilgrim Pipeline Company is proposing to build a bi-directional pipeline in close proximity to the NY State Thruway, through Rockland, Orange, Ulster, Greene, and Albany counties that would transport crude oil and refined petroleum products between Albany, New York and Linden, New Jersey; and

WHEREAS, the pipeline will carry oil from the Bakken Shale region of North Dakota extracted through a process of hydraulic fracturing, or "fracking," which has been found to contaminate clean water resources, create toxic air emissions and radioactive waste, and release large quantities of methane gas into the atmosphere; and

WHEREAS, data collected by the Capline Pipeline in Louisiana, which tested crude from 86 locations worldwide, indicates that crude oil from Bakken Shale has a far higher vapor pressure than crude from dozens of other locations, making it much more likely to throw off combustible gases; and

WHEREAS, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a safety alert on January 2, 2014, to the general public, emergency first responders, and shippers and carriers regarding the particular flammability of Bakken crude oil; and

WHEREAS, the Pipeline will carry a large volume of Bakken crude oil through residential areas in adjacent communities, which will place residents in harm's way should an explosion or spill occur; and

WHEREAS, according to PHMSA, pipeline operators reported 1,880 crude oil spills nationwide between 2003 and 2013, or nearly one spill every other day, resulting in over 44 million gallons of oil being spilled; and **WHEREAS**, 80 percent of these spills were the result of corrosion, equipment failure, incorrect operation or material and weld failures; and

WHEREAS, according to Public Employees for Environmental Responsibility, PHMSA only has 135 inspectors to oversee 2.6 million miles of pipeline, and only a fifth of that pipeline system has been inspected by PHMSA or its state partners since 2006; and

WHEREAS, any rupture or compromise of the Pipeline, even without an explosion or fire, will require extraordinary cleanup efforts, could force residents from their homes, and place a large number of residents in close proximity to hazardous materials; and

WHEREAS, most residents living near the proposed pipeline depend on ground water and public community water systems for potable water supplies, the integrity and safety of which may be jeopardized by the Pipeline; and

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session at the Town Hall, 7340 South Broadway, Red Hook on January 28, 2015 at 7:30 p.m., local time.

The meeting was called to order by Supervisor Crane and, upon roll being called, the following members were:

PRESENT:

Supervisor Sue Crane
Councilwoman Brenda Cagle
Councilman Harry Colgan
Councilman William O'Neill
~~Councilman James Ross~~

ABSENT: Councilman James Ross

The following persons were ALSO PRESENT:

~~Christine M. Chale, Esq., Attorney for the Town~~

The following resolution was offered by Cagle, seconded by Colgan, to wit:

RESOLUTION NO. 2
DATED JANUARY 28, 2015
OPPOSING BUILDING OF THE PILGRIM PIPELINE

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

| | |
|----------------------------|----------------------|
| Supervisor Sue T. Crane | VOTING <u>Aye</u> |
| Councilwoman Brenda Cagle | VOTING <u>Aye</u> |
| Councilman Harry Colgan | VOTING <u>Aye</u> |
| Councilman William O'Neill | VOTING <u>Aye</u> |
| Councilman James M. Ross | VOTING <u>Absent</u> |

The foregoing resolution was thereupon declared duly adopted.

WHEREAS, the Pilgrim Pipeline is proposed to be laid in areas containing sensitive aquifers upon which residents depend for drinking water; and,

WHEREAS, the Pilgrim pipeline also threatens important surface water resources along its path; and,

WHEREAS, the Town of Red Hook finds that the proposed Pilgrim Pipeline potentially threatens the health, safety, and welfare of residents and businesses living or working in the Mid-Hudson region; could decrease the values of homes located along its route and in surrounding neighborhoods; and could negatively impact future development in this region; and

WHEREAS, the Mid-Hudson Regional Sustainability Plan calls for becoming less energy and fossil fuel intensive while strengthening the regional economy, expanding renewable energy generation exponentially across the Region, and improving the resilience of the energy delivery system; and

WHEREAS, construction of the Pilgrim Pipeline to support and expand markets for fossil fuels is directly contrary to these clean energy goals; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Red Hook:

1. Calls upon the New York State Thruway Authority to reject use of its right-of-way for the purpose of transporting oil or gas by pipeline; and further calls upon the New York State Department of Transportation (DOT) to deny an exception to its Accommodation Plan for said purpose; and
2. Urges Governor Cuomo and the State Legislature to oppose construction of the Pilgrim Pipeline in New York State; and
3. Directs the Town Clerk to forward copies of this resolution to the NYS Thruway Authority Chair Howard P. Milstein, NYS DOT Commissioner Joan McDonald, U.S. Senators Charles Schumer and Kirsten Gillibrand and U.S. Representative Chris Gibson, Governor Andrew Cuomo, NY, Public Service Commission Chairwoman Audrey Zibelman, N.Y. Assembly Member Didi Barrett, N.Y. Senator Sue Serino, and NYS DEC Commission Joseph Martens.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Clerk of the Town of Red Hook, Dutchess County, New York (hereinafter called the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Town Board held on the 13th day of January, 2015 and entitled:

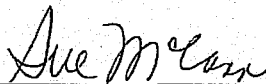
RESOLUTION NO. 2
DATED JANUARY 28, 2015
OPPOSING BUILDING OF THE PILGRIM PIPELINE

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board was present throughout said meeting, and a legally sufficient number of members voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 29 day of January 2015.

-SEAL-



Sue McCann
Town Clerk

**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

HP14-002

**PRE-FILED TESTIMONY OF
Janice Elaine Petterson**

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF Lincoln

1 Janice Elaine Petterson, being first duly sworn on his/her oath, deposes and states as
2 follows:

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

4 Janice Elaine Petterson

5 6401 S Lyncrest Ave Apt 307

6 Sioux Falls, SD 57108

7 **How are you involved with the Dakota Access Pipeline project?**

8 I am a landowner in Lincoln County, South Dakota affected by the proposed Dakota
9 Access Pipeline.

10 **Please describe the history of your family's land ownership, and whether farming**
11 **will be continued by younger generations.**

12 4/26/1883 Land was Homesteaded by Philip Eichhorn- he paid \$3.00 - toward the above
13 quarter. He was given a Patent (deed) September, 1887.

14

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

16

EXHIBIT

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E16

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

19
20 4/23/1923 Sophia Nichel sold to Gilbert Schoffelman for \$18,000. \$112.50 per acre --

21
22 8-1-1930 Upon Gilbert's death distribution to heirs in 1931 -- Dora (wife) 1/3 and to
23 children remaining 2/3 rds (John, Hilda, Aldrich, Henry, Elmer, Laura, Esther)

24
25 10-27-1947 Dora Schoffelman sold 1.02 acres (Lot H1) to the state of South Dakota for
26 roads.

27
28 4-23-1959 Upon Elmer's death his share was conveyed to his mother (Dora).

29
30 6/11/1959 John Schoffelman purchased from his siblings and his mother for \$37,840 -
31 \$236.50 per acre.

32
33 12/4/1959 -- John added Leona's name

34
35 5/18/2004 -- termination of Leona's name on deed due to death

36
37 3/23/2004 -- John deeded to children - Janice Petterson, Mavis Parry, Linda Goulet,
38 Corliss Wiebers, Shirley Oltmanns, Marilyn Murray & Kevin Schoffelman w/John
39 having Life Estate

40
41 4/13/2012 -- Termination of John's Life Estate

42
43 The question of whether farming will be continued by future generations remains to be
44 determined.

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

48
49 **Please describe your current farming operations.**

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

51 Daggett.

52
53 **To the best your knowledge, what area(s) of your property will the Dakota Access**

54 **Pipeline cross?**

55 Based on the most recent maps by Dakota Access and flags placed in the road ditch, the
56 pipeline would enter the NW corner going to the SE corner cutting diagonally across the
57 entire farm. This area includes crop production land as well as pasture.

58 **How close is the pipeline to any building, bin or pen, water source, or farming**
59 **facilities (i.e., storage area, feedlot, grazing area, etc.)?**

60 Approximately 300 yards to the nearest building and 340 yards to the well.

61 It is planned to go under the creek which drains the watershed NW of Tea and flows into
62 the Sioux River.

63 The pipeline would cross the easement held by South Lincoln Rural Water.

64 As stated previously it would cross the grazing area.

65

66 **Please describe any special characteristics of your property and farmland, and/or**
67 **whether you plan to build any houses, outbuildings, shelter belts, or other structures**
68 **on your property.**

69 The land is drain tiled, some of which is clay.

70 Open Waterway ditch running south on east side of property.

71 It currently has 3 housing eligibilities with potential for additional future longer term
72 development since Highway 17 runs on the west side of the property.

73

74 **Please describe which of your farming operations or other land uses will be**
75 **impaired by the Dakota Access Pipeline and how they will be impaired.**

76 Initially, no access for daily operations on cropland on south half of property. Natural
77 waterways blocked and would need to be reconstructed. The tillable acres won't produce
78 the same and the quality of the pasture will be impaired.

79 Future development potential diminished due to restrictions of building on pipeline and
80 lack of desire for homeowners to live near pipeline. There is currently an existing
81 housing development ½ mile NE of our farm, located outside of the City of Tea as well
82 as a second development planned (zoning has been changed to agriculture/residential) ½
83 mile directly north of our farm. These developments are outside of the City of Tea growth
84 plan. Just because a particular city doesn't have these affected areas in their growth plan,
85 doesn't mean they won't be developed – unless of course pipeline easements restrict the
86 development.

87

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

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

94

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

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

99 In February, the Wall Street Journal compared oil from 86 locations around the world and
100 found Bakken crude oil to be the most explosive. This was introduced December 11,
101 2014 in the Assembly Resolution No 191 State of New Jersey 216th Legislature.

102

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

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

109

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

115 Yes- I have been sued.

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

117 Yes- I have incurred legal fees.

118

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

120 The fact that their plan is to run the pipeline through Minnehaha and Lincoln county
121 shows total disregard for the welfare of our state, it's inhabitants and the future
122 development in the this area. I'm concerned it will lower my property value.

123 In the past 3 years, three developers have asked us about purchasing our land.

124 Crop loss will be considerably more than 3 years. Farmers on the Lewis & Clark pipeline
125 have said 10 years later, the corn is between 1 and 3 feet shorter than the rest of the field.

126 No South Dakota funding in place for pipeline accidents? Governor Bill Janklow had to
127 deal with funding when Williams Pipeline problems leaking, etc had to be found and the
128 Hayward School across the road on W 12th St. had to be closed.
129 June 9th USA Today had an article "7 Major Countries (including US & Germany)
130 pledged the end of Fossil Fuels by the end of the century" Why would we put this huge
131 pipe in the ground with no decommissioning and leave the landowner stuck with it?
132 Also the pipeline company could do anything with it in the future. Their easement gives
133 them the right to enter **anywhere** on our land **anytime**, for **whatever purpose** they
134 claim. This is a takeover of our land.
135 We need a greener/cleaner form of energy to preserve the land, water and air to feed and
136 sustain not just us, but more importantly future generations.

137
138 **Would you be available to present testimony and respond to questions during the**
139 **formal hearing scheduled for September 29 through October 8, 2015?**

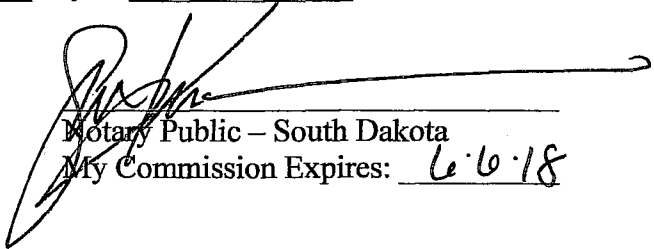
140 No, I will not present testimony during the hearing; however, I will be there to listen.

141
142 **Does that conclude your testimony?**

143 Yes.

144
145
146 *Janice Elaine Petterson*
147

148
149 Subscribed and sworn before me this 25th day of June, 2015.

150
151
152 
153 Notary Public – South Dakota
154 My Commission Expires: 6.6.18
155

<SEAL>

156

57

**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**

HP14-002

**PRE-FILED TESTIMONY OF
Kevin John Schoffelman**

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF Minnehaha

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

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

4 **Kevin John Schoffelman**

5 712 W 4th Ave

6 Lennox, SD 57039

7 **How are you involved with the Dakota Access Pipeline project?**

8 I am a landowner in Lincoln County, South Dakota affected by the proposed Dakota
9 Access Pipeline.

10 **Please describe the history of your family's land ownership, and whether farming**
11 **will be continued by younger generations.**

12 4/26/1883 Land was Homesteaded by Philip Eichhorn- he paid \$3.00 per acre- toward
13 the above quarter. He was given a Patent (deed) September, 1887.

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| |
|--|
| EXHIBIT |
| <small>tabbles®</small> <div style="font-size: 2em; font-weight: bold; text-align: center;">57</div> <div style="font-size: 1.2em; font-weight: bold; text-align: center;">006548</div> |

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54 **Pipeline cross?**

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68 **on your property.**

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108

fees in defending against said lawsuit?

109

Yes- I have been sued.

110

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

111

Yes- I have incurred legal fees.

112

113

Has Dakota Access Pipeline made any statements to you that it is a “common

114

carrier” under South Dakota law? If so, please describe.

115

No.

116

117

Has any representative of Dakota Access Pipeline made any statements to you or

118

others that you believe are not true? If so, please explain.

119

No.

120

121

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

122

The fact that their plan is to run the pipeline through Minnehaha and Lincoln county

123

shows total dis-regard for the welfare of our state, it's inhabitants and the future

124

development in the this area. Lincoln County, and specifically north Lincoln County, is

125

one of the fastest growing areas in the nation.

126

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

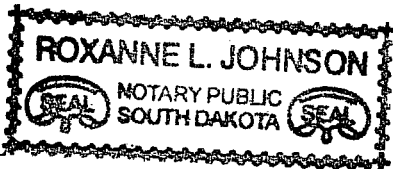
129 Yes

130 **Does that conclude your testimony?**

131 Yes.

132
133 Kevin J. Schaffner
134
135

136
137 Subscribed and sworn before me this 24th day of June, 2015.
138



Roxanne L. Johnson
Notary Public – South Dakota
My Commission Expires: Aug 6, 2016

<SEAL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

| | |
|---|--|
| <p>IN THE MATTER OF THE APPLICATION OF DAKOTA ACCESS, LLC FOR AN ENERGY FACILITY PERMIT TO CONSTRUCT THE DAKOTA ACCESS PIPELINE</p> | <p>HP14-002</p> <p>PRE-FILED TESTIMONY OF SUE SIBSON</p> |
|---|--|

STATE OF SOUTH DAKOTA) : SS
COUNTY OF MINER)

1 Sue Sibson, being first duly sworn on his/her oath, deposes and states as follows:
2

3 My name is Sue Sibson. My address is 23782 426th Ave, Howard SD
4

5 My husband, Mike Sibson and I live in Roswell Township, Miner County and we are
6 lifelong South Dakota residents. We currently raise grain, corn and beans. We raise feeder
7 cattle on native grass. The native grass plays an important part in our cattle business.

8 We opposed TransCanada's Keystone One pipeline, which ultimately crossed our
9 land, including crossing native grassland, farm ground, wetlands and a waterway. We were
10 concerned about the effects that the pipeline would have on our land. Those fears have been
11 born out, as TransCanada has not lived up to its promises and the conditions it's required to
12 uphold with respect to the reclamation of our land.

13 The South Dakota Public Utilities Commission gave TransCanada many conditions to
14 follow. We as landowners witnessed perhaps as few others can the devastation of pipeline
15 construction. The burden of the conditions have been placed on the landowners to make the

EXHIBIT

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18

16 company responsible. Condition # 34 that TransCanada was to follow was that "Construction
17 must be suspended when weather conditions are such that construction will cause irreparable
18 damage, unless adequate protection measures approved by the commission are taken." As of
19 2015, our land has been irreparably damaged by TransCanada's failure to follow the
20 Commission's conditions.

21 TransCanada failed to comply with applicable construction mitigation and
22 reclamation plan as to reclamation and revegetation. The objectives of the plan were to return
23 the disturbed areas to approximately preconstruction use and capability. TransCanada failed
24 to live up to this commitment and requirement. Reclamation on our land has been a
25 nightmare. The easement area has very little if any native grass growing. TransCanada's
26 experts planted thickspike wheatgrass which is not native to eastern South Dakota. When we
27 asked TransCanada about this grass they said it was sterile and would die out in 1-2 years.
28 We now are on almost six years and that grass has not died out. Our cattle will not eat this
29 grass -we consider it a weed. We now have an easement area that cannot be used for grazing.

30 Condition # 41 sets forth TransCanada obligation for reclamation and maintenance of
31 the right-of-way, which continue throughout the life of the pipeline. As landowners, we have
32 continually had to get after TransCanada to do the reclamation work they are obligated to do.
33 When TransCanada's reclamation work was not effective and failing on our land,
34 TransCanada actually then wanted us to take over the reclamation of our land. At this time
35 we have no intention to ever sign off on our land.

36 As South Dakota landowners we should not have to carry the burden for the South
37 Dakota Public Utilities conditions set forth on pipeline companies.

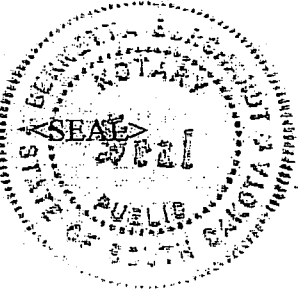
38 Our land reclamation aerial video is found at <https://vimeo.com/133581096>.

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Sue Sibson
Sue Sibson

Subscribed and sworn before me this 13th day of August, 2015.



David A. Reinhardt
Notary Public - South Dakota
My Commission Expires: 11/15/15

**pBEFORE 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

HP14-002

**PRE-FILED TESTIMONY OF
Devona B. Smith**

STATE OF SOUTH DAKOTA) :SS
COUNTY OF Lincoln)

1 Devona B. Smith, being first duly sworn on his/her oath, deposes and states as follows:

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

3 Devona B. Smith

4 5702 S. Logan St. Apt. A

5 Centennial, Colorado 80121

6 **How are you involved with the Dakota Access Pipeline project?**

7 I am a landowner in Lincoln County, South Dakota affected by the proposed Dakota
8 Access Pipeline.

9 **Please describe the history of your family's land ownership, and whether farming
10 will be continued by younger generations.**

11 My grandfather, Henry Andreessen, homesteaded this land in 1883. He filed on the land
12 (a half section – 320 acres) in 1882 and then moved onto it in 1883. Henry farmed it for
13 44 years. My parents, Martin and Elsie Andreessen, inherited the farm in 1927. They
14 retired from farming in 1948, but continued to own the land. My parents rented the land
15 to a farmer, Richard Gores. My sisters Delores Assid and Margaret Hilt, and I inherited

EXHIBIT

06557 19

16 the farm in 1988, when my mother passed away. We continue to rent the farmland to a
17 farmer, Doug Vanderwerff, who grows corn and soybeans on it. My two nieces and my
18 two nephews will someday inherit the farm from my sisters and me. They plan on
19 continuing to own the land and rent it out. My niece Laurie Kunzelman, has been
20 thinking about building a home on the farm.

21 **Please describe your current farming operations.**

22 We rent out the farm for cash rent. The tenant farmer, Doug Vanderwerff, grows corn
23 and soybeans, and has a little hay land on the half section. This man has been farming
24 our land for about 30 years and plans to continue to do so.

25 **To the best of your knowledge, what area(s) of your property will the Dakota Access**
26 **Pipeline cross?**

27 The pipeline would cross the east quarter section (160 acres) of the farm from the
28 northwest corner to the southeast corner, effectively cutting that quarter section in half.

29 **How close is the pipeline to any building, bin or pen, water source, or farming**
30 **facilities (i.e., storage area, feedlot, grazing area, etc.)?**

31 The pipeline would run approximately 50 feet from the land surrounding the farm
32 buildings and the windmill, which provides water for the house.

33 **Please describe any special characteristics of your property and farmland, and/or**
34 **whether you plan to build any houses, outbuildings, shelter belts, or other structures**
35 **on your property.**

36 The land has cement tile going from a pond north of the house to the road ditch south of
37 the house. The proposed pipeline **would** cross this tile. There is also tile a short distance
38 west of this tile. I'm not sure if the pipeline would cross that tile or not.

39 My niece , Laurie Kunzelman, has been considering building a home on the southeast
40 corner of the farm, but the pipeline would prevent that. My sisters and I have also
41 considered selling one acreage on the northeast corner of the farm.

42 **Please describe which of your farming operations or other land uses will be**
43 **impaired by the Dakota Access Pipeline and how they will be impaired.**

44 Corn and soybeans are both grown yearly in alternating areas in that quarter section of
45 the farm. The pipeline would severely cut down on crop production of each of them.
46 The tenant would lose acres to plant, receive much less income from that quarter section,
47 and it would inconvenience him when trying to farm the land, with the pipeline cutting
48 that quarter section in half. Consequently, he would be unwilling to pay as much rent per
49 acre, so we would be losing income. No one else would be willing to farm it either, with
50 that pipeline running through there. Also, if we did try to sell any acreages, people would
51 not want to buy and build on the land with that pipeline under it. Dakota Access would
52 not allow any buildings on the easement, either.

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

56 Yes, this quarter has two areas of drain tile. The pipeline would cross at least one of
57 them. The tile is cement and quite old. I am very much afraid that the tile would be
58 damaged. Then the water would not drain out of the low area and could reach the house
59 and other buildings. It would be very costly to replace the drain tiles if they were
60 damaged. I'm also afraid oil could get into the tiles and into the water if the tiles were
61 broken.

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

64 Yes, I definitely believe the pipeline would pose a threat to the environment and the
65 inhabitants of this farm. The oil could leak onto the land and into the water as it has often
66 done in many other areas. The oil could flow into Little Beaver Creek which runs through
67 the farm. Then it could get into Beaver Creek, and subsequently into the Sioux River and
68 the aquifer. The oil in this pipeline is a highly volatile substance. Pipelines explode,
69 rupture, and leak. Even with shut-off valves, a great deal of oil would escape into the
70 environment. If the pipeline exploded, it could definitely hurt or kill people and animals
71 in the area. Also, the oil could be poisonous and carcinogenic to the people and animals
72 in contact with it. I have designated wetlands on my farm which could be threatened by
73 the pipeline.

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

76 Yes, it will most definitely impair the financial welfare of the tenant farmer and the
77 landowners (us), due to the amount of land that will be dug up all the way across that
78 quarter section. Crops will not be as good. This could happen again and again, anytime
79 the pipeline company would decide to go back in and dig it up to put more pipes in, or to
80 work on them for some reason. Yet the pipeline company is only offering a onetime
81 lump sum payment. I am also concerned that stray voltage could affect the health, safety,
82 and welfare of the tenant farmer, the residents, and anyone else near the pipeline. As I
83 stated before, the oil itself could affect the health, safety, and welfare of everyone in the
84 area because of the volatility of the oil and the chemicals that the oil contains. Dakota

85 Access cannot guarantee the safety of the pipeline. There have been more pipeline
86 accidents than train accidents involving oil.

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

92 Yes, Dakota Access has filed a lawsuit against us to allow them to enter our farm to
93 survey it. My sister Delores Assid told them "NO" two different times that they could
94 not enter our land.

95 Yes, we have hired a lawyer, Glenn Boomsma, to represent us in this matter. This is
96 costing us a great deal of money.

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

99 No, they did not.

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

102 Yes, first of all they told my sister Delores Assid that she should allow them on her
103 land. If she doesn't they will just take it by eminent domain, anyway.. However, they do
104 not have the right of eminent domain as of yet.

105 Secondly, they told Rhonda Nielsen, who lives in the house on that quarter section, that
106 my sisters and I had agreed to let Dakota Access enter my land, survey it, and build the
107 pipeline there. They also told her there was nothing she could do about it. Rhonda was

108 very upset that we would do this. We never gave them permission to enter our land,
109 survey it, or build the pipeline there.

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

111 South Dakota and Iowa both grow large amounts of corn. Ethanol producers in South
112 pDakota use much of this corn to produce ethanol, which greatly helps the economy of
113 South Dakota. The oil pipeline will benefit the economy of North Dakota and Texas, but
114 will be of only a small benefit to the economy of South Dakota. That oil is a non-
115 renewable source of fuel and produces greenhouse gases. Corn is a renewable source of
116 fuel. South Dakota should be putting all of its effort into increasing the supply and
117 demand for ethanol. This would be much more beneficial to the farmers and to the state.

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

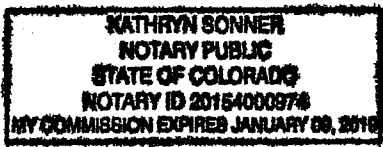
120 No. I am 86 years old and do not drive and would not be able to come for the hearing.
121 I give my permission for my niece, Laurie Kunzelman, to speak on my behalf during the
122 formal hearing. Her address is 3604 East Woodsedge St., Sioux Falls, SD 57108.

123 **Does that conclude your testimony?**

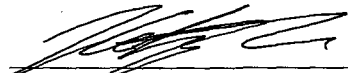
124 Yes.

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127 Devona B Smith
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130 Subscribed and sworn before me this 20 day of June, 2015.



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Notary Public – South Dakota
My Commission Expires: 01-09-2019

<SEAL>

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

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|--|--|
| IN THE MATTER OF THE APPLICATION OF DAKOTA ACCESS, LLC FOR AN ENERGY FACILITY PERMIT TO CONSTRUCT THE DAKOTA ACCESS PIPELINE | HP14-002 PRE-FILED TESTIMONY OF Nancy J. Stofferahn |
| | |

STATE OF SOUTH DAKOTA)
 :SS
 COUNTY OF MINNEHAHA)

Nancy J. Stofferahn, being first duly sworn on his/her oath, deposes and states as follows:

Please state your name and address.

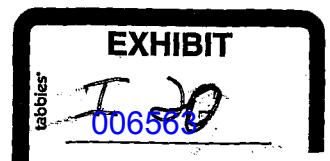
Nancy J. Stofferahn
 45938 SD Hwy 38
 Humboldt, SD 57035

How are you involved with the Dakota Access Pipeline project?

I am a landowner in Minnehaha County, South Dakota affected by the proposed Dakota Access Pipeline. My husband and I have been married for 40 years and even though my name might not be as owner on all parcels of land or businesses involved I have contributed in all decisions and financial obligations in regard to the land and businesses.

Please describe the history of your family's land ownership, and whether farming will be continued by younger generations.

My husband, Tom Stofferahn, and myself built our home on an acreage on Highway 38 in 1980. I have been part of the farm operation for 40 years and the seed business, Nortec Seeds for 17 years. Estate plans have been made by my husband and myself for our two



sons to inherit ownership in both businesses. Estate plans have been made that my husband will inherit my ownership in our home and land.

Please describe your current farming operations.

Stofferahn Farms Partnership is owned by four family members and conducts the farming operations. This partnership farms approximately 2800 acres in Minnehaha, McCook and Turner counties in South Dakota. Stofferahn Farms grows soybeans for Nortec Seeds, Inc. to use as seed. I have done the accounting for the farming operation for 30 years and the seed business for 17 years and am very knowledgeable about all aspects of both businesses.

To the best your knowledge, what area(s) of your property will the Dakota Access Pipeline cross?

From verbal conversations with Dakota Access contract easement employee, Edwina Scroggins, the pipeline easement will run from north to south through the 118.36 acre land parcel owned by my husband and my brother in law that runs along Highway 38 utilizing approximately 4 acres of tillable crop land. She stated it will run right behind our 3.8 acre acreage where my home is situated and behind the seed business, Nortec Seeds, Inc. where I am an employee.

How close is the pipeline to any building, bin or pen, water source, or farming facilities (i.e., storage area, feedlot, grazing area, etc.)?

I do not know the exact yardage.

Please describe any special characteristics of your property and farmland, and/or whether you plan to build any houses, outbuildings, shelter belts, or other structures on your property.

Nortec Seeds, Inc.

In South Dakota the Stofferahn family has been in the seed business for over 40 years that began with my father in law. In 1998 when my husband purchased 50% of the business from his father the location was moved next to our home on Highway 38 in a 60x120 Morton shed that was built. Later the shed became a part of Stofferahn Farms Partnership and 3.96 acres was deeded to the partnership named Tract 1 where the shed sits today. Nortec Seeds, Inc. rents this shed to conduct its business. Beginning in the summer of 2014 before any knowledge of Dakota Access pipeline we began making plans for an expansion. The only available expansion is to the north because the land only goes 30 feet east, to the west there is a slough and to the south Highway 38. The expansion includes a new 60x152 Morton storage shed and another structure to house a soybean cleaning and treatment center with 6 bulk hopper bins. The expansion will include new offices and parking for semis and trucks. To the North of these new structures Nortec plans to have all research and test plots for customer and public viewing. Since we have a unique situation where my husband owns both the land and business more land can be deeded to Tract 1 to expand the business location when needed. Without this expansion Nortec cannot be competitive in the seed industry and

would have to move to a new location. To find this same excellent location would be costly along with constructing a whole new warehouse facility. At the present time expansion has not begun because of now knowing that the pipeline will be behind the business. If my two sons who plan to continue the business do not have the opportunity to expand in 10-30 years then there is no use wasting capital on a South Dakota business that cannot grow. Without expansion Nortec Seeds could possibly lose millions of dollars in sales over the life of the easement and to relocate would cost hundreds of thousands of dollars.

118.36 Acre Parcel of Land

This land was purchased by my husband and his brother in 1975. It is my husband's present intentions that this land will be passed on to me. In 45 years of farming they have picked rock and made improvements so that it is a highly productive parcel of agriculture land. It is along Highway 38 where there is continued growth and in the future has the potential for development property. There is one housing eligibility on the land. My son had plans this year to use the housing eligibility to build a home on an acreage near where the pipeline is entering the land to the north. Of course that will no longer be a possibility. Because of the liability of the pipeline I believe it will reduce the property value of the land and the housing eligibility.

3.8 Acreage with Home, 66x99 Morton Shed and Shelter Belt

My husband and I built this home on the acreage in 1980 on Highway 38. In July, 2014, we started a renovation of the home before any knowledge of the pipeline. We put in a large amount of our retirement money for this project treating it as an investment. The renovation included new roof, steel shingles, new siding and windows, and brick-stone front with pillars. The inside was completely gutted and redone with solid wood floors, larger rooms, granite counters, stone archway to the kitchen. It has a two tier landscaping to the east and north, stamped concrete patios and there is a 66x99 Morton shed behind the house. Because of the good location we believed this would be a good investment. Now common sense is telling us who would ever want to buy a high-end home and acreage with a pipeline behind it and we are afraid that our retirement money will be lost.

Please describe which of your farming operations or other land uses will be impaired by the Dakota Access Pipeline and how they will be impaired.

The main concern I have is for the liability issues in regard to farming the land, compaction of the soil and whether the land will ever produce. If Stofferahn Farms hits the pipeline while doing normal farming practices is it liable for damages to neighbors or other landowners? Our insurance agent has told me that there is no insurance that we can obtain to cover this liability. The land in question has a mortgage on it for the purchase of other land. Our lending bank has said they will not sign off on the easement. From what I have learned in the proposed easement by Dakota Access there is nothing that addresses their liability for an oil event. From what I heard about the easement from other landowners is that the entire 118.36 acre parcel legal description is used in the easement not the 50 foot pipeline description. Dakota Access does not sign the easement. Dakota Access has the right to amend the easement to install more 30 inch pipelines on the 50 foot easement.

I have invested in ethanol plants with my husband to help with our nation's energy concerns and establish better corn prices. As far as I know the pipeline has no plans to

transport ethanol. In fact the oil industry has lobbied for less blending of ethanol which in turn lowers corn prices and hurts Stofferahn Farms economically.

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

Yes. There are two tiles. At the present time I do not believe the pipeline path will cross the tiles.

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

Yes. If there is a leak or oil event it will naturally run through the drainage tiles and tributaries that go into West Skunk Creek, Skunk Creek, Sioux River and could affect water aquifers for Sioux Falls and Minnehaha County communities. Bakken oil has been found to be one of the most explosive oils. It has exploded in rail cars and I believe it can do the same in a pipeline. I do not feel comfortable with the pipeline close to my home and place of work. I would not want my children and grandchildren living by a pipeline.

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

Yes. 570,000 barrels a day, 1440 psi, welded together segments so it is only the matter of where and when the oil events will happen. Will it be in the James River, Sioux River, Missouri River, Mississippi River or next to my home, working place or land? The land would never be able to be put back to the original natural resource it once was and could not probably be farmed. Five Stofferahn families depend on the income from Nortec Seeds so if we were unable to conduct day to day business it would greatly affect the welfare of all the families.

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

No.

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

Yes. I attended the Hartford Chamber of Commerce meeting where Chuck Frye, Vice-President of Energy Transfer, made a presentation to the chamber on May 21, 2015. He stated that Dakota Access was a public common carrier. I asked him if they were public and not private and he stated that South Dakota recognizes them as a public common carrier. Several times during the presentation he referred to Dakota Access as a public common carrier.

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

Yes. At the same Hartford Chamber meeting described in the previous question.

Mr. Frye was asked why they were taking this route for the pipeline being so close to Sioux Falls, a high population area, and not going farther west. His answer was that there would be more landowners to sign easements farther west. From my experience working in the seed business I do not believe this is true.

Mr. Frye was asked where the 4000 jobs for South Dakota would come from. He stated that they were reviewing contracts with different firms to put in the pipeline and the jobs are specialized and unionized. He stated that they would go to the local union places in South Dakota to pick up union workers from there. I do not believe there are many union places in the small towns of South Dakota to fill the temporary jobs quoted.

Mr. Frye was asked about if there was an oil event and oil in drainage tiles going to West Skunk Creek, Skunk Creek and the Sioux River. Mr. Frye stated that they would be able to stop oil in drainage tiles by finding the drainage tile and digging it up. I do not believe that Mr. Frye understands how farm drainage tiles work. Many drainage tiles are connected together to flow to an outlet point. I am not sure how oil could be found in them, how much land would have to be dug up or if they would ever have a plan to replace them if they were dug up before water damage would be done to the land.

Mr. Frye stated that a pipeline will not explode. I do not believe that to be factual.

Mr. Frye stated that the oil pipeline will not affect any property values because there are pipelines in Texas and it hasn't affected their values. I have talked to an auctioneer and three bankers/loan officers which have told me it is a complete unknown at this time. These bankers told me that their institutions are trying to decide if they will want to give a loan to someone who wanted to purchase land with the pipeline on it. Fewer bidders would affect the value of the land. South Dakota in this area has high productive agriculture land while Texas has more rangeland and wasteland.

Dakota Access has been running an advertisement. It states:

“Benefits for South Dakota’s Economy

DAPL will bring \$189 million in direct payments to landowners”

The \$189 million estimate is for North Dakota, South Dakota, Iowa and Illinois combined not just South Dakota. In Energy Transfer’s own presentation brochure it states income to South Dakota landowners for permanent easements and damages at approximately \$47 million. I believe this is misleading to the citizens of South Dakota.

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

Dakota Access says it is a necessity that the land is needed so they can conduct their business on it. In 30 years they could conceivably make \$25 Billion dollars from this

pipeline over the land yet their offer to us is a minimal one-time payment. There is an argument to be made that our land is a natural resource just like oil so why are we not obtaining a royalty for our land.

I am a life-long resident of South Dakota and have worked along side my husband to grow our family businesses for our children and grandchildren. I am concerned that our land will be taken by eminent domain. I think about what damages and health risks that will be left to my children and grandchildren years from now. Public opinions and reactions can change very quickly on issues. Recently Pope Francis and world leaders are trying to lead us for a better environment. I believe when there is an oil event in South Dakota it will be the future legacy of the present South Dakota government.

SDCL 49-41B-22 Applicant's burden of proof.

(2) The facility will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area;

This paragraph in the above-named statute protects myself and my family from the economic harm that will be caused by Dakota Access pipeline to Nortec Seeds, Inc., and the retirement investment that has been made in our home.

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

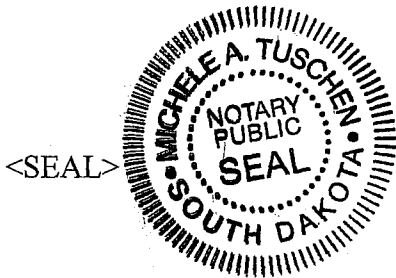
Yes.

Does that conclude your testimony?

Yes.

Nancy A. Stofferahn

Subscribed and sworn before me this 29th day of June, 2015.



Michele A. Tuschen
Notary Public – South Dakota
My Commission Expires: 10-15-17

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 | HP14-002 PRE-FILED TESTIMONY OF Ronald H. Stofferahn |
| | |

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF MINNEHAHA)

Ronald H. Stofferahn, being first duly sworn on his/her oath, deposes and states as follows:

Please state your name and address.

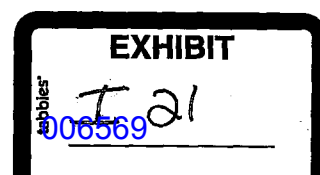
Ronald H. Stofferahn
315 N. Ford St.
Humboldt, SD 57035

How are you involved with the Dakota Access Pipeline project?

I am a landowner and business owner in Minnehaha County, South Dakota affected by the proposed Dakota Access Pipeline.

Please describe the history of your family’s land ownership, and whether farming will be continued by younger generations.

I have been farming in South Dakota for over 40 years. The particular parcel of land that Dakota Access wants to go through runs along Highway 38 and was purchased by my brother, Tom Stofferahn, and myself in 1975. The land is rented to Stofferahn Farms Partnership. I have one son. My son is a partner in Stofferahn Farms Partnership. My brother, Tom Stofferahn, and myself own Nortec Seeds, Inc. My son is an employee for Nortec Seeds, Inc.



Please describe your current farming operations.

Stofferahn Farms Partnership is owned by four family members and conducts the farming operations. This partnership farms approximately 2800 acres in Minnehaha, McCook and Turner counties in South Dakota. Stofferahn Farms grows soybeans for Nortec Seeds, Inc. to use as seed.

To the best your knowledge, what area(s) of your property will the Dakota Access Pipeline cross?

Even though I own the land with my brother, Tom Stofferahn, as tenants in common, Dakota Access has never contacted me by mail, phone or personally. From verbal conversations my brother has had with Dakota Access I understand the pipeline easement will run from north to south through the 118.36 acre land parcel that runs along Highway 38 utilizing approximately 4 acres of tillable crop land. It will run behind my seed business, Nortec Seeds, Inc.

How close is the pipeline to any building, bin or pen, water source, or farming facilities (i.e., storage area, feedlot, grazing area, etc.)?

I do not know the exact yardage.

Please describe any special characteristics of your property and farmland, and/or whether you plan to build any houses, outbuildings, shelter belts, or other structures on your property.

Nortec Seeds, Inc.

In South Dakota the Stofferahn family has been in the seed business for over 40 years that began with my father. In 1998 when my brother and myself purchased the business from our father the location was moved next to my brother's home on Highway 38 in a 60x120 Morton shed that we built. Later the shed became a part of Stofferahn Farms Partnership and we deeded 3.96 acres to the partnership named Tract 1 where the shed sits today. Nortec Seeds, Inc. rents this shed to conduct its business. Beginning in the summer of 2014 before any knowledge of Dakota Access pipeline we began making plans for an expansion. The only available expansion is to the north because the land only goes 30 feet east, to the west there is a slough and to the south Highway 38. The expansion includes a new 60x152 Morton storage shed and another structure to house a soybean cleaning and treatment center with 6 bulk hopper bins. The expansion will include new offices and parking for semis and trucks. To the North of these new structures we plan to have all research and test plots for customer and public viewing. Since we have a unique situation where we own both the land and business we can deed more land to Tract 1 to expand the business location when needed. Without this expansion we feel we cannot be competitive in the seed industry and would have to move to a new location. To find this same excellent location would be costly along with constructing a whole new warehouse facility. At the present time we have not begun any

construction for the expansion because we now know that the pipeline will be behind the location of the business. Without expansion Nortec Seeds could possibly lose millions of dollars in sales over the life of the easement and to relocate would cost hundreds of thousands of dollars.

118.36 Acre Parcel of Land

This land was purchased by myself and my brother in 1975. In 45 years of farming we have picked rock and made improvements so that it is a highly productive parcel of agriculture land. It is along Highway 38 where there is continued growth and in the future has the potential for development property. There is one housing eligibility on the land. Because of the liability of the pipeline I believe it will reduce the property value of the land and the housing eligibility.

Please describe which of your farming operations or other land uses will be impaired by the Dakota Access Pipeline and how they will be impaired.

The main concern I have is for the liability issues in regard to farming the land, compaction of the soil and whether the land will ever produce. If Stofferahn Farms hits the pipeline while doing normal farming practices is it liable for damages to neighbors or other landowners? Our insurance agent has told us that there is no insurance that we can obtain to cover this liability. The land in question has a mortgage on it for the purchase of other land. Our lending bank has said they will not sign off on the easement. From what I have learned about the proposed easement by Dakota Access there is nothing that addresses their liability for an oil event. From what I heard about the easement from other landowners the entire 118.36 acre parcel legal description is used in the easement not the 50 foot pipeline description. Dakota Access does not sign the easement. Dakota Access has the right to amend the easement to install more 30 inch pipelines on the 50 foot easement.

I have invested in ethanol plants to help with our nation's energy concerns and establish better corn prices. As far as I know the pipeline has no plans to transport ethanol. In fact the oil industry has lobbied for less blending of ethanol which in turn lowers corn prices and hurts Stofferahn Farms economically.

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

Yes. There are two tiles. At the present time I do not believe the path of the pipeline will cross these tiles.

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

Yes. If there is a leak or oil event it will naturally run through the drainage tiles and tributaries that go into West Skunk Creek, Skunk Creek, Sioux River and could affect water aquifers for Sioux Falls and Minnehaha County communities. An oil leak behind our business would make it difficult if not impossible to conduct day to day business activities at Nortec Seeds, Inc.

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

Yes. 570,000 barrels a day, 1440 psi, welded together segments so it is only the matter of where and when the oil events will happen. If an oil event happens on my land I do not believe it could be farmed. Five Stofferahn families depend on the income from Nortec Seeds, Inc. so if it were closed because of an oil event it would greatly affect the welfare of all the families.

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

Yes. I was served a Summons and Complaint at my business in March, 2015. This is the first contact that I have ever had with Dakota Access.

No. They have not showed me a permit to survey. Dakota Access in legal documents has defined themselves as a public common carrier but I do not know who gave them this legal authority.

Yes. I have incurred legal fees.

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

In the Complaint for Preliminary Injunction to Provide Survey Access that was served on me they stated in paragraph 3 that they are a common carrier and have the privilege of eminent domain pursuant to SDCL 49-2-12 and 49-7-13.

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

Again I have never personally been contacted by a representative of Dakota Access.

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

I am a life-long resident of South Dakota and have been engaged in farming and the seed business for over 40 years. I have worked to grow these businesses for my own financial well being and for my family. I have always supported the State of South Dakota. I am concerned that the State of South Dakota is going to take my land through eminent domain and it would greatly reduce the value of Nortec Seeds, Inc. and the property value of my land. I would like to pass these businesses on to my children and grandchildren. SDCL 49-41B-22 Applicant's burden of proof.

(2) The facility will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area; This paragraph in the above-named statute protects me from the economic harm that will be caused by Dakota Access pipeline to Nortec Seeds, Inc., myself and my family.

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

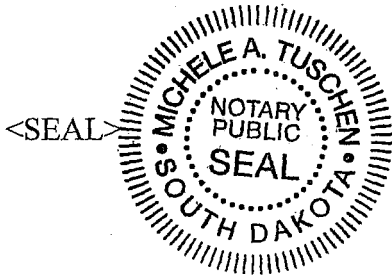
No.

Does that conclude your testimony?

Yes.

Ronald H. Stoffel

Subscribed and sworn before me this 29th day of June, 2015.



Michele A. Tuschen
Notary Public – South Dakota
My Commission Expires: 10-15-17

**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 | HP14-002 PRE-FILED TESTIMONY OF Thomas E. Stofferahn |
| | |

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF MINNEHAHA)

Thomas E. Stofferahn, being first duly sworn on his/her oath, deposes and states as follows:

Please state your name and address.

Thomas E. Stofferahn
45938 SD Hwy 38
Humboldt, SD 57035

How are you involved with the Dakota Access Pipeline project?

I am a landowner and business owner in Minnehaha County, South Dakota affected by the proposed Dakota Access Pipeline.

Please describe the history of your family's land ownership, and whether farming will be continued by younger generations.

I have been farming in South Dakota for 45 years. The particular parcel of land that Dakota Access wants to go through runs along Highway 38 and was purchased by my brother, Ron Stofferahn, and myself in 1975. The land is rented to Stofferahn Farms Partnership. I have two sons. One son is a partner and the other son is an employee in Stofferahn Farms Partnership. My brother, Ron Stofferahn, and myself own Nortec

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Seeds, Inc. Both of my sons, my wife, and nephew are employees of Nortec Seeds, Inc. Estate plans have been made for my sons to inherit my ownership in both businesses. Estate plans have been made for my wife to inherit the land and home acreage.

Please describe your current farming operations.

Stofferahn Farms Partnership is owned by four family members and conducts the farming operations. This partnership farms approximately 2800 acres in Minnehaha, McCook and Turner counties in South Dakota. Stofferahn Farms grows soybeans for Nortec Seeds, Inc. to use as seed.

To the best your knowledge, what area(s) of your property will the Dakota Access Pipeline cross?

From verbal conversations with Dakota Access contract easement employee, Edwina Scroggins, the pipeline easement will run from north to south through the 118.36 acre land parcel I own with my brother that runs along Highway 38 utilizing approximately 4 acres of tillable crop land. She stated it will run right behind our 3.8 acre acreage where my home is situated that I own with my wife, Nancy Stofferahn, and also right behind our seed business, Nortec Seeds, Inc.

How close is the pipeline to any building, bin or pen, water source, or farming facilities (i.e., storage area, feedlot, grazing area, etc.)?

I do not know the exact yardage.

Please describe any special characteristics of your property and farmland, and/or whether you plan to build any houses, outbuildings, shelter belts, or other structures on your property.

Nortec Seeds, Inc.

In South Dakota the Stofferahn family has been in the seed business for over 40 years that began with my father. In 1998 when my brother and myself purchased the business from our father the location was moved next to my home on Highway 38 in a 60x120 Morton shed that we built. Later the shed became a part of Stofferahn Farms Partnership and we deeded 3.96 acres to the partnership named Tract 1 where the shed sits today. Nortec Seeds, Inc. rents this shed to conduct its business. Beginning in the summer of 2014 before any knowledge of Dakota Access pipeline we began making plans for an expansion. The only available expansion is to the north because the land only goes 30 feet east, to the west there is a slough and to the south Highway 38. The expansion includes a new 60x152 Morton storage shed and another structure to house a soybean cleaning and treatment center with 6 bulk hopper bins. The expansion will include new offices and parking for semis and trucks. To the North of these new structures we plan to have all research and test plots for customer and public viewing. Since we have a unique situation where we own both the land and business we can deed more land to Tract 1 to expand the business location when needed. It is my intention to sell my portion of Nortec

Seeds to my two sons and they will continue to operate the business in the future. Without this expansion we feel we cannot be competitive in the seed industry and would have to move to a new location. To find this same excellent location would be costly along with constructing a whole new warehouse facility. At the present time we have not begun any construction for the expansion because we now know that the pipeline will be behind the location of the business. If my sons do not have the opportunity to expand in 10-30 years than there is no use wasting capital on a South Dakota business that cannot grow. Without expansion Nortec Seeds could possibly lose millions of dollars in sales over the life of the easement and to relocate would cost hundreds of thousands of dollars.

118.36 Acre Parcel of Land

This land was purchased by myself and my brother in 1975. In 45 years of farming we have picked rock and made improvements so that it is a highly productive parcel of agriculture land. It is along Highway 38 where there is continued growth and in the future has the potential for development property. There is one housing eligibility on the land. My son had plans this year to use the housing eligibility to build a home on an acreage near where the pipeline is entering the land to the north. Of course that will no longer be a possibility. Because of the liability of the pipeline I believe it will reduce the property value of the land and the housing eligibility.

3.8 Acreage with Home, 66x99 Morton Shed and Shelter Belt

My wife and I built this home on the acreage in 1980 on Highway 38. In July, 2014, we started a renovation of the home before any knowledge of the pipeline. We put in a large amount of our retirement money for this project treating it as an investment. The renovation included new roof, steel shingles, new siding and windows, and brick-stone front with pillars. The inside was completely gutted and redone with solid wood floors, larger rooms, granite counters, stone archway to the kitchen. It has a two tier landscaping to the east and north, stamped concrete patios and there is a 66x99 Morton shed behind the house. Because of the good location we believed this would be a good investment. Now common sense is telling us who would ever want to buy a high-end home and acreage with a pipeline behind it and we are afraid that our retirement money will be lost.

Please describe which of your farming operations or other land uses will be impaired by the Dakota Access Pipeline and how they will be impaired.

The main concern I have is for the liability issues in regard to farming the land, compaction of the soil and whether the land will ever produce. If Stofferahn Farms hits the pipeline while doing normal farming practices is it liable for damages to neighbors or other landowners? Our insurance agent has told us that there is no insurance that we can obtain to cover this liability. The land in question has a mortgage on it for the purchase of other land. Our lending bank has said they will not sign off on the easement. From what I have learned about the proposed easement by Dakota Access there is nothing that addresses their liability for an oil event. From what I heard on the easement from other landowners the entire 118.36 acre parcel legal description is used on the easement not the 50 feet pipeline description. Dakota Access does not sign the easement. Dakota Access has the right to amend the easement to install more 30 inch pipelines on the 50 foot easement.

I have invested in ethanol plants to help with our nation's energy concerns and establish better corn prices. As far as I know the pipeline has no plans to transport ethanol. In fact

the oil industry has lobbied for less blending of ethanol which in turn lowers corn prices and hurts Stofferahn Farms economically.

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

Yes. There are two lines. At the present time I do not believe the pipeline path will cross the tiles.

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

Yes. If there is a leak or oil event it will naturally run through the drainage tiles and tributaries that go into West Skunk Creek, Skunk Creek, Sioux River and could affect water aquifers for Sioux Falls and Minnehaha County communities. Bakken oil has been found to be explosive when transporting by rail and there is nothing I have seen to prove that it will any different in a pipeline. In my opinion residing or working near the pipeline has an increased safety risk.

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

Yes. There is a saying that when you pour cement it is not whether if it will crack but when. I believe the same saying can be applied to pipelines. 570,000 barrels a day, 1440 psi, welded together segments so it is only the matter of where and when the oil events will happen. Will it be in the James River, Sioux River, Missouri River, Mississippi River or on my land? The land would never be able to be put back to the original natural resource it once was and could probably not be farmed. Five Stofferahn families depend on the income from Nortec Seeds so if we were unable to conduct business it would greatly affect the welfare of all the families.

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

Yes. I was served a Summons and Complaint at my business in March, 2015.

No. They have not showed me a permit to survey. Dakota Access in legal documents has defined themselves as a public common carrier but I do not know who gave them this legal authority.

Yes. I have incurred legal fees.

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

In the Complaint for Preliminary Injunction to Provide Survey Access that was served on me they stated in paragraph 3 that they are a common carrier and have the privilege of eminent domain pursuant to SDCL 49-2-12 and 49-7-13.

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

I am a life-long resident of South Dakota and have been engaged in farming and the seed business for about 45 years. I have worked to grow these businesses for my own financial well being and for my family. I have always supported the State of South Dakota. I am concerned that the State of South Dakota is going to take my land through eminent domain and I will lose everything I have worked for my entire life to develop these businesses into what they are today. I would like to pass them on to my children and grandchildren.

SDCL 49-41B-22 Applicant's burden of proof.

(2) The facility will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area; This paragraph in the above-named statute protects me from the economic harm that will be caused by Dakota Access pipeline to Nortec Seeds, Inc., myself and my family.

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

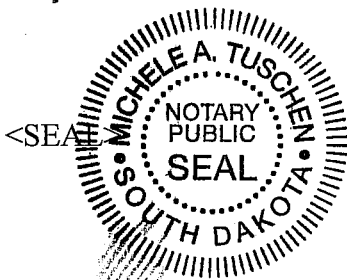
Yes.

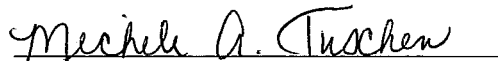
Does that conclude your testimony?

Yes.



Subscribed and sworn before me this 29th day of June, 2015.




Notary Public – South Dakota
My Commission Expires: 10-15-17

**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

HP14-002

**PRE-FILED TESTIMONY OF
BRIAN TOP**

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF MINNEHAHA)

1 Brian Top, being first duly sworn on his oath, deposes and states as follows:

2

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

4 My name is Brian Top. My address is 2836 Old Orchard Trail, Sioux Falls, South
5 Dakota. My phone number is (605) 359-5108 and e-mail address is
6 topsoilsd@gmail.com.

7

8 **How are you involved with the Dakota Access Pipeline project?**

9 I have been hired as an expert witness in this matter by a group of landowners
10 affected by the proposed Dakota Access Pipeline. Those individuals have made formal
11 appearances in this matter and are represented by attorney Glenn J. Boomsma.

12

13 **What is your professional background?**

14 Currently, I am a self-employed environmental consultant with my company, Top
15 Soil Consulting. I am partnering with the Minnehaha Conservation District in

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16 implementing best management practices in the Big Sioux River watershed. I work on
17 wetland identification and regulations, ensuring that my clients remain in compliance
18 with local, State and Federal regulations while still improving water management on their
19 land. I also assist the City of Sioux Falls with their Nutrient Management planning by
20 identifying suitable fields and taking soil samples for the Cities BioSolid application
21 program.

22 During 2011 and 2012, I worked for Hefty Seed Company as a Soil Improvement
23 Specialist. I identified wetlands and designed water management plans while ensuring
24 compliance with regulations. I worked with agronomists and researchers on various
25 projects and spoke at various company events and seminars.

26 Between 1986 and 2011, I was the District Conservationist for the US Department
27 of Agriculture – Natural Resources Conservation Service in the Minnehaha County
28 office. I supervised 4-6 employees and implemented all USDA conservation programs
29 including the CRP (Conservation Reserve Program) and WRP (Wetland Reserve
30 Program). I was responsible for wetland and highly erodible land compliance
31 requirements. I implemented USDA cost share programs such as the EQIP
32 (Environmental Quality Incentive Program). I gained extensive field knowledge
33 regarding soils and plant resources, and gave recommendations on cover crops, weed
34 control and native plant establishment. I worked with Minnehaha County Planning and
35 Zoning office to ensure that the County Drainage Ordinance was implemented well.

36 My education in these fields began at South Dakota State University, where I
37 earned a Bachelor of Science degree in 1982, with an emphasis in soils and chemistry.

38 During my professional career, I have become familiar with farmland irrigation
39 and drainage tile systems in eastern South Dakota. Specifically, I have accumulated

40 practical knowledge regarding the older drainage tile systems, such as clay or concrete
41 systems which are found in eastern South Dakota, as well as implementation of modern
42 plastic tile systems and their effects.

43
44 **What is the purpose of your testimony?**

45 My clients are concerned with the subsequent condition of their farmland where
46 the pipeline may be installed. The primary purpose of my testimony is to provide an
47 opinion regarding drainage and crop productivity issues that may be experienced upon
48 installation of the crude oil pipeline under cropland. Other agricultural-related issues
49 may also be addressed in my testimony.

50
51 **What Dakota Access or PUC case documents have you reviewed to prepare for this**
52 **testimony?**

53 I have reviewed: (1) Dakota Access, LLC ("Dakota Access") South Dakota PUC
54 Crude Oil Pipeline Application dated December 2014, as amended, and Exhibits thereto,
55 including the Agricultural Impact Mitigation Plan - Section 6 (the "Application"); (2)
56 Dakota Access' Answers to Peggy Hoogestraat's Interrogatories dated May 11, 2015; (3)
57 Transcripts of public input hearings at Bowdle, Redfield, Iroquois, and Sioux Falls, South
58 Dakota ("Public Hearing Transcripts"); and (4) Various other documents available on the
59 PUC website for this matter. I have also met with Dakota Access Right-Of-Way
60 Manager Susan Bergman and visited about the details of the pipeline installation.

62 **Please describe your professional experience regarding farmland drainage tile, both**
63 **clay/concrete systems and modern plastic systems in Minnehaha County, Lincoln**
64 **County or elsewhere.**

65 Plastic tile was installed on our family farm in 1971. My extensive professional
66 experience with modern tile systems began in 1982 while working for the United States
67 Department of Agriculture. We designed and helped install drainage tile in conjunction
68 with other conservation practices such as waterways and terraces. Beginning in 1986 I
69 was responsible for implementing the Conservation Compliance requirements of the 1985
70 Farm Bill. One of the key provisions of the Farm Bill was limiting any new drainage of
71 areas which USDA classified as wetlands. I was responsible for determining what areas
72 were deemed as wetlands, along with what drainage work was acceptable while
73 remaining eligibility for USDA program benefits. Maintenance of existing tile systems
74 was an important concern, and therefore I looked at a large number of old clay and
75 concrete tile systems which needed to be maintained. I was responsible for these
76 provisions until I left USDA in 2011. At that time, I became employed with Hefty Seed
77 Company. I continued to work with wetland identification and installation of drain tile
78 systems, primarily for customers of Hefty Seed Company. In 2012 I began working as a
79 private consultant doing similar work for my independent clients, which I have continued
80 until the present. My emphasis has shifted to the mitigation of impacted wetlands by
81 creating or restoring wetlands within the same watershed. I also am contracted by the
82 Minnehaha Conservation District to work with their customers by helping install other
83 conservation practices.

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With respect to clay/concrete drainage tile systems in Minnehaha or Lincoln Counties, please describe any concerns you have regarding: (1) the excavating and removal of such drainage facilities; (2) the proposed depth of the pipeline; (3) the replacement of such drainage facilities; (4) the subsequent integrity and performance of such drainage facilities; (5) the damages and expenses a landowner may incur as a result of non-performing drainage tile after pipeline installation; and (4) other concerns regarding disturbance of such drainage facilities.

The excavation of old clay/concrete tile systems brings up several areas of concern. First of which is landowners are often unaware that these old systems exist. Many of these tile lines were installed but were never recorded. We do not know where they were installed or how extensive they are, so my first concern is that we are able to find all the tile lines that are damaged by the construction.

These old tile lines are often fragile. I have frequently seen clay tile which only had the bottom one half of the original still in place. The upper portion of the tile pieces has been dissolved by the surrounding soil, while the lower portion was protected from this by the flowing water. Obviously, it will be more difficult to repair these lines because of their fragile status.

The proposed depth of the pipeline along with the 24 inch (which is indicated in the verbage, although a 12 inch setback is indicated in the diagram in appendix A...) setback from the pipeline will make it very difficult to repair these lines to a functional system. A majority of the clay tile was placed at a depth of 30-48 inches, but I have witnessed it

110 being located at the ground surface (due to erosion) and I have also seen lines 15 feet
111 deep. The proposed 30 inch pipeline will be placed a minimum of 48 inches deep
112 according to Ms. Bergman. In that scenario with a 24 inch setback, the tile line would
113 need to be less than 2 feet deep if placed above the pipeline, and more than 8.5 feet deep
114 if placed below the pipeline. The chances of this tile system being a fully functioning
115 system is very small.

116
117 The integrity of the tile line repair is a concern. DAPL recognizes that there will be
118 settlement of soil material around the pipeline, and they are correct. That also means the
119 corresponding tile repair will settle and the tile system may fail or function at a reduced
120 capacity. A "tile bridge" will help (but not guarantee) that this settlement will not
121 happen, and the cost of a tile bridge is estimated at \$1200.00 per site. The contractor may
122 try to avoid using these costly bridges in order to save money, but they should be
123 required at all repaired sites.

124
125 The cost to a landowner if the tile line does not function could be significant. Some
126 systems may service many acres of land and the land could possibly be located on
127 multiple farms. An example would be if a tile system servicing 50 acres of land would
128 fail, and subsequently these 50 acres were to drown out and be a complete loss, the cost
129 of losing that crop on 50 acres is estimated to be \$40,000.00 at today's crop prices. Some
130 systems service areas much larger than 50 acres, so the yearly cost of the system failing is
131 very significant.

132

133 **With respect to modern plastic drainage tile systems in Minnehaha or Lincoln**
134 **Counties, please describe any concerns you have regarding: (1) the excavating and**
135 **removal of such drainage facilities; (2) the proposed depth of the pipeline; (3) the**
136 **replacement of such drainage facilities; (4) the subsequent integrity and**
137 **performance of such drainage facilities; (5) the damages and expenses a landowner**
138 **may incur as a result of non-performing drainage tile after pipeline installation; and**
139 **(4) other concerns regarding disturbance of such drainage facilities.**

140
141 Modern plastic tile which has been installed within the last 50 years is not as
142 fragile as the older clay/cement tile discussed in the previous question, but some of same
143 concerns persist. The rerouting of these lines could be difficult if the pipeline prohibits
144 the option of splicing within the same route.

145
146 The repairs of these lines will be easier and have a higher chance of success, but the
147 concerns about the fill around the tile lines settling is still a large concern. Therefore, a
148 tile bridge should also be used when these lines are damaged and subsequently repaired.

149
150 Again, the cost of these tile lines not functioning well is very high. With gross sales from
151 an acre of cropland calculated at \$800.00/acre, a large tile system which is not
152 functioning well can significantly damage a farmer's income.

153
154 Related to this concern is the restrictions on future tile drainage systems. DAPL has
155 indicated that they will try to accommodate any future tile systems that are planned. This
156 is not easily attainable. Landowners do not know where these systems will be installed or

157 at what depth they will need to be installed at. In order to accurately get this information,
158 landowners would need to complete expensive tile system surveys and designs. It is not
159 realistic that this can be accomplished prior to the pipeline being designed and installed,
160 therefore any future tile drainage systems would be severely restricted by the pipelines
161 route, elevation, and easement.

162

163 **Please describe your professional experience regarding soil removal, replacement,**
164 **and compaction, in Minnehaha County, Lincoln County or elsewhere, with regard**
165 **to installation of underground utility facilities.**

166 I have personally witnessed and installed many land disturbing projects. These
167 have involved utilities, conservation practices, tile installation and other activities.

168

169 **Please describe your primary concerns about soil removal and replacement relating**
170 **to pipeline installation in Minnehaha or Lincoln Counties.**

171 Soil in this area has been formed over thousands of years since the last glaciers
172 receded. In general, there is eight to fourteen inches of topsoil, but certain areas could
173 have more or less. This topsoil is vital to productivity due to its high levels of organic
174 matter, nutrients, michorizae, fungi, bacteria and other organisms critical to plant growth.
175 The mixing of these plant growth factors will have a negative effect on plant growth,
176 although it will be temporary since good quality topsoil is very adaptable. DAPL states
177 an intention of stockpiling the topsoil and replacing eight to twelve inches after the
178 pipeline is installed. This process needs to be done in a careful manner in order for the
179 land to recover as soon as feasible, and carefully monitored by the landlord.

180

181 Another critical concern is the mixing of the soil below the topsoil commonly referred to
182 as subsoil. This too was formed over thousands of years and has large and small pores
183 which allow water to percolate down into the soil profile. These pores will be destroyed
184 during construction and it will take many years to rebuild them through plant root and
185 earthworm activities. The parent material which was left by the glaciers is often very
186 restrictive to water movement, and is sometimes relatively shallow in the soil profile.
187 This material will be mixed in with the other subsoil and cause issues with plant growth
188 and compaction after the pipeline is installed.

189
190 I am not implying that these disturbed areas will never be productive again, but it will
191 take a long time. To imply that they will be back into full production after three growing
192 seasons is unrealistic. My professional opinion is that it will take at least 10 years and
193 possibly much longer for these sites to return to full production. The length of time will
194 vary with site and soil conditions.

195
196 **Please describe your primary concerns about soil compaction relating to pipeline**
197 **installation in Minnehaha or Lincoln Counties.**

198 Compaction will be significant with the heavy equipment, especially when
199 working in wet areas. DAPL plans on mitigating for this by deep tillage, but the damage
200 to the soil structure will not be repaired with a few passes with a deep tilling machine.
201 Resolving this will take many years of freezing and thawing along with the plant roots
202 and earthworms to slowly offset the damage done by compaction. University studies
203 indicate that negative impacts from compaction can last twenty or more years.

204

205 **With regard to crop yield and productivity on land which will be excavated and**
206 **replaced above the pipeline (i.e., pipeline easement areas), is it your opinion that**
207 **crop yield will be diminished? If so, (1) describe the factors associated with lost**
208 **yield during the first 3 years after pipeline installation; (2) describe the factors**
209 **associated with lost yield beyond the first 3 years after pipeline installation.**

210 See the previous two answers. In general, there will be diminished production on
211 these areas for approximately ten years, but the length will vary greatly with site
212 conditions. Some sites may be back to full production after three years, and some sites
213 may never return to there former level of production.

214
215 **Are you concerned that the heat generated by the pipeline (i.e., transporting 62-**
216 **degree crude oil) will negatively impact the soil or crop yield in the easement area?**
217 **If so, please explain in detail.**

218 I have concerns about insects and diseases which could survive the winter in the
219 area, which would normally not be able to survive, but are allowed to do so because of
220 this change in the micro-climate surrounding the pipe. I do not feel completely qualified
221 to answer this question.

222
223 **Would you expect that cost of farming expenses (inputs, cultivation, etc.) relating to**
224 **the easement area will higher than non-easement areas? If so, please explain in**
225 **detail.**

226 Yes. The disturbed areas will need to have higher levels of organic matter and
227 nutrients applied. These inputs may be expensive and difficult to obtain for some

228 producers. There will be a need for additional tillage to try reduce the damage from
229 compaction.

230

231 **With regard to grazing areas or feed lots, do you have any concerns regarding the**
232 **depth of the pipeline or any negative impact the pipeline easement area would have**
233 **on such land uses?**

234 Native grass roots can extend fifteen feet or more into the ground, and the
235 pipeline will obviously disturb this root system and limit the species which will be
236 available to revegetate. Therefore, species may not match the existing ecosystem.

237

238 There will be restrictions on any permanent structures and tree plantings in the Right of
239 Way area, which will affect future land use and shelterbelt establishment.

240

241 Feedlots will have to be avoided in the Right of Way. There is extensive disturbance,
242 excavations and heavy equipment traffic associated with a feedlot and therefore this land
243 use will not be allowed within the project area. This is another restriction on future land
244 use.

245

246 **In the event of an oil release event (leak or spill) underneath or upon crop land,**
247 **please describe the long-term impact on the ability to farm such land and related**
248 **crop yield.**

249

250 I was a member of the task force to assess damages following the Williams
251 Pipeline leak near Renner South Dakota in the early 1990s. Tens of thousands of gallons
of gasoline were recovered, but many acres of land still contained contaminated soil. The

252 South Dakota Department of Environment and Natural Resources approved “farming”
253 the contaminants out of the soil by frequently tilling the soil and allowing the
254 contaminants to evaporate. This process was done for several years with no crop
255 production in these areas. Eventually, an attempt was made to begin growing crops
256 which would return organic matter to the soil and allow the plant roots to form pores for
257 water to infiltrate. After many years, the restoration of this area was declared a success,
258 although I speculate that it is far from being completely restored twenty plus years later.
259

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

261 I assume that the trench will need to be dewatered during construction to prevent
262 the pipe from floating. This dewatering could overwhelm existing drainage patterns with
263 this additional water.
264

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

267 Yes. The environment within the siting area will be seriously impacted by the
268 long-lasting effects of construction and permanently injured in case of a leak of spill.
269

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

272 Yes. The welfare/economic impact will be substantially impaired in the manner
273 set forth above.
274

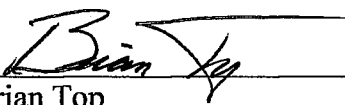
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Would you be available to present testimony and respond to questions during the formal hearing scheduled for September 29 through October 8, 2015?

Yes.

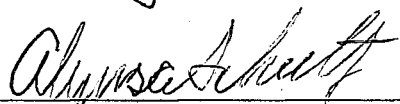
Does that conclude your testimony?

Yes.

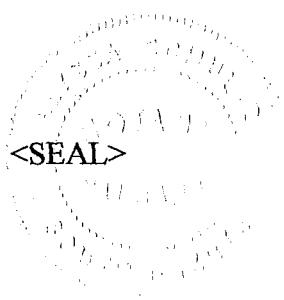


Brian Top

Subscribed and sworn before me this 2nd day of July, 2015.



Notary Public – South Dakota
My Commission Expires: 7/13/17



**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

HP14-002

**PRE-FILED TESTIMONY OF
Corliss Faye Wiebers**

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF Lincoln

Corliss Faye Wiebers, being first duly sworn on his/her oath, deposes and states as follows:

Please state your name and address.

Corliss Faye Wiebers

607 S Elm St PO Box 256

Lennox, SD 57039

How are you involved with the Dakota Access Pipeline project?

I am a landowner in Lincoln County, South Dakota affected by the proposed Dakota Access Pipeline.

Please describe the history of your family's land ownership, and whether farming will be continued by younger generations.

4/26/1883 Land was Homesteaded by Philip Eichhorn. He was given a Patent (deed) September, 1887.

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

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

EXHIBIT

006597

24

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

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

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

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

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

12/4/1959 – John added Leona's name

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

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

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

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

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

Please describe your current farming operations.

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

Daggett.

To the best your knowledge, what area(s) of your property will the Dakota Access

Pipeline cross?

Based on the most recent maps by Dakota Access and flags placed in the road ditch, the pipeline would enter the NW corner going to the SE corner cutting diagonally across the entire farm. This area includes crop production land as well as pasture.

How close is the pipeline to any building, bin or pen, water source, or farming facilities (i.e., storage area, feedlot, grazing area, etc.)?

Approximately 300 yards to the nearest building and 340 yards to the well.

It is planned to go under the creek which drains the watershed NW of Tea and flows into the Sioux River.

The pipeline would cross the easement held by South Lincoln Rural Water.

As stated previously it would cross the grazing area.

Please describe any special characteristics of your property and farmland, and/or whether you plan to build any houses, outbuildings, shelter belts, or other structures on your property.

The land is drain tiled, some of which is clay.

Open Waterway ditch running south on east side of property.

It currently has 3 housing eligibilities with potential for additional future longer term development since Highway 17 runs on the west side of the property.

Please describe which of your farming operations or other land uses will be impaired by the Dakota Access Pipeline and how they will be impaired.

Initially, no access for daily operations on cropland on south half of property. Natural waterways blocked and would need to be reconstructed. The tillable acres won't produce the same and the quality of the pasture will be impaired.

Future development potential diminished due to restrictions of building on pipeline and lack of desire for homeowners to live near pipeline. There is currently an existing housing development ½ mile NE of our farm, located outside of the City of Tea as well as a second development planned (zoning has been changed to agriculture/residential) ½ mile directly north of our farm. These developments are outside of the City of Tea growth plan. Just because a particular city doesn't have these affected areas in their growth plan, doesn't mean they won't be developed – unless of course pipeline easements restrict the development.

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

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

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

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

In February, the Wall Street Journal compared oil from 86 locations around the world and found Bakken crude oil to be the most explosive. This was introduced December 11, 2014 in the Assembly Resolution No 191 State of New Jersey 216th Legislature.

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

Watershed damage as East Beaver Creek drains the Watershed North and West of Tea and flows through our farm, eventually into the Big Sioux River and then the Missouri.

Will eliminate the potential for future development due to people not wanting to reside near an oil pipeline.

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

Yes- I have been sued.

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

Yes- I have incurred legal fees.

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

The fact that their plan is to run the pipeline through Minnehaha and Lincoln county shows total disregard for the welfare of our state, it's inhabitants and the future development in this area. I'm concerned it will lower my property value. Their only concern seems to be what money they can save using the shortest direct route without a thought of the short and long term loss for the landowners.

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

No.

Does that conclude your testimony?

Yes.

Carliss Wiebers

Subscribed and sworn before me this 19 day of June, 2015.



Dawn Reif
Notary Public - South Dakota
My Commission Expires: 3/13/19



DAKOTA ACCESS PIPELINE
An ENERGY TRANSFER Company

September 12, 2015

Peggy A. Hoogestraat Rev Trust
Peggy A. Hoogestraat Trustee
27575 462 Avenue
Chancellor, SD 57015

Re: FINAL OFFER LETTER

Dear Peggy A. Hoogestraat:

A Dakota Access, LLC acquisition agent has attempted to negotiate the purchase of an easement across your property in Minnehaha County, in order to construct a pipeline. Because we have not been able to successfully conclude our negotiation with you, we are faced with the possibility of filing a condemnation action to acquire the easement over your property in order to construct a thirty inch (30") pipeline.

The terms are set out in the easement document that was provided to you and which we have again included with this letter. The easement exhibit contains a parcel drawing that shows the location of the easement on your property. The parcel drawing and the reflected route will be contingent upon survey data accumulated once survey is complete on the subject property and maybe revised if necessary based on the findings, if any.

This letter is the last written offer of compensation in the amount of \$ [REDACTED] as total payment to be distributed to all interests (landowner and tenant) to obtain the easement as described in the enclosed easement document. Given the circumstances, we believe that our offer is fair and equitable, and ask that you give it full consideration. We are hopeful that we will be able to conclude this transaction and avoid condemnation.

We therefore, respectfully ask that you consider and accept our final offer of [REDACTED] times your percentage ownership interest, as total payment for the requested easement. If you accept this offer, please contact us so that the transaction can be completed.

We want to emphasize that the condemnation process is being started now so that Dakota Access, LLC will be able to meet time constraints necessary to begin construction. As always, Dakota Access, LLC wants to work with you in order to reach an acceptable agreement through negotiation.

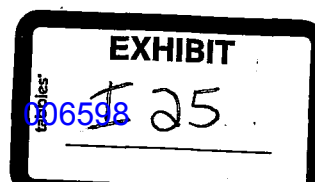
Thank you for your immediate response and we look forward to working with you toward an amicable agreement. If you have any questions, please contact ROW Manager Susan Bergman at 281-744-8210.

Sincerely,

Micah Rorie
Dakota Access, LLC
Senior Manager-Land & Right of Way

Enclosures

cc: Daniel J. Hyvl
Robert Rose
Brett Koenecke
Glen J. Boomsma





DAKOTA ACCESS PIPELINE
An ENERGY TRANSFER Company

August 31, 2015

Margaret C. Hilt Revocable Trust
Margaret C. Hilt and Elmer R. Hilt Trustees
RR1 Box 348
St. Francis, KS 67756-9801

Re: FINAL OFFER LETTER

Dear Margaret C. Hilt and Elmer E. Hilt:

A Dakota Access, LLC acquisition agent has attempted to negotiate the purchase of an easement across your property in Lincoln County, in order to construct a pipeline. Because we have not been able to successfully conclude our negotiation with you, we are faced with the possibility of filing a condemnation action to acquire the easement over your property in order to construct a thirty inch (30") pipeline.

The terms are set out in the easement document that was provided to you and which we have again included with this letter. The easement exhibit contains a parcel drawing that shows the location of the easement on your property. The parcel drawing and the reflected route will be contingent upon survey data accumulated once survey is complete on the subject property and maybe revised if necessary based on the findings, if any.

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We therefore, respectfully ask that you consider and accept our final offer of \$ [REDACTED] times your percentage ownership interest, as total payment for the requested easement. If you accept this offer, please contact us so that the transaction can be completed.

We want to emphasize that the condemnation process is being started now so that Dakota Access, LLC will be able to meet time constraints necessary to begin construction. As always, Dakota Access, LLC wants to work with you in order to reach an acceptable agreement through negotiation.

Thank you for your immediate response and we look forward to working with you toward an amicable agreement. If you have any questions, please contact ROW Manager Susan Bergman at 281-744-8210.

Sincerely,

Micah Rorie
Dakota Access, LLC
Senior Manager-Land & Right of Way

Enclosures

cc: Daniel J. Hyvl
Robert Rose
Brett Koenecke
Glen J. Boomsma

006599



August 31, 2015

Devona B. Smith Revocable Trust
Devona B. Smith Trustee
5702 S. Logan St. APT. A
Centennial, CO 80121

Re: FINAL OFFER LETTER

Dear Devona B. Smith:

A Dakota Access, LLC acquisition agent has attempted to negotiate the purchase of an easement across your property in Lincoln County, in order to construct a pipeline. Because we have not been able to successfully conclude our negotiation with you, we are faced with the possibility of filing a condemnation action to acquire the easement over your property in order to construct a thirty inch (30") pipeline.

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This letter is the last written offer of compensation in the amount of \$ [REDACTED] as total payment to be distributed to all interests (landowner and tenant) to obtain the easement as described in the enclosed easement document. Given the circumstances, we believe that our offer is fair and equitable, and ask that you give it full consideration. We are hopeful that we will be able to conclude this transaction and avoid condemnation.

We therefore, respectfully ask that you consider and accept our final offer of \$ [REDACTED] times your percentage ownership interest, as total payment for the requested easement. If you accept this offer, please contact us so that the transaction can be completed.

We want to emphasize that the condemnation process is being started now so that Dakota Access, LLC will be able to meet time constraints necessary to begin construction. As always, Dakota Access, LLC wants to work with you in order to reach an acceptable agreement through negotiation.

Thank you for your immediate response and we look forward to working with you toward an amicable agreement. If you have any questions, please contact ROW Manager Susan Bergman at 281-744-8210.

Sincerely,

Micah Rorie
Dakota Access, LLC
Senior Manager-Land & Right of Way

Enclosures

cc: Daniel J. Hyvl
Robert Rose
Brett Koenecke
Glen J. Boomsma



DAKOTA ACCESS PIPELINE
An ENERGY TRANSFER Company

August 31, 2015

Assid Family Trust
Delores L. Assid and James Z. Assid Trustees
3009 S Holly Ave.
Sioux Falls, SD 57105

Re: FINAL OFFER LETTER

Dear Delores L. Assid and James Z. Assid:

A Dakota Access, LLC acquisition agent has attempted to negotiate the purchase of an easement across your property in Lincoln County, in order to construct a pipeline. Because we have not been able to successfully conclude our negotiation with you, we are faced with the possibility of filing a condemnation action to acquire the easement over your property in order to construct a thirty inch (30") pipeline.

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This letter is the last written offer of compensation in the amount of \$ [REDACTED], as total payment to be distributed to all interests (landowner and tenant) to obtain the easement as described in the enclosed easement document. Given the circumstances, we believe that our offer is fair and equitable, and ask that you give it full consideration. We are hopeful that we will be able to conclude this transaction and avoid condemnation.

We therefore, respectfully ask that you consider and accept our final offer of \$ [REDACTED] times your percentage ownership interest, as total payment for the requested easement. If you accept this offer, please contact us so that the transaction can be completed.

We want to emphasize that the condemnation process is being started now so that Dakota Access, LLC will be able to meet time constraints necessary to begin construction. As always, Dakota Access, LLC wants to work with you in order to reach an acceptable agreement through negotiation.

Thank you for your immediate response and we look forward to working with you toward an amicable agreement. If you have any questions, please contact ROW Manager Susan Bergman at 281-744-8210.

Sincerely,

Micah Rorie
Dakota Access, LLC
Senior Manager-Land & Right of Way

Enclosures

cc: Daniel J. Hyvl
Robert Rose
Brett Koenecke
Glen J. Boomsma

006601



DAKOTA ACCESS PIPELINE
An ENERGY TRANSFER Company

September 16, 2015

Ruth E. Arends, Life Estate
46349 267th Street
Hartford SD 57033

Re: FINAL OFFER LETTER

Dear Ruth E. Arends, Life Estate:

A Dakota Access, LLC acquisition agent has attempted to negotiate the purchase of an easement across your property in Minnehaha County, in order to construct a pipeline. Because we have not been able to successfully conclude our negotiation with you, we are faced with the possibility of filing a condemnation action to acquire the easement over your property in order to construct a thirty inch (30") pipeline.

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We want to emphasize that the condemnation process is being started now so that Dakota Access, LLC will be able to meet time constraints necessary to begin construction. As always, Dakota Access, LLC wants to work with you in order to reach an acceptable agreement through negotiation.

Thank you for your immediate response and we look forward to working with you toward an amicable agreement. If you have any questions, please contact ROW Manager Susan Bergman at 281-744-8210.

Sincerely,

Micah Rorie
Dakota Access, LLC
Senior Manager-Land & Right of Way

Enclosures

cc: Daniel J. Hyvl
Robert Rose
Brett Koenecke
Glen J. Boomsma

006602



DAKOTA ACCESS PIPELINE
An ENERGY TRANSFER Company

September 16, 2015

Sherrie K. Fines
614 N. Willow Avenue
Pierre, SD 57501

Re: FINAL OFFER LETTER

Dear Sherrie K. Fines:

A Dakota Access, LLC acquisition agent has attempted to negotiate the purchase of an easement across your property in Minnehaha County, in order to construct a pipeline. Because we have not been able to successfully conclude our negotiation with you, we are faced with the possibility of filing a condemnation action to acquire the easement over your property in order to construct a thirty inch (30") pipeline.

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We want to emphasize that the condemnation process is being started now so that Dakota Access, LLC will be able to meet time constraints necessary to begin construction. As always, Dakota Access, LLC wants to work with you in order to reach an acceptable agreement through negotiation.

Thank you for your immediate response and we look forward to working with you toward an amicable agreement. If you have any questions, please contact ROW Manager Susan Bergman at 281-744-8210.

Sincerely,

Micah Rorie
Dakota Access, LLC
Senior Manager-Land & Right of Way

Enclosures

cc: Daniel J. Hyvl
Robert Rose
Brett Koenecke
Glen J. Boomsma

006603



September 16, 2015

Allan C. Arends
Box 25
Hazel, SD 57242

Re: FINAL OFFER LETTER

Dear Allan C. Arends:

A Dakota Access, LLC acquisition agent has attempted to negotiate the purchase of an easement across your property in Minnehaha County, in order to construct a pipeline. Because we have not been able to successfully conclude our negotiation with you, we are faced with the possibility of filing a condemnation action to acquire the easement over your property in order to construct a thirty inch (30") pipeline.

The terms are set out in the easement document that was provided to you and which we have again included with this letter. The easement exhibit contains a parcel drawing that shows the location of the easement on your property. The parcel drawing and the reflected route will be contingent upon survey data accumulated once survey is complete on the subject property and maybe revised if necessary based on the findings, if any.

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We therefore, respectfully ask that you consider and accept our final offer of \$ [REDACTED] times your percentage ownership interest, as total payment for the requested easement. If you accept this offer, please contact us so that the transaction can be completed.

We want to emphasize that the condemnation process is being started now so that Dakota Access, LLC will be able to meet time constraints necessary to begin construction. As always, Dakota Access, LLC wants to work with you in order to reach an acceptable agreement through negotiation.

Thank you for your immediate response and we look forward to working with you toward an amicable agreement. If you have any questions, please contact ROW Manager Susan Bergman at 281-744-8210.

Sincerely,

Micah Rorie
Dakota Access, LLC
Senior Manager-Land & Right of Way

Enclosures

cc: Daniel J. Hyvl
Robert Rose
Brett Koenecke
Glen J. Boomsma



DAKOTA ACCESS PIPELINE
An ENERGY TRANSFER Company

September 16, 2015

Lorrie L. Bacon and Douglas J. Bacon
11 Woodland Drive
Humboldt, IA 50548

Re: FINAL OFFER LETTER

Dear Lorrie L. Bacon and Douglas J. Bacon:

A Dakota Access, LLC acquisition agent has attempted to negotiate the purchase of an easement across your property in Minnehaha County, in order to construct a pipeline. Because we have not been able to successfully conclude our negotiation with you, we are faced with the possibility of filing a condemnation action to acquire the easement over your property in order to construct a thirty inch (30") pipeline.

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We want to emphasize that the condemnation process is being started now so that Dakota Access, LLC will be able to meet time constraints necessary to begin construction. As always, Dakota Access, LLC wants to work with you in order to reach an acceptable agreement through negotiation.

Thank you for your immediate response and we look forward to working with you toward an amicable agreement. If you have any questions, please contact ROW Manager Susan Bergman at 281-744-8210.

Sincerely,

Micah Rorie
Dakota Access, LLC
Senior Manager-Land & Right of Way

Enclosures

cc: Daniel J. Hyvl
Robert Rose
Brett Koenecke
Glen J. Boomsma

STATE OF SOUTH DAKOTA)
)
) :SS
COUNTY OF LINCOLN)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

DAKOTA ACCESS, LLC,

Plaintiff,

vs.

JOHN STRATMEYER, JOYCE
STRATMEYER, ALLEN STRATMEYER,
STEVE STRATMEYER, JANICE E.
PETTERSON, MAVIS A. PARRY, LINDA
A. GOULET, CORLISS F. WIEBERS,
SHIRLEY M. OLTMANNS, MARILYN J.
MURRAY, KEVIN J. SCHOFFELMAN,
LEROY FETT, DORIS W. FETT, DONALD
M. KLAASSEN, AND KATHERINE A.
KLAASSEN,

Defendants.

Civ. 15-138

**ORDER GRANTING MOTION TO
DISMISS AND DENYING MOTION FOR
PRELIMINARY INJUNCTION**

This matter came before the Court on August 13, 2015, in the Lincoln County Courthouse in Canton, South Dakota; and the Plaintiff having appeared by and through its attorneys of record, Brett Koenecke and Justin L. Bell of May, Adam, Gerdes and Thompson, LLP and Defendants Janice E. Petterson, Mavis A. Parry, Linda A. Goulet, Corliss F. Wiebers, Shirley M. Oltmanns, Marilyn J. Murray, Kevin J. Schoffelman, Leroy Fett, Doris W. Fett, Donald M. Klaassen, and Katherine A. Klaassen having appeared by and through their attorney of record David L. Edwards of Breit Law Office, P.C.; and the parties having fully briefed the matter and the Court having heard the arguments of counsel, examined the pleadings and other evidence which have been made a part of the record, and the Court being fully advised in the premises; now, therefore,

FILED
SEP - 2 2015
Lincoln County, S.D.
Clerk Circuit Court

EXHIBIT

6606 26

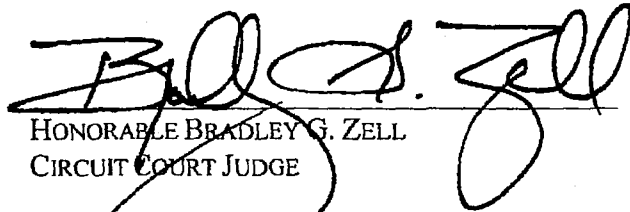
CW 15-138

IT IS HEREBY ORDERED, that Defendants Leroy Fett and Doris W. Fett's Motion to Dismiss is granted;

FURTHER ORDERED, that Plaintiff Dakota Access, LLC's Motion for Preliminary Injunction is denied.

Dated this 1st day of September, 2015.

BY THE COURT:


HONORABLE BRADLEY G. ZELL
CIRCUIT COURT JUDGE

ATTEST: **KRISTIE TORGERSON**
LINCOLN COUNTY CLERK OF COURTS

By: Karen Nelson
Deputy



[SEAL]

STATE OF SOUTH DAKOTA)
) :SS
COUNTY OF LINCOLN)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

DAKOTA ACCESS, LLC,

Plaintiff,

vs.

JOHN STRATMEYER, JOYCE
STRATMEYER, ALLEN STRATMEYER,
STEVE STRATMEYER, JANICE E.
PETTERSON, MAVIS A. PARRY, LINDA
A. GOULET, CORLISS F. WIEBERS,
SHIRLEY M. OLTMANNS, MARILYN J.
MURRAY, KEVIN J. SCHOFFELMAN,
LEROY FETT, DORIS W. FETT, DONALD
M. KLAASSEN, AND KATHERINE A.
KLAASSEN,

Defendants.

Civ. 15-138

**PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

This matter came before the Court on August 13, 2015, in the Lincoln County Courthouse in Canton, South Dakota; and the Plaintiff having appeared by and through its attorneys of record, Brett Koenecke and Justin L. Bell of May, Adam, Gerdes and Thompson, LLP and Defendants Janice E. Petterson, Mavis A. Parry, Linda A. Goulet, Corliss F. Wiebers, Shirley M. Oltmanns, Marilyn J. Murray, Kevin J. Schoffelman, Leroy Fett, Doris W. Fett, Donald M. Klaassen, and Katherine A. Klaassen having appeared by and through their attorney of record David L. Edwards of Breit Law Office, P.C.; and the parties having fully briefed the matter and the Court having heard the arguments of counsel, examined the pleadings and other evidence which have been made a part of the record, and the Court being fully advised in the premises makes the following:

FILED
SEP - 2 2015

Lincoln County, S.D.
Clerk Circuit Court

EXHIBIT
I 27

006608

FINDINGS OF FACT

1. Plaintiff Dakota Access, LLC ("Dakota Access") proposes to construct a crude oil pipeline through several South Dakota counties, including Lincoln County (the "Dakota Access Pipeline"). Dakota Access filed an application with the South Dakota Public Utilities Commission (the "PUC") for the project on December 15, 2014.

2. Defendants own or are otherwise in possession of land in Lincoln County that is proposed to be crossed by the Dakota Access Pipeline.

3. Dakota Access alleges in its Complaint that "it is common carrier as defined by South Dakota and federal law and has the privilege of eminent domain pursuant to SDCL §§ 49-2-12 and 49-7-13." *Complaint* at ¶3.

4. Dakota Access further alleges that "Inherent in Dakota Access's privilege of eminent domain in the right to access property for survey purposes before condemnation." *Id.* at ¶4.

5. The PUC will conduct a hearing regarding Dakota Access' permit application beginning September 29, 2015.

6. Dakota Access has evaluated the proposed pipeline route according to local, state and federal rules and regulations that govern pipelines. *Affidavit of Micah T. Rorie in Support of Motion for Preliminary Injunction* dated June 17, 2015, at ¶¶5-8. During this evaluation, Dakota Access utilized a geographic information system ("GIS"), publicly available environmental and demographic data, soil and topographic conditions, location of public utilities, public properties or lands, and also evaluated environmental considerations such as wetlands, streams and rivers, threatened and endangered species, cultural resources, agricultural lands, drainage features and unique land uses or land features. *Id.* Dakota Access has also driven, walked, surveyed and flown

the proposed route to avoid as many physical land features and constraints as possible. *Id.* Dakota Access has completed the vast majority of the civil and environmental surveys along the proposed route. *Id.*

7. Defendants have refused to allow Dakota Access entrance upon their land to begin surveys on their property.

8. Plaintiff has moved the Court for preliminary injunction to prohibit Defendants from refusing Dakota Access entry upon their land.

9. Defendants Leroy and Doris Fett moved to dismiss Complaint based on lack of subject matter jurisdiction inasmuch as Dakota Access does not yet have a permit from the PUC.

10. Defendants Janice E. Petterson, Mavis A. Parry, Linda A. Goulet, Corliss F. Wiebers, Shirley M. Oltmanns, Marilyn J. Murray and Kevin J. Schoffelman opposed the Plaintiff's motion by filing their Reply Brief in Opposition to Plaintiff's Motion for Preliminary Injunction

CONCLUSIONS OF LAW

1. Proceedings to take private property by condemnation are special in character and must be conducted in strict accordance with governing statutes. *Lewis & Clark Rural Water Sys. v. Seeba*, 709 NW2d 824, 838 (SD 2006)(citing *Ehlers v. Jones*, 135 NW2d 22 (SD 1965).

2. Article 6, §13 of the South Dakota Constitution provides "Private property shall not be taken for public use, or damaged, without just compensation, which will be determined according to the legal procedure established by the Legislature and according to §6 of this article[.]"

3. Pursuant to SDCL §49-41B-1, the South Dakota Legislature has found that it is a necessity to require a permit for energy conversion or transmission facilities. That statute provides in full:

The Legislature finds that energy development in South Dakota and the Northern Great Plains significantly affects the welfare of the population, the environmental quality, the location and growth of industry, and the use of the natural resources of the state. The Legislature also finds that by assuming permit authority, that the state must also ensure that these facilities are constructed in an orderly and timely manner so that the energy requirements of the people of the state are fulfilled. Therefore, it is necessary to ensure that the location, construction, and operation of facilities will produce minimal adverse effects on the environment and upon the citizens of this state by providing that *a facility may not be constructed or operated in this state without first obtaining a permit from the commission.* (emphasis added).

4. To the extent SDCL §49-7-11 might apply to Dakota Access as a common carrier, it would furthermore subject Dakota Access to the requirements of SDCL Chapter 49-41B.

5. Dakota Access entry upon Defendants' land would constitute "a taking" under South Dakota law. Such a taking is impermissible without first obtaining the PUC permit in accordance with SDCL §49-41B-1.

6. Dakota Access' argument that its PUC permit application will be incomplete or prejudiced from not being able to survey the Defendants' land is without merit. Dakota Access has already completed the vast majority of the civil and environmental surveys along the proposed route and submitted that information to the PUC. *See Aff. Rorie* at ¶¶5-8, *supra*. Moreover, the applicable administrative rules only require Dakota Access to provide in its application "existing information" regarding the effect of the proposed facility on the ecosystem and environment. ARSD §20:10:22:16.

7. In several contexts, the Legislature has recognized a condemning authority's right to enter land for survey purposes. *See* SDCL §50-6A-19 ("For the purpose of making surveys and examinations relative to eminent domain proceedings, it shall be lawful for the [regional airport] authority to enter upon the land, doing no unnecessary damage."); SDCL §46A-7A-156 (repealed)

(Cendak Irrigation District “may enter on land to make surveys, may exercise the right of eminent domain); SDCL §46A-6-5 (any irrigation district “shall have all the authority herein granted for levying special assessments or otherwise providing funds necessary to properly drain such lands, entering upon lands for the purpose of making surveys, exercising the right of eminent domain”); SDCL §46-8-2.1 (“The circuit court for the county in which a proposed water project is located has jurisdiction to issue an order permitting entry upon land for the purpose of surveying or locating the most advantageous route for works necessary to put water to beneficial use.”).

8. However, the Legislature has not granted a pipeline applicant condemnation rights for survey purposes, nor has this Court been granted such jurisdiction.

9. “The purpose of statutory construction is to discover the true intention of the law which is to be ascertained primarily from the language expressed in the statute. We are guided by the principle that a court should construe multiple statutes covering the same subject matter in such a way as to give effect to all of the statutes if possible.” *Schafer v. Deuel County*, 745 NW2d 241, 245 (SD 2006).

10. In construing the relevant statutes, there is no statutory grant of authority to allow the subject surveys and no jurisdiction granted by the Legislature to this Court for such purpose.

11. Whether a preliminary injunction should issue involves consideration of (1) the threat of irreparable harm to the movant; (2) the state of the balance between this harm and the injury that granting the injunction will inflict on other parties litigant; (3) the probability that movant will succeed on the merits; and (4) the public interest. *Dacy v. Gors*, 471 NW2d 576, 579 (SD 1991)(citing *Dataphase Systems, Inc. v. C L Systems, Inc.*, 640 F.2d 109, 113 (8th Cir. 1981)).

12. The inability of Dakota Access to survey the Defendants land may result in a slowdown of its pipeline construction project. A slowdown of construction does not constitute irreparable harm. In addition, irreparable harm is not found because the PUC has not yet decided whether to grant the permit to Dakota Access or not.

13. Dakota Access may have been able to prove the remaining factors for a preliminary injunction, but the absence of a showing of irreparable harm renders the remaining factors moot.

14. Dakota Access's Motion for Preliminary Injunction is denied.

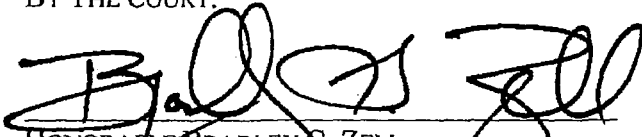
15. Defendant Fett's Motion to Dismiss is granted.

16. If any Findings of Fact are improperly designated as such, they are hereby incorporated by reference in the Conclusions of Law. If any Conclusions of Law are improperly designated as such, they are hereby incorporated by reference in the Findings of Fact.

JUDGMENT SHALL BE ENTERED ACCORDINGLY.

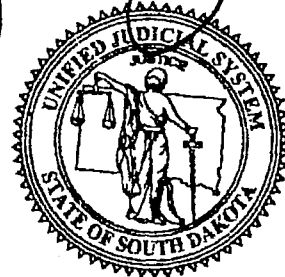
Dated this 1st day of September, 2015.

BY THE COURT:


HONORABLE BRADLEY G. ZELL
CIRCUIT COURT JUDGE

ATTEST: **KRISTIE TORGERSON**
LINCOLN COUNTY CLERK OF COURTS

By: Karen Nelson
Deputy



[SEAL]

STATE OF SOUTH DAKOTA)
) :SS
COUNTY OF LINCOLN)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

DAKOTA ACCESS, LLC,

Plaintiff,

vs.

MARGARET C. HILT AND ELMER R. HILT, AS THE TRUSTEES OF THE MARGARET C. HILT REVOCABLE TRUST DATED JUNE 26, 2003; DEVONA B. SMITH, AS TRUSTEE OF DEVONA B. SMITH REVOCABLE TRUST DATED MAY 8, 2001; DELORES L. ASSID AND JAMES Z. ASSID, AS TRUSTEES OF THE ASSID FAMILY TRUST; RODNEY RENBACK; MARILYN RENBACK; PEDERSON AG, LLC; PENTE FARMS, LLC; DANIEL HOILAND; MARCIA HOILAND; JEAN OSTHUS; AND KKKP PROPERTY, LLLP;

Defendants.

Civ. 15-145

**ORDER DENYING PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

This matter came before the Court on August 13, 2015, in the Lincoln County Courthouse in Canton, South Dakota; and the Plaintiff having appeared by and through its attorneys of record, Brett Koenecke and Justin L. Bell of May, Adam, Gerdes and Thompson, LLP and Defendants Devona B. Smith, as Trustee Of Devona B. Smith Revocable Trust Dated May 8, 2001 and Delores L. Assid and James Z. Assid, as Trustees of the Assid Family Trust having appeared by and through their attorney of record David L. Edwards of Breit Law Office, P.C.; and the parties having fully briefed the matter and the Court having heard the arguments of counsel, examined the pleadings

FILED
SEP - 2 2015

Lincoln County, S.D.
Clerk Circuit Co

EXHIBIT

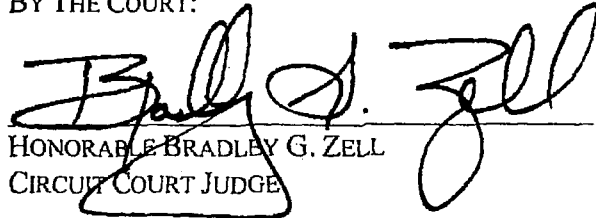
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and other evidence which have been made a part of the record, and the Court being fully advised in the premises; now, therefore,

IT IS HEREBY ORDERED, that Plaintiff Dakota Access, LLC's Motion for Preliminary Injunction is denied.

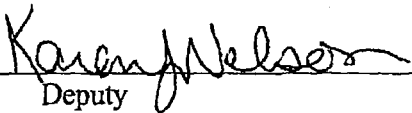
Dated this 1st day of September, 2015.

BY THE COURT:


HONORABLE BRADLEY G. ZELL
CIRCUIT COURT JUDGE

ATTEST:

KRISTIE TORGERSON
LINCOLN COUNTY CLERK OF COURTS

By: 
Deputy

[SEAL]



STATE OF SOUTH DAKOTA)
)
) :SS
COUNTY OF LINCOLN)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

DAKOTA ACCESS, LLC,

Plaintiff,

vs.

MARGARET C. HILT AND ELMER R. HILT, AS THE TRUSTEES OF THE MARGARET C. HILT REVOCABLE TRUST DATED JUNE 26, 2003; DEVONA B. SMITH, AS TRUSTEE OF DEVONA B. SMITH REVOCABLE TRUST DATED MAY 8, 2001; DELORES L. ASSID AND JAMES Z. ASSID, AS TRUSTEES OF THE ASSID FAMILY TRUST; RODNEY RENBACK; MARILYN RENBACK; PEDERSON AG, LLC; PENTE FARMS, LLC; DANIEL HOILAND; MARCIA HOILAND; JEAN OSTHUS; AND KKKP PROPERTY, LLLP;

Defendants.

Civ. 15-145

**PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

This matter came before the Court on August 13, 2015, in the Lincoln County Courthouse in Canton, South Dakota; and the Plaintiff having appeared by and through its attorneys of record, Brett Koenecke and Justin L. Bell of May, Adam, Gerdes and Thompson, LLP and Defendants Devona B. Smith, as Trustee Of Devona B. Smith Revocable Trust Dated May 8, 2001 and Delores L. Assid and James Z. Assid, as Trustees of the Assid Family Trust having appeared by and through their attorney of record David L. Edwards of Breit Law Office, P.C.; and the parties having fully briefed the matter and the Court having heard the arguments of counsel, examined the pleadings

FILED
SEP - 2 2015

Lincoln County, S.D.
Clerk Circuit Court

EXHIBIT

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and other evidence which have been made a part of the record, and the Court being fully advised in the premises makes the following:

FINDINGS OF FACT

1. Plaintiff Dakota Access, LLC ("Dakota Access") proposes to construct a crude oil pipeline through several South Dakota counties, including Lincoln County (the "Dakota Access Pipeline"). Dakota Access filed an application with the South Dakota Public Utilities Commission (the "PUC") for the project on December 15, 2014.

2. Defendants own or are otherwise in possession of land in Lincoln County that is proposed to be crossed by the Dakota Access Pipeline.

3. Dakota Access alleges in its Complaint that "it is common carrier as defined by South Dakota and federal law and has the privilege of eminent domain pursuant to SDCL §§ 49-2-12 and 49-7-13." *Complaint* at ¶3.

4. Dakota Access further alleges that "Inherent in Dakota Access's privilege of eminent domain in the right to access property for survey purposes before condemnation." *Id.* at ¶4.

5. The PUC will conduct a hearing regarding Dakota Access' permit application beginning September 29, 2015.

6. Dakota Access has evaluated the proposed pipeline route according to local, state and federal rules and regulations that govern pipelines. *Affidavit of Micah T. Rorie in Support of Motion for Preliminary Injunction* dated June 17, 2015, at ¶¶5-8. During this evaluation, Dakota Access utilized a geographic information system ("GIS"), publicly available environmental and demographic data, soil and topographic conditions, location of public utilities, public properties or lands, and also evaluated environmental considerations such as wetlands, streams and rivers,

threatened and endangered species, cultural resources, agricultural lands, drainage features and unique land uses or land features. *Id.* Dakota Access has also driven, walked, surveyed and flown the proposed route to avoid as many physical land features and constraints as possible. *Id.* Dakota Access has completed the vast majority of the civil and environmental surveys along the proposed route. *Id.*

7. Defendants have refused to allow Dakota Access entrance upon their land to begin surveys on their property.

8. Plaintiff moved the Court for preliminary injunction to prohibit Defendants from refusing Dakota Access entry upon their land.

9. Defendants Devona B. Smith Revocable Trust and Assid Family Trust opposed the Plaintiff's motion by filing their Reply Brief in Opposition to Plaintiff's Motion for Preliminary Injunction.

CONCLUSIONS OF LAW

1. Proceedings to take private property by condemnation are special in character and must be conducted in strict accordance with governing statutes. *Lewis & Clark Rural Water Sys. v. Seeba*, 709 NW2d 824, 838 (SD 2006)(citing *Ehlers v. Jones*, 135 NW2d 22 (SD 1965)).

2. Article 6, §13 of the South Dakota Constitution provides "Private property shall not be taken for public use, or damaged, without just compensation, which will be determined according to the legal procedure established by the Legislature and according to §6 of this article[.]"

3. Pursuant to SDCL §49-41B-1, the South Dakota Legislature has found that it is a necessity to require a permit for energy conversion or transmission facilities. That statute provides in full:

The Legislature finds that energy development in South Dakota and the Northern Great Plains significantly affects the welfare of the population, the environmental quality, the location and growth of industry, and the use of the natural resources of the state. The Legislature also finds that by assuming permit authority, that the state must also ensure that these facilities are constructed in an orderly and timely manner so that the energy requirements of the people of the state are fulfilled. Therefore, it is necessary to ensure that the location, construction, and operation of facilities will produce minimal adverse effects on the environment and upon the citizens of this state by providing that *a facility may not be constructed or operated in this state without first obtaining a permit from the commission.* (emphasis added).

4. To the extent SDCL §49-7-11 might apply to Dakota Access as a common carrier, it would furthermore subject Dakota Access to the requirements of SDCL Chapter 49-41B.

5. Dakota Access entry upon Defendants' land would constitute "a taking" under South Dakota law. Such a taking is impermissible without first obtaining the PUC permit in accordance with SDCL §49-41B-1.

6. Dakota Access' argument that its PUC permit application will be incomplete or prejudiced from not being able to survey the Defendants' land is without merit. Dakota Access has already completed the vast majority of the civil and environmental surveys along the proposed route and submitted that information to the PUC. *See Aff. Rorie* at ¶¶5-8, *supra*. Moreover, the applicable administrative rules only require Dakota Access to provide in its application "existing information" regarding the effect of the proposed facility on the ecosystem and environment. ARSD §20:10:22:16.

7. In several contexts, the Legislature has recognized a condemning authority's right to enter land for survey purposes. *See* SDCL §50-6A-19 ("For the purpose of making surveys and examinations relative to eminent domain proceedings, it shall be lawful for the [regional airport] authority to enter upon the land, doing no unnecessary damage."); SDCL §46A-7A-156 (repealed)

(Cendak Irrigation District “may enter on land to make surveys, may exercise the right of eminent domain); SDCL §46A-6-5 (any irrigation district “shall have all the authority herein granted for levying special assessments or otherwise providing funds necessary to properly drain such lands, entering upon lands for the purpose of making surveys, exercising the right of eminent domain”); SDCL §46-8-2.1 (“The circuit court for the county in which a proposed water project is located has jurisdiction to issue an order permitting entry upon land for the purpose of surveying or locating the most advantageous route for works necessary to put water to beneficial use.”).

8. However, the Legislature has not granted a pipeline applicant condemnation rights for survey purposes, nor has this Court been granted such jurisdiction.

9. “The purpose of statutory construction is to discover the true intention of the law which is to be ascertained primarily from the language expressed in the statute. We are guided by the principle that a court should construe multiple statutes covering the same subject matter in such a way as to give effect to all of the statutes if possible.” *Schafer v. Deuel County*, 745 NW2d 241, 245 (SD 2006).

10. In construing the relevant statutes, there is no statutory grant of authority to allow the subject surveys and no jurisdiction granted by the Legislature to this Court for such purpose.

11. Whether a preliminary injunction should issue involves consideration of (1) the threat of irreparable harm to the movant; (2) the state of the balance between this harm and the injury that granting the injunction will inflict on other parties litigant; (3) the probability that movant will succeed on the merits; and (4) the public interest. *Dacy v. Gors*, 471 NW2d 576, 579 (SD 1991)(citing *Dataphase Systems, Inc. v. C L Systems, Inc.*, 640 F.2d 109, 113 (8th Cir. 1981)).

12. The inability of Dakota Access to survey the Defendants land may result in a slowdown of its pipeline construction project. A slowdown of construction does not constitute irreparable harm. In addition, irreparable harm is not found because the PUC has not yet decided whether to grant the permit to Dakota Access or not.

13. Dakota Access may have been able to prove the remaining factors for a preliminary injunction, but the absence of a showing of irreparable harm renders the remaining factors moot.


14. Dakota Access's Motion for Preliminary Injunction is denied.

15. If any Findings of Fact are improperly designated as such, they are hereby incorporated by reference in the Conclusions of Law. If any Conclusions of Law are improperly designated as such, they are hereby incorporated by reference in the Findings of Fact.

JUDGMENT SHALL BE ENTERED ACCORDINGLY.

Dated this 1st day of September, 2015.

BY THE COURT:


HONORABLE BRADLEY G. ZELL
CIRCUIT COURT, JUDICIAL SYSTEM
STATE OF SOUTH DAKOTA



ATTEST: **KRISTIE TORGERSON**
LINCOLN COUNTY CLERK OF COURTS

By: Karen Nelson
Deputy

[SEAL]

| | | |
|---|-----|-------------------------|
| STATE OF SOUTH DAKOTA |) | IN CIRCUIT COURT |
| |)SS | |
| COUNTY OF LINCOLN |) | SECOND JUDICIAL CIRCUIT |
| DAKOTA ACCESS, LLC, |) | |
| |) | |
| Petitioner, |) | Civ. 15-_____ |
| |) | |
| v. |) | |
| |) | |
| LINDA A. GOULET, MAVIS A. PARRY, |) | |
| JANICE E. PETERSON, CORLISS F. WIEBERS, |) | SUMMONS |
| SHIRLEY M. OLTMANS, MARILYN |) | |
| J. MURRAY, KEVIN J. SCHOFFELMAN, |) | |
| AND SOUTH LINCOLN RURAL WATER |) | |
| SYSTEM, INC., |) | |
| |) | |
| Respondents. |) | |
| |) | |

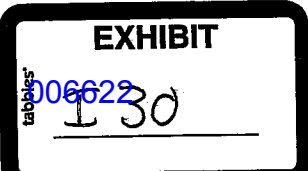
TO THE ABOVE NAMED RESPONDENTS: JANICE E. PETERSON, MAVIS A. PARRY, LINDA A. GOULET, CORLISS F. WIEBERS, SHIRLEY M. OLTMANS, MARILYN J. MURRAY, KEVIN J. SCHOFFELMAN, AND SOUTH LINCOLN RURAL WATER SYSTEM, INC.

You are hereby notified that a Verified Petition in this case was filed in the office of the clerk of the circuit court in the City of Canton, Lincoln County, South Dakota on September 22, 2015. A true copy of the Verified Petition is attached and herewith served upon you.

This case is a condemnation action brought for the purpose of taking, acquiring, and appropriating the real estate described in the Verified Petition for temporary and permanent easements, for the purposes and to the extent specified in the Verified Petition, which use has been authorized by statute and is for public use.

If you do not appear in this proceeding within thirty days after the date of service of this Summons upon you, exclusive of the date of service, Petitioner will apply to the court for an order to empanel a jury and ascertain the just compensation for the property proposed to be taken or damaged.

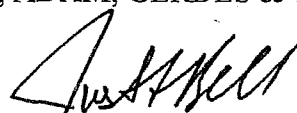
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Dated this 22nd day of September, 2015.

MAY, ADAM, GERDES & THOMPSON LLP

BY:



BRETT KOENECKE

JUSTIN L. BELL

Attorneys for Dakota Access LLC

P.O. Box 160

Pierre, SD 57501-0160

(605) 224-8803

STATE OF SOUTH DAKOTA)
COUNTY OF LINCOLN)SS
DAKOTA ACCESS, LLC,)
Petitioner,)
v.)
LINDA A. GOULET, MAVIS A. PARRY,)
JANICE E. PETERSON, CORLISS F. WIEBERS,)
SHIRLEY M. OLTMANS, MARILYN)
J. MURRAY, KEVIN J. SCHOFFELMAN,)
AND SOUTH LINCOLN RURAL WATER)
SYSTEM, INC.,)
Respondents.)

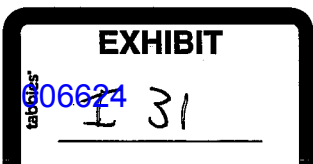
IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

Civ. 15-_____

**VERIFIED PETITION
FOR CONDEMNATION**

Dakota Access, LLC, for its Verified Petition pursuant to SDCL Ch. 21-35, states and alleges as follows:

1. Petitioner, Dakota Access, LLC, (“Dakota Access”) is a Delaware limited liability company having its principal place of business in Dallas, Texas.
2. Dakota Access proposes to construct a crude oil pipeline and related facilities to provide transportation service from points of origin in the Bakken/Three Forks play in North Dakota to a terminus in Illinois, with various potential points of destination along the pipeline.
3. The pipeline will enter South Dakota at the South Dakota-North Dakota border in Campbell County. It will extend in a southeasterly direction through portions of Campbell County, McPherson County, Edmunds County, Faulk County, Spink County, Beadle County, Kingsbury County, Miner County, Lake County, McCook County, Minnehaha County, Turner County, and Lincoln County. It will leave South Dakota at the South Dakota-Iowa border in Lincoln County.



4. Dakota Access is holding themselves out to the general public as, and is in fact, engaged in the business of transporting commodities for hire by pipeline.

5. Dakota Access is a common carrier as defined by South Dakota and federal law, and has the privilege of eminent domain pursuant to SDCL §§ 49-2-12 and 49-7-13.

6. Defendants Janice E. Peterson, Mavis A. Parry, Linda A. Goulet, Corliss F. Wiebers, Shirley M. Oltman, Marilyn J. Murray, and Kevin J. Schoffelman (hereinafter jointly referred to as "Landowners") are the owners of record of that real property located in Lincoln County, South Dakota, which is legally described as follows:

The Northwest Quarter (NW1/4) of Section 4, Township 99, Range 51 West of the 5th P.M., Lincoln County, South Dakota, described in Warranty Deed dated March 23, 2004 from John R. Schoffelman a/k/a John G. Schoffelman to Janice E. Peterson, Mavis A. Parry, Linda A. Goulet, Corliss F. Wiebers, Shirley M. Oltman, Marilyn J. Murray, Kevin J. Schoffelman, recorded under Book 110, Page 501, Deed Records, Lincoln County, South Dakota, less and except any conveyances heretofore made.

7. Upon information and belief, Dakota Access states that South Lincoln Rural Water System, Inc., claims an easement on the property described above.

8. Dakota Access has determined by a duly adopted resolution of necessity, a copy of which is attached as Exhibit 1, that it is necessary to acquire permanent and temporary easements, including survey access, over Landowners' real property for the construction and operation of the pipeline.

9. Dakota Access has been unable to acquire the necessary easements by agreement with Landowners, and therefore seeks by the Verified Petition to exercise its right of eminent domain.

10. The permanent and temporary easements sought to be acquired by Dakota Access are described in the Easement and Right-of-Way Agreement, a copy of which is attached as Exhibit 2.

11. An Easement and Right-of-Way Agreement has been presented to Landowners, but they have refused to sign it.

12. The easements sought to be acquired over the Landowners' property are depicted in Exhibit 2, generally described as a fifty foot (50') wide permanent pipeline easement, as more particularly described in Exhibit 2; (ii) a temporary construction easement one hundred feet (100') in width and any such additional areas indicated on the Exhibit 2, and (iii) an easement not to exceed twenty five feet (25') in width for access to and from the Pipeline Easement and the Temporary Construction Easement; as more particularly described in Exhibit 2, all in, over, through, across, under, and along land owned by the more particularly described as follows:

The Northwest Quarter (NW1/4) of Section 4, Township 99, Range 51 West of the 5th P.M., Lincoln County, South Dakota, described in Warranty Deed dated March 23, 2004 from John R. Schoffelman a/k/a John G. Schoffelman to Janice E. Peterson, Mavis A. Parry, Linda A. Goulet, Corliss F. Wiebers, Shirley M. Oltman, Marilyn J. Murray, Kevin J. Schoffelman, recorded under Book 110, Page 501, Deed Records, Lincoln County, South Dakota, less and except any conveyances heretofore made.

13. Under SDCL § 21-35-11, Dakota Access hereby offers to deposit with the Clerk of this Court the sum stated in its offer pursuant to SDCL § 21-35-11, a copy of which is attached as Exhibit 3, with costs to be paid to Landowners, as compensation for all of the property to be taken or damaged.

14. Dakota Access hereby agrees to pay separately for all damages to crops, roads, driveways, fences, and livestock caused by the construction or maintenance of the pipeline in the area of the permanent easement either during or after construction, as indicated in Exhibit 2.

WHEREFORE, Petitioner prays for judgment as follows:

1) That judgment be entered against Defendants granting and appropriating the easement rights described above to Petitioner;

2) That a jury be empanelled under SDCL § 21-35-1 for the purpose of determining the just compensation and damages that Defendants are entitled to receive because of the taking and appropriation;

3) The judgment be entered pursuant to SDCL § 21-35-19; and

4) For any other relief that the Court deems just and equitable.

Dated this 22nd day of September, 2015.

MAY, ADAM, GERDES & THOMPSON LLP

BY: 

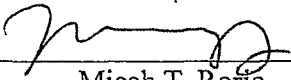
BRETT KOENECKE
JUSTIN L. BELL
Attorneys for Petitioner
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
(605) 224-8803

[Verification on Following Page]

VERIFICATION

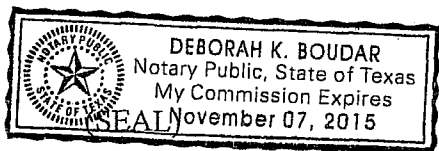
STATE OF Texas)
)SS
COUNTY OF HARRIS)

On this 15th day of September, 2015, before me, the undersigned, a Notary Public in and for the State of Texas, personally appeared Micah T. Rorie, a person authorized to execute this Verified Petition by Dakota Access, LLC, the Petitioner in the above-entitled proceeding; that affiant has read the above and foregoing Verified Petition and knows the contents thereof, and that the same is true to the best of his knowledge, information and belief; and that his signature to the foregoing instrument and action is in good faith for the uses and purposes specified in this Verified Petition.



Micah T. Rorie

Subscribed and sworn to before me this 15th day of September, 2015.



Deborah K. Boudar
Notary Public
Notary Print Name:
My Commission Expires:

UNANIMOUS WRITTEN CONSENT
OF THE BOARD OF MANAGERS
OF
DAKOTA ACCESS, LLC

August 20, 2015

The undersigned, being all the members of the Board of Managers of Dakota Access, LLC, a Delaware limited liability company (the "Company") and acting without and in lieu of a meeting, hereby unanimously consent to the adoption of the following resolutions, which will constitute the actions of the Company, and do hereby adopt such resolutions:

WHEREAS, the Company hereby finds and determines that public convenience and necessity requires the location, construction, operation and maintenance of common carrier crude oil pipeline facilities in Campbell, McPherson, Edmunds, Faulk, Spink, Beadle, Kingsbury, Miner, Lake, McCook, Minnehaha, Turner and Lincoln Counties, South Dakota, for the transportation of crude oil; and

WHEREAS, the Company is in the process of acquiring, installing and/or converting certain pipeline assets to be operated as a common carrier crude oil pipeline in the states of North Dakota, South Dakota, Iowa and Illinois, and will own, operate and maintain common carrier crude oil pipeline facilities in Campbell, McPherson, Edmunds, Faulk, Spink, Beadle, Kingsbury, Miner, Lake, McCook, Minnehaha, Turner and Lincoln Counties, South Dakota, and, in connection therewith, the Company hereby finds and determines that public convenience and necessity require and that it is necessary and in the public interest for the Company to enter upon, appropriate, take, acquire, hold and enjoy, by purchase or condemnation, permanent easements and rights-of-way, and temporary construction easements, as are necessary for: (i) the construction of one or more common carrier crude oil pipeline facilities, including, but not limited to, surveys including civil, environmental and other as required for regulatory and construction



purposes, erecting, laying, constructing, maintaining, operating, repairing, inspecting, replacing, changing the size of, abandoning in place, protecting, altering and removing crude oil gathering, transporting, compressing, measuring, treating and processing facilities, including, but not limited to, above-ground and below-ground valve settings, meters, tanks, pipes, pipelines, dehydrators, separators, pumps, compressors, generators, dew point control facilities, processing and treating equipment, launching-receiving equipment, electrical facilities, buildings and any and all other devices, equipment and structures to facilitate the operation, maintenance, repair and use of its common carrier crude oil pipeline systems; and (ii) locating, constructing, reconstructing, improving, repairing, operating, inspecting, patrolling, replacing and maintaining electric power and communication facilities (whether above or below grade, or both), or the removal thereof, now or in the future, including, but not necessarily limited to, poles, cross arms, insulators, wires, cables, conduits, hardware, transformers, switches, guy wires, anchors, antennae and other equipment, structures, material and appurtenances, access roads, and ancillary electric facilities, now or hereafter used, useful or desired in connection therewith by the Company; such line or lines being identified as the Dakota Access Pipeline commencing at a point approximately 6.2 miles South of the city of Hull, North Dakota and extending southeasterly approximately 274.7 miles to a point approximately 17.2 miles Southeast of the city of Sioux Falls, South Dakota; generally along the routes shown crosshatched on the attached Exhibit A, or as may be modified due to route changes or other unforeseen occurrences, and that public convenience and necessity require and that it is in the public interest for the Company, through one or more of the Company's duly authorized officers, agents and/or attorneys to enter upon, take, acquire, hold and enjoy, by purchase or condemnation, the land, easements, rights of way, temporary construction easements, and other interests in land convenient and necessary for the location, construction, operation, repair and maintenance of said common carrier pipeline and appurtenant facilities that may be useful, necessary or convenient thereto.

NOW, THEREFORE, BE IT RESOLVED, that public convenience and necessity require that it is necessary and in the public interest that the Company, through one or more of its duly authorized officers, agents, employees and/or attorneys, acquire, hold and enjoy, by purchase or condemnation, permanent easements and rights-of-way, and temporary construction easements, as described above, on, in, over, under, through and across certain lands in Campbell, McPherson, Edmands, Faulk, Spink, Beadle, Kingsbury, Miner, Lake, McCook, Minnehaha, Turner and Lincoln Counties, South Dakota, along the route shown cross-hatched in the attached plat.

BE IT FURTHER RESOLVED, that in the event of negotiations, to acquire the permanent easements and rights-of-way, and temporary construction easements, on, in, over, under, through or across the necessary tracts of land are unsuccessful, the officers, agents, employees and/or attorneys of the Company, be, and each individually is authorized in the name and for and on behalf of the Company to institute and file or cause to be filed and instituted condemnation proceedings to acquire for the Company said permanent easements and rights-of-way, and temporary construction easements for the public purposes and use by the Company and they are further authorized to take any and all action they deem necessary or desirable, to effectuate the purpose and intent of the foregoing Resolutions.

IN WITNESS WHEREOF, the undersigned has executed this Unanimous Written Consent of the Board of Managers as of August 20, 2015

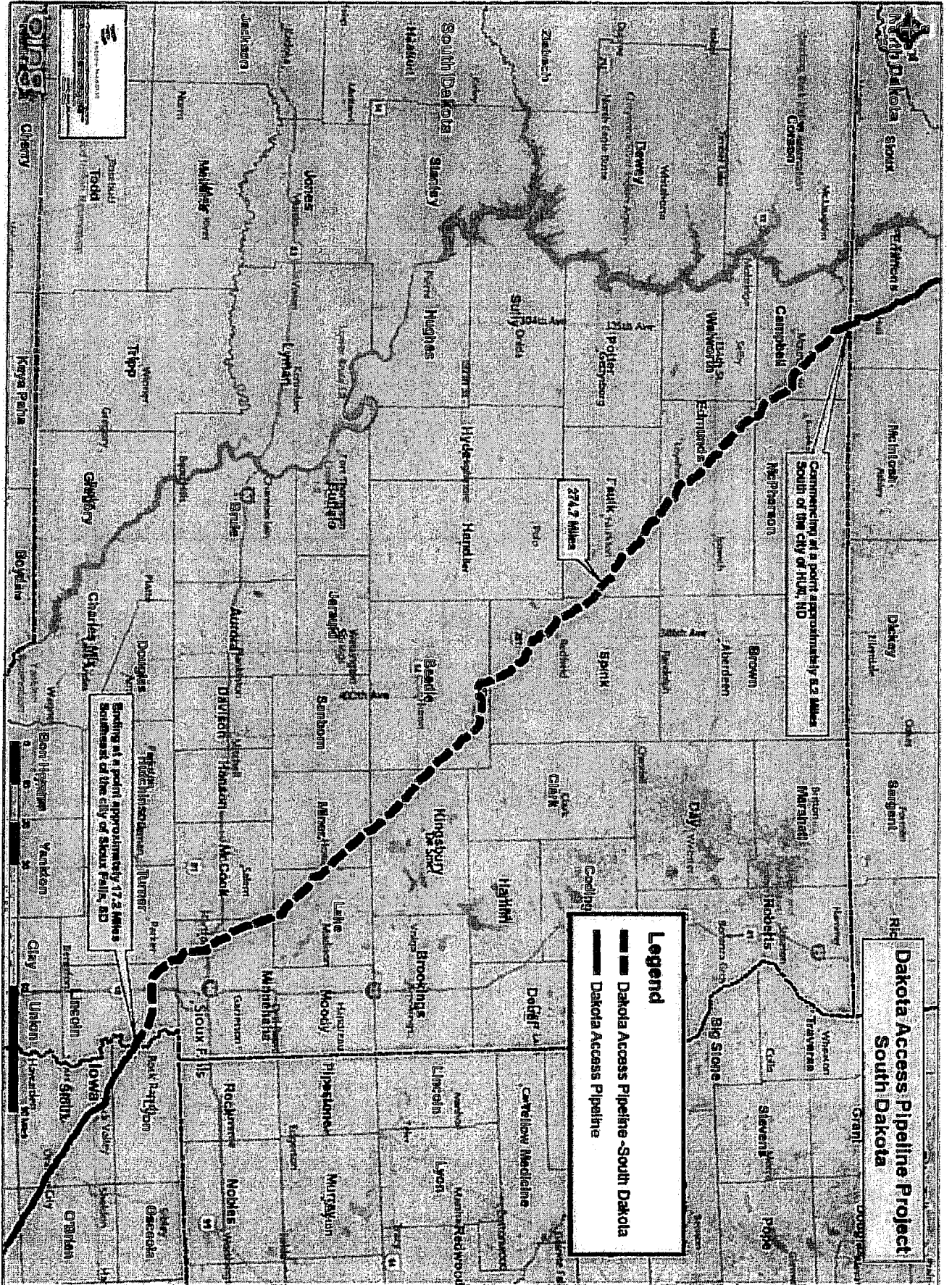


Diana Santos



Lee Hanse





Prepared by and Return to:
Micah Rorie
Dakota Access, LLC
4401 South Technology Dr., South Suite
Sioux Falls, SD 57106
(605) 277-1662

PROJECT: DAPL/Dakota Access Pipeline 30"
TRACT NUMBER: SD-LI-012.519
PARCEL ID:
COUNTY: LINCOLN

EASEMENT AGREEMENT

This easement agreement ("Agreement"), dated _____, 2015, is between that Janice Peterson, whose mailing address is 6401 Lyncrest Ave. Apt #307, Sioux Falls, SD, Mavis Parry, whose mailing address is 3 Mission Mt. Rd., Clancy, MT 59634 57108, Linda Goulet, whose mailing address is 27332 Atkins Pl Tea, South Dakota 57064, Corliss Wiebers, whose mailing address is 607 S. Elm St., Lennox, SD 57039, Shirley Oltmans, whose mailing address is 26576 466th St. Sioux Falls, SD 57106, Marilyn Murray, whose mailing address is 1416 W. Larkspur, Sioux Falls, SD 57106, Kevin Schoffelman, whose current mailing address is 712 W. 4TH Ave. Lennox South Dakota 57039 (hereinafter referred to as "Grantor", whether one or more), and Dakota Access, LLC whose mailing address is 1300 Main Street, Houston, Texas 77002, and its successors and assigns (such entity and its successors and assigns are collectively referred to as the "Grantee"). For the consideration of TEN AND No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, sells and conveys unto Grantee (i) a fifty foot (50') wide free and unobstructed permanent pipeline easement ("Pipeline Easement"), as more particularly described below, (ii) a temporary construction easement one hundred feet (100') in width and any such additional areas indicated on the Exhibit A more particularly described below ("Temporary Construction Easement"), and (iii) an easement not to exceed twenty five feet (25') in width for access to and from the Pipeline Easement and the Temporary Construction Easement ("Access Easement"). The Pipeline Easement, the Temporary Construction Easement, and the Access Easement (collectively, the "Easements") are being granted, sold, and conveyed from Grantor to Grantee for the purposes of accessing, establishing, laying, constructing, reconstructing, installing, realigning, modifying, replacing, improving, altering, substituting, operating, maintaining, accessing, inspecting, patrolling, protecting, repairing, changing the size of, relocating and changing the route or routes of, abandoning in place and removing at will one pipeline not to exceed **thirty inches (30")** in nominal diameter, and any appurtenant facilities, in, over, through, across, under, and along land owned by the Grantor (hereafter the "Grantor's Property"), which is more particularly described as follows:

The Northwest Quarter (NW1/4) of Section 4, Township 99, Range 51 West of the 5th P.M., Lincoln County, South Dakota, described in Warranty Deed dated March 23, 2004 from John R. Schoffelman a/k/a John G. Schoffelman to Janice E. Peterson, Mavis A. Parry, Linda A. Goulet, Corliss F. Wiebers, Shirley M. Oltman, Marilyn J. Murray, Kevin J. Schoffelman, recorded under Book 110, Page 501, Deed Records, Lincoln County, South Dakota, less and except any conveyances heretofore made.

Exhibit A attached hereto is a sketch drawn on a sketch or image of all or part of the Grantor's Property showing the approximate location of the Pipeline Easement, Temporary Construction Easement, and Access

Initial _____

EXHIBIT

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Easement. The precise location of the Temporary Construction Easement or "workspace" will be in an area immediately adjacent to the planned or actual Pipeline Easement and shall not exceed one hundred feet in width exclusive of the Pipeline Easement, and any such additional areas indicated on Exhibit A, if any. Within one hundred eighty (180) days following the completion of construction of the pipeline, Grantee shall supplement Exhibit A with a new Exhibit A-1 that will (a) show the definite location of the installed pipeline as determined by an as-built survey, and (b) provide the legal description of the definite location of the Pipeline Easement and the Access Easement. Unless otherwise indicated on Exhibit A-1 or in the event Grantee does not provide Exhibit A-1, the parties hereto agree that the Pipeline Easement Premises shall extend 25' outward in each direction at a 90 degree angle from the centerline of the pipeline as originally constructed. Grantor hereby agrees that Grantee shall have the right to and is hereby authorized, with or without the joinder of Grantor, to file Exhibit A-1 by affidavit, to amend this Agreement to include such new Exhibit A-1 or to attach such new Exhibit A-1 to this Agreement, and to record or re-record such affidavit, amendment or Agreement with the new Exhibit A-1. Grantee shall provide Grantor with a copy of the recorded affidavit, amendment or re-recorded Agreement.

It is further agreed as follows:

1. The right to use the Temporary Construction Easement and Pipeline Easement shall belong to the Grantee and its agents, employees, designees, contractors, guests, invitees, successors and assigns, and all those acting by or on behalf of it for the purposes of accessing, establishing, laying, constructing, reconstructing, installing, realigning, modifying, replacing, improving, altering, substituting, operating, maintaining, accessing, inspecting, patrolling, protecting, repairing, changing the size of, relocating and changing the route or routes of, abandoning in place and removing at will, in whole or in part, a pipeline, for the transportation of oil, natural gas, natural gas liquids, hydrocarbon liquids, and the products thereof, together with below-ground appurtenances (and also for pipeline markers and cathodic protection test leads which Grantee is specifically allowed to install upon the surface of the Pipeline Easement) as may be necessary or desirable for the operation of the pipeline, over, across, under and upon the Grantor's Property.

a. Grantee shall have the right to select the exact location of the Pipeline Easement and the location of the pipeline within the Pipeline Easement, such that the centerline of the pipeline may not, in all instances, lie in the middle of the Pipeline Easement as it is approximately shown in Exhibit A; but regardless of the location of the pipeline, the Pipeline Easement shall not exceed fifty feet in width.

b. The Temporary Construction Easement or workspace will be used to construct one pipeline and any appurtenant facilities in, over, through, across, under, and along the Pipeline Easement area. The term of this Temporary Construction Easement shall be for a period to extend eighteen (18) months from the date of construction commencement. However, if Grantee has completed its use of this Temporary Construction Easement prior to the eighteen (18) month period and so states in writing, then the Temporary Construction Easement shall immediately terminate. Grantee shall have the right of ingress and egress over and across the Pipeline Easement (and the Temporary Construction Easement while in effect) to survey, conduct reasonable and necessary construction activities, to remove structures and objects located within the Pipeline Easement and the Temporary Construction Easement.

2. Further, Grantee shall have the right to construct, maintain and change slopes of cuts and fills within the Pipeline Easement Area to ensure proper lateral and subjacent support for and drainage for the pipeline and appurtenant facilities related to this pipeline project.

3. Grantee shall also have the non-exclusive right of unimpeded entry and access (hereafter "Access Easement") in, to, through, on, over, under, and across the Grantor's Property for all purposes necessary and at all times convenient and necessary to exercise the rights granted to it by this Agreement. The approximate location of the Access Easement, if it involves property other than the Pipeline Easement and any existing roads on Grantor's Property, may be shown on Exhibit A and definitely located and described on the subsequent as-built survey and Exhibit A-1. If Grantor erects any fences across the Access Easement or Pipeline Easement (if permitted in accordance with other terms and conditions of this Agreement), Grantor must install a gate, and if any gate across the Access Easement is locked, Grantor must supply Grantee with a key. Grantor shall allow Grantee to install its own lock if Grantee so chooses, provided that the method of locking the gates allows both Grantor and Grantee to use its/his/her own key or lock to open the gate without further assistance.

Initial _____

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4. The consideration paid by Grantee in this agreement includes the market value of the Easements, both permanent and temporary, conveyed by Grantor and any and all damages to the Grantor's Property, excluding the Easements. Grantor has been paid (or, if leased, Grantor's tenant has been paid) for all damages caused to growing crops on the Pipeline Easement, Temporary Construction Easement, and Access Easement. However, Grantee will pay Grantor (or if leased to Grantor's tenant) for any damages caused to livestock due to Grantee's construction activities during the periods of the original construction of the pipeline.

5. Grantee will, insofar as practicable, restore the ground disturbed by the Grantee's use of the Pipeline Easement and will construct and maintain soil conservation devices on the Pipeline Easement as may be reasonably required to prevent damage to the property of Grantor from soil erosion resulting from operations of Grantee hereunder. Grantee shall leave the surface of the Temporary Construction Easement, Pipeline Easement, or Access Easement as nearly as reasonably possible as it was prior to the use of same and will restore all fences as nearly as possible to as good, or better, condition as they were prior to the use of said Easements and completion of the work for which said use was made, except for that part of the property within the Easements that is permanently altered in accordance with rights given under this Agreement.

6. Grantor may use the Easements for any and all purposes not inconsistent with the purposes set forth in this Agreement. Grantor's uses may include but shall not be limited to using those easement areas for agricultural, open space, set-back, density, street and roadway purposes, provided that any such use is not otherwise prohibited by applicable law and provided that such use does not cause a safety hazard or unreasonably interfere with Grantee's rights under this Agreement. Grantor is permitted, after review and approval by Grantee, to construct any and all streets and roadways, at any angle of not less than forty five (45) degrees to Grantee's pipeline, across the Pipeline Easement which do not damage, destroy or alter the operation of the pipeline and its appurtenant facilities. Grantor may also construct and/or install, upon Grantee's review and approval, water, sewer, gas, electric, cable TV, telephone or other utility lines across the Pipeline Easement at any angle of not less than forty five (45) degrees to Grantee's pipeline, provided that all of Grantee's required and applicable spacings, including depth separation limits and other protective requirements are met by Grantor. The use of the Pipeline Easement by Grantor shall be regulated by all appropriate ordinances, regulations, resolutions or laws of the governmental entity with authority over the Pipeline Easement. Grantor must notify Grantee in writing before streets, roadways, utilities or other encroachments are installed.

7. Grantor may not use any part of the Easements in a way that may damage, destroy, injure, and/or interfere with the Grantee's right to use said Easements for the purposes set forth in this Agreement. Grantor is not permitted to conduct any of the following activities on the Easements without the written permission of Grantee: (1) construct or permit the construction or installation of any temporary or permanent building or site improvements, other than streets and roads; (2) drill or operate any well; (3) remove soil or change the grade or slope; (4) impound surface water; or (5) plant trees or landscaping. Grantor further agrees that no above or below ground obstruction that may interfere with the purposes for which the Easements under this Agreement are being acquired may be placed, erected, installed or permitted to exist without the written permission of Grantee. In the event the terms of this paragraph are violated, such violation shall immediately be eliminated upon receipt of written notice from Grantee or Grantee shall have the immediate right to correct or eliminate such violation at the sole expense of Grantor. Grantor shall promptly reimburse Grantee for any expense related thereto. Grantor further agrees that it will not interfere in any manner with the purposes for which the easements under this Agreement are conveyed. Any improvements, whether above or below ground, installed by Grantor subsequent to the date that Grantee acquires possession of the Easements, may be removed by Grantee without liability to Grantor for damages.

8. Grantee has the right to trim or cut down or eliminate trees or shrubbery to the extent, in the sole judgment of Grantee, its successors and assigns, as may be necessary to prevent possible interference with its rights under this Agreement, including the operation of the pipeline and to remove possible hazards thereto, and the right to remove or prevent the construction of, any and all buildings, structures, reservoirs or other obstructions on the Easements which, in the sole judgment of the Grantee, may endanger or interfere with the efficiency, safety, or convenient operation of the pipeline and appurtenant facilities or use of the Easements.

Initial _____

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9. Grantor shall retain all the rights to oil, gas, and other minerals in, on and under the Easements; provided, however, that Grantor shall not be permitted to drill or operate equipment for the production or development of minerals on the Easements, but it will be permitted to extract the oil and other minerals from and under the Easements by directional drilling and other means, so long as such activities do not damage, destroy, injure, and/or interfere with the Grantee's use of the Easements for the purposes for which the Easements are being sought by Grantee.

10. Upon completion of the project construction, permanent fencing destroyed or disturbed by project construction activities shall be installed by Grantee, at its sole expense, along the same alignment and approximate location of the Grantor's existing fences. Grantee and its designated contractors, employees and invitees agree to keep all gates in fences closed at all times so that cattle, horses and/or other livestock located on the remainder portion of Grantor's Property cannot stray from the fenced pastures.

11. Grantee agrees that after it has exercised its rights to use the Easements in any manner that disturbs the surface of the Easements, it will restore the surface to the condition in which it was in prior to the immediately preceding use of the Easement, except as the surface may be permanently modified in accordance with the rights granted under this Agreement.

12. Grantee hereby agrees to indemnify and hold Grantor harmless from and against any claim or liability or loss from personal injury, property damage resulting from or arising out of the use of the Easements by Grantee, its servants, agents or invitees, excepting, however, such claims, liabilities or damages as may be due to or caused by the acts of Grantor, or its servants, agents or invitees.

13. Grantee shall have the right to assign this Agreement, as amended from time to time, and the Easements granted under it, in whole or in part, to one or more assignees. The Pipeline Easement and Access Easement shall be in perpetuity, and provisions of this Agreement, including all benefits and burdens, shall run with the land. The undersigned Grantor(s) warrant(s) that it/he/she/they is/are the owner(s) of Grantor's Property and has/have authority to execute this Agreement on behalf of Grantor. Grantor hereby binds himself/herself/themselves/itself, his/her/their/its heirs, assigns, devisees, successors, and legal representatives to warrant and forever defend all and singular the above described Easements and rights, unto the said Grantee, and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

14. Notwithstanding any rule of law or equity, unless otherwise sold, bartered or conveyed to another party, the pipeline and all related infrastructure and facilities shall at all times remain the property of the Grantee notwithstanding that the pipeline or those facilities may be annexed or affixed to the freehold or abandoned in place by Grantee.

15. This Agreement and the Easements granted under it shall be interpreted in accordance with the laws of South Dakota and all applicable federal laws.

16. This Agreement may be signed in counterparts and all such counterparts shall be deemed as originals and binding upon each party executing any counterpart and upon his/her/their/its respective heirs, devisees, representatives, successors and assigns. This Agreement, Exhibit A, and subsequent Exhibit A-1 and the as-built survey, may be recorded in the real estate records of the county or counties where Grantor's Property lies.

17. This Agreement contains the entire agreement between the parties and there are not any other representations or statements, verbal or written that have been made modifying, adding to, or changing the terms of this Agreement.

18. If any provision of this Agreement is invalid under any applicable statute or is declared invalid by a court of competent jurisdiction, then that provision shall be deemed to be severed here from and the remainder of this Agreement shall continue in full force and effect and shall be construed to the furthest extent legally possible so as to accomplish the purposes set forth in this Agreement

Initial _____

006636

EXECUTED this _____ day of _____, 2015.

GRANTOR:

Janice E. Petterson

GRANTOR:

Mavis A. Parry

GRANTOR:

Linda A. Goulet

GRANTOR:

Corliss F. Wiebers

GRANTOR:

Shirley M. Oltmans

GRANTOR:

Marilyn J. Murray

GRANTOR:

Kevin J. Schoffelman

ACKNOWLEDGMENT

State of _____)
County of _____) ss

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person(s) whose name is subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

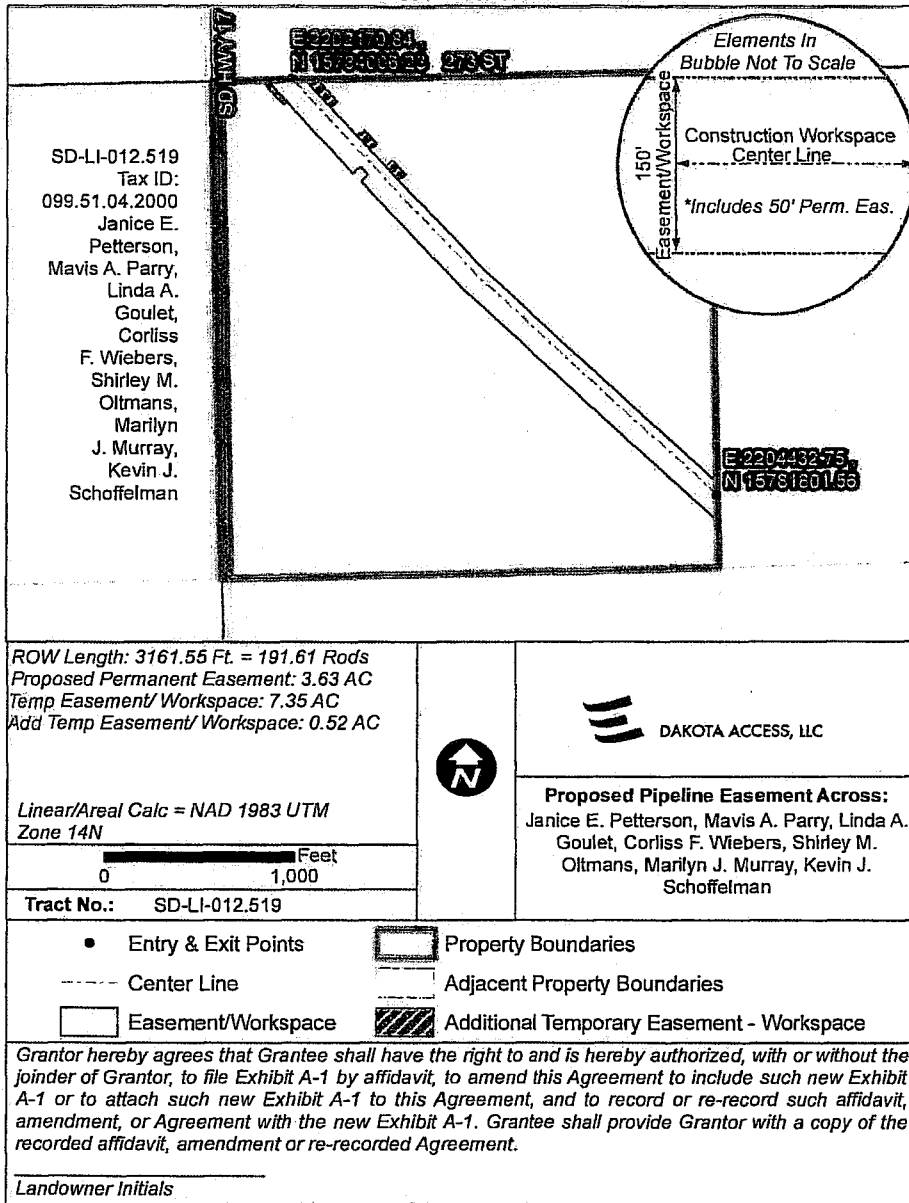
IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2015.

Notary Public

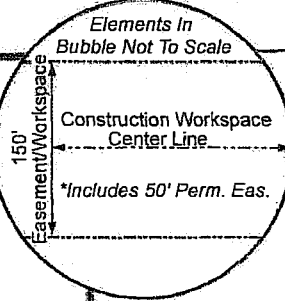
My Commission Expires: _____

Initial _____

Exhibit A
LINCOLN COUNTY, SD
S04-R51W-T99N



SD-LI-012.519
 Tax ID:
 099.51.04.2000
 Janice E.
 Petterson,
 Mavis A. Parry,
 Linda A.
 Goulet,
 Corliss
 F. Wiebers,
 Shirley M.
 Oltmans,
 Marilyn
 J. Murray,
 Kevin J.
 Schoffelman



E 2204432-75
 N 15781601-53

ROW Length: 3161.55 Ft. = 191.61 Rods
 Proposed Permanent Easement: 3.63 AC
 Temp Easement/ Workspace: 7.35 AC
 Add Temp Easement/ Workspace: 0.52 AC



Proposed Pipeline Easement Across:
 Janice E. Petterson, Mavis A. Parry, Linda A.
 Goulet, Corliss F. Wiebers, Shirley M.
 Oltmans, Marilyn J. Murray, Kevin J.
 Schoffelman

Linear/Areal Calc = NAD 1983 UTM
 Zone 14N



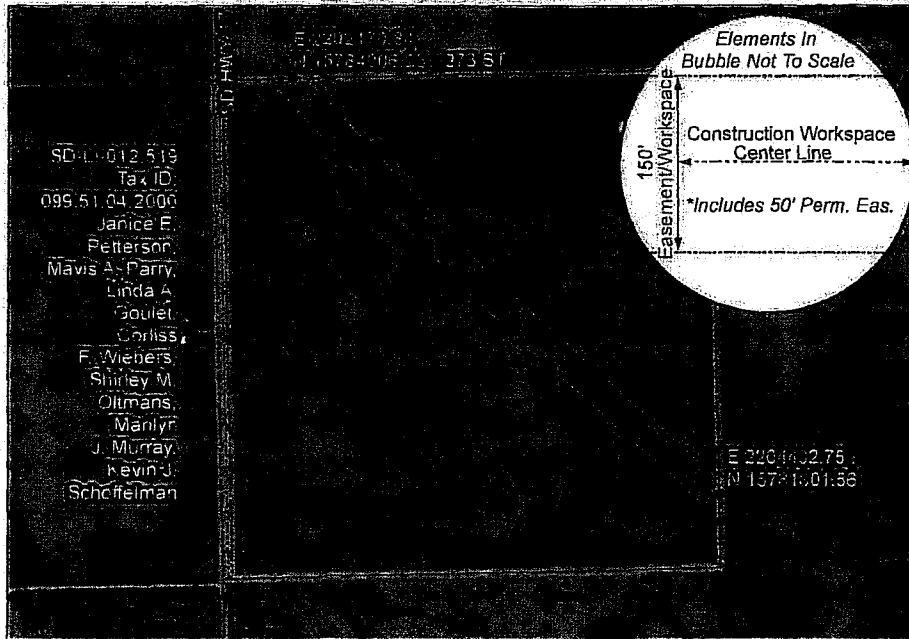
Tract No.: SD-LI-012.519

- Entry & Exit Points
- Center Line
- Easement/Workspace
- ▭ Property Boundaries
- ▭ Adjacent Property Boundaries
- ▨ Additional Temporary Easement - Workspace

Grantor hereby agrees that Grantee shall have the right to and is hereby authorized, with or without the joinder of Grantor, to file Exhibit A-1 by affidavit, to amend this Agreement to include such new Exhibit A-1 or to attach such new Exhibit A-1 to this Agreement, and to record or re-record such affidavit, amendment, or Agreement with the new Exhibit A-1. Grantee shall provide Grantor with a copy of the recorded affidavit, amendment or re-recorded Agreement.

Landowner Initials _____

Exhibit A
LINCOLN COUNTY, SD
S04-R51W-T99N



| | | |
|--|--|--|
| <p>ROW Length: 3161.55 Ft. = 191.61 Rods Proposed Permanent Easement: 3.63 AC Temp Easement/ Workspace: 7.35 AC Add Temp Easement/ Workspace: 0.52 AC</p> <p>Linear/Areal Calc = NAD 1983 UTM Zone 14N</p> <p>0 1,000 Feet</p> <p>Tract No.: SD-LI-012.519</p> | | <p align="center"> DAKOTA ACCESS, LLC </p> <p>Proposed Pipeline Easement Across: Janice E. Peterson, Mavis A. Parry, Linda A. Goulet, Corliss F. Wiebers, Shirley M. Oltmans, Marilyn J. Murray, Kevin J. Schoffelman</p> |
|--|--|--|

- Entry & Exit Points
- Center Line
- Easement/Workspace
- Property Boundaries
- Adjacent Property Boundaries
- ▨ Additional Temporary Easement - Workspace

Grantor hereby agrees that Grantee shall have the right to and is hereby authorized, with or without the joinder of Grantor, to file Exhibit A-1 by affidavit, to amend this Agreement to include such new Exhibit A-1 or to attach such new Exhibit A-1 to this Agreement, and to record or re-record such affidavit, amendment, or Agreement with the new Exhibit A-1. Grantee shall provide Grantor with a copy of the recorded affidavit, amendment or re-recorded Agreement.

Landowner Initials _____

273rd St






273rd St

State Hwy 17

466th Ave

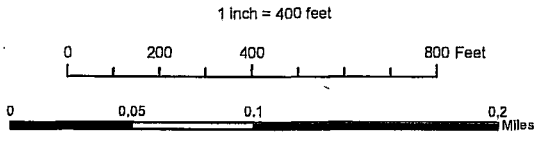
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Image courtesy of USGS Earthstar Geographics SIO © 2015 Microsoft Corporation © 2015 HERE © AND

-  Permanent Easement
-  Temporary Easement
-  Placed Properties
-  DAPL Environmental Waters of US Line
-  DAPL Environmental Wetlands

| | | |
|----------------------------------|-----------------------------|---------------|
| Dakota Access Pipeline | Date: 08/18/2015 | Page 1 of 1 |
| Owner: LINDA A. GOULET | Tract ID: | SD-LI-012.519 |
| Permanent Easement Acreage: 3.62 | Temporary Easement Acreage: | 7.86 |

Short Legal: 1NW/4 of Section 4, Township 99 N,
Range 51 W, Lot 1-2, Lincoln County, South Dakota




DAKOTA ACCESS, LLC



WOOD GROUP
MUSTANG, INC.

EXHIBIT 3

Pursuant to SDCL § 21-35-11, Dakota Access, LLC hereby offers to deposit with the clerk of this court the \$112,178.60 to be paid to defendants or other parties entitled thereto as compensation for all of the property taken or damaged in the Petition. If the defendants fail to accept this offer by filing notice of acceptance with the clerk of the court within ten days after service of the offer, it is deemed withdrawn and cannot be given in evidence. If the Defendants fail to obtain a judgment for a greater sum of money than offered in this offer, they cannot recover costs.

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

HP14-002

PRE-FILED TESTIMONY OF
Sue Sibson

STATE OF SOUTH DAKOTA)

SS

COUNTY OF Miner)

1 Sue Sibson, being first duly sworn on his/her oath, deposes and states as follows:

2 Please state your name and address.

3 Sue Sibson

4 23782 426th Ave

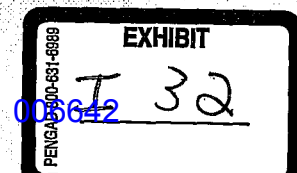
5 Howard SD

6
7
8 How are you involved with the Dakota Access Pipeline project?

9 My Husband, Mike, and I are members of Dakota Rural Action. The DRA opposes
10 the proposed Dakota Access pipeline.

11
12 Please state any other concerns you have regarding the Dakota Access Pipeline.

13
14 My husband, Mike Sibson, and I have TransCanada's Keystone One pipeline buried
15 on our land since 2009.



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The concerns we have in regards to the Dakota Access Pipeline.
If the Dakota Access landowner construction agreements and SD PUC conditions are followed like they were on our land. All of the landowners will still be dealing with irreparable land issues years later as we are.
SD PUC condition #11 sets forth TransCanada's obligation for reclamation and maintenance of the right away, which shall continue throughout the life of the pipeline. We have been asked to sign off on TransCanada's attempts at reclamation of our land on two separate occasions. TransCanada has the obligation to get our land reclamation done correctly which six years later they have failed to do. We will continue with our decision not to sign off. We want TransCanada held responsible for the conditions set by the SD PUC. Landowners should not have to bear the burden to make a pipeline company follow SD PUC conditions.

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

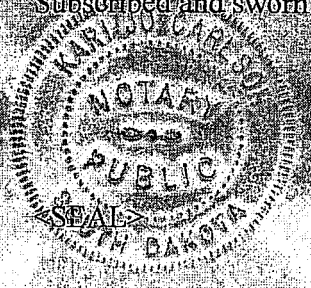
YES

Does that conclude your testimony?

Yes.

Aue Gibson

Subscribed and sworn before me this 6th day of July, 2015.



Karl J. Carlson
Notary Public - South Dakota
My Commission Expires 03-03-2018

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

HP14-002

CERTIFICATE OF SERVICE

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

Glenn J. Boomsma of Breit Law Office, P.C. hereby certifies that on the 28th day of September, 2015, Exhibits I 1 through I 32 listed below were served upon those listed on the attached PUC Service List via Electronic Filing on September 28, 2015:

- I 1 – Pre-Filed Testimony Of Matthew L. Anderson;
- I 2 – Pre-Filed Testimony Of Ruth E. Arends, Allan C. Arends, Lorrie L. Bacon, and Sherrie K. Fines-Tracy;
- I 3 – Pre-Filed Testimony Of Delores (Andreessen) Assid;
- I 4 – Pre-Filed Testimony Of Orrin Geide;
- I 5 – Pre-Filed Testimony Of Linda Ann Goulet;
- I 6 – Pre-Filed Testimony Of Margaret (Andreessen) Hilt;
- I 7 – Pre-Filed Testimony Of Rod & Joy Hohn;
- I 8 – Pre-Filed Testimony Of Peggy Hoogestraat (8-12-15);
- I 9 – Pre-Filed Testimony Of Peggy Hoogestraat (6-24-15)
- I 10 – Pre-Filed Testimony Of Laurie Kunzelman;
- I 11 – Pre-Filed Testimony Of Kent Moeckly;
- I 12 – Pre-Filed Testimony Of Marilyn Jean Murray;

- I 13 – Pre-Filed Testimony Of Shirley Mae Oltmanns;
- I 14 – Pre-Filed Testimony Of Mavis Arlene Parry;
- I 15 – Pre-Filed Testimony Of Janice Elaine Petterson (8-14-15);
- I 16 – Pre-Filed Testimony Of Janice Elaine Petterson (6-25-15);
- I 17 – Pre-Filed Testimony Of Kevin John Schoffelman;
- I 18 – Pre-Filed Testimony Of Sue Sibson (8-13-15);
- I 19 – Pre-Filed Testimony Of Devona B. Smith;
- I 20 – Pre-Filed Testimony Of Nancy J. Stofferahn;
- I 21 – Pre-Filed Testimony Of Ronald H. Stofferahn;
- I 22 – Pre-Filed Testimony Of Thomas E. Stofferahn;
- I 23 – Pre-Filed Testimony Of Brian Top;
- I 24 – Pre-Filed Testimony Of Corliss Faye Wiebers;
- I 25 – Final Offer Letters from Dakota Access Pipeline;
- I 26 – Order Granting Motion To Dismiss And Denying Motion For Preliminary Injunction (Lincoln County CIV 15-138) 9-2-15;
- I 27 – Proposed Findings Of Fact And Conclusions Of Law (Lincoln County CIV 15-138) 9-2-15;
- I 28 – Order Denying Plaintiff's Motion For Preliminary Injunction (Lincoln County CIV. 15-145) 9-2-15;
- I 29 – Proposed Findings Of Fact And Conclusions Of Law (Lincoln County CIV 15-145) 9-2-15;
- I 30 – Summons 9-22-15;
- I 31 – Verified Petition For Condemnation 9-22-15; and
- I 32 – Pre-Filed Testimony Of Sue Sibson (7-6-15).

BREIT LAW OFFICE, PC

By /s/ Glenn J. Boomsma
Attorney for Peggy Hoogestraat, Matthew
Anderson, Kristi Anderson, Nancy
Stofferahn, Tom Stofferahn, Ron Stofferahn,
Kevin Schoffelman, Mavis Parry, Shirley
Oltmanns, Janice Petterson, Corlis Wiebers,
Linda Goulet, Marily Murray, Lori
Kunzelman, Joy Hohn, Rodney Hohn, Orrin
Geide, Doug Bacon, Margaret Hilt, Devona
Smith, Al Arends, Sherrie Fines-Tracy,
Delores Assid, and Ruth E. Arends
606 E. Tan Tara Circle
Sioux Falls, SD 57108
(605) 336-8234

Commission Dockets | previous page

Service List
HP14-002

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
patty.vangerpen@state.sd.us
(605) 773-3201 - voice

Ms. Kristen Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Kristen.edwards@state.sd.us
(605) 773-3201 - voice

Ms. Karen E. Cremer
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
karen.cremer@state.sd.us
(605) 773-3201 - voice

Mr. Brian Rounds
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
brian.rounds@state.sd.us
(605) 773-3201- voice

Mr. Darren Kearney
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
darren.kearney@state.sd.us
(605) 773-3201 - voice

Mr. Brett Koenecke - representing Dakota Access, LLC
May, Adam, Gerdes and Thompson, LLP
PO Box 160
Pierre, SD 57501
Brett@mayadam.net
(605) 224-8803 - voice
(605) 224-6289 - fax

Ms. Kara Semmler - representing Dakota Access, LLC
May, Adam, Gerdes and Thompson, LLP
PO Box 160
Pierre, SD 57501
kcs@magt.com
(605) 224-8803 - voice
(605) 224-6289 - fax

006647

Mr. Tom Siguaw
Senior Project Director - Engineering
Dakota Access, LLC
1300 Main Street
Houston, TX 77002
tom.siguaw@energytransfer.com
(713) 989-2841 - voice
(713) 989-1207 - fax

Mr. Keegan Pieper
Associate General Counsel
Dakota Access, LLC
1300 Main Street
Houston, TX 77002
keegan.pieper@energytransfer.com
(713) 989-7003 - voice
(713) 989-1212 - fax

Mr. Stephen Veatch
Senior Director - Certificates
Dakota Access, LLC
1300 Main Street
Houston, TX 77002
Stephen.veatch@energytransfer.com
(713) 989-2024 - voice
(713) 989-1205 - fax

Mr. Joey Mahmoud
Senior Vice President - Engineering
Dakota Access, LLC
1300 Main Street
Houston, TX 77002
Joey.mahmoud@energytransfer.com
(713) 989-2710 - voice
(713) 989-1207 - fax

Mr. Jack Edwards
Project Manager
Dakota Access, LLC
4401 S. Technology Dr.
South Suite
Sioux Falls, SD 57106
Jack.edwards@energytransfer.com
(844) 708-2639 - voice

Ms. Jennifer Guthmiller
McPherson County Auditor
PO Box 390
Leola, SD 57456
mcpersonaud@valleytel.net
(605) 439-3314 - voice

Mr. Keith Schurr
Edmunds County Auditor
PO Box 97
Ipswich, SD 57451
Keith.schurr@state.sd.us
(605) 426-6762 - voice

Ms. Kelly Toennies
Faulk County Auditor
PO Box 309

006648

Faulkton, SD 57438
Kelly.toennies@state.sd.us
(605) 598-6224 - voice

Ms. Theresa Hodges
Spink County Auditor
210 E. Seventh Ave.
Redfield, SD 57469
spinkcoauditor@nrctv.com
(605) 472-4580 - voice

Ms. Jill Hanson
Beadle County Auditor
Suite #201
450 Third St. SW
Huron, SD 57350
auditor@beadlesd.org
(605) 353-8400 - voice

Ms. Jennifer Albrecht
Kingsbury County Auditor
PO Box 196
DeSmet, SD 57231
Jennifer.albrecht@state.sd.us
(605) 854-3832 - voice

Ms. Susan Connor
Miner County Auditor
PO Box 86
Howard, SD 57349
minerauditor@minercountysd.org
(605) 772-4671 - voice

Ms. Roberta Janke
Lake County Auditor
200 E. Center St.
Madison, SD 57042
lakeauditor@lakecountysd.com
(605) 256-7600 - voice

Ms. GERALYN SHERMAN
McCook County Auditor
PO Box 190
Salem, SD 57058
mccookaud@triotel.net
(605) 425-2791 - voice

Mr. Bob Litz
Minnehaha County Auditor
415 N. Dakota Ave.
Sioux Falls, SD 57104
blitz@minnehahacounty.org
(605) 367-4220 - voice

Ms. Sheila Hagemann
Turner County Auditor
PO Box 370
Parker, SD 57053
turcoaud@iw.net
(605) 297-3153 - voice

Ms. Marlene Sweeter
Lincoln County Auditor
104 N. Main St.
Canton, SD 57013
auditor@lincolncountysd.org
(605) 764-2581 - voice

Ms. Lisa Schaeffbauer
Campbell County Auditor
PO Box 37
Mound City, SD 57646
campbellcommission@yahoo.com
(605) 955-3366 - voice

Ms. Karla Engle
Special Assistant Attorney General
South Dakota Department of Transportation
700 E. Broadway Ave.
Pierre, SD 57501-2586
karla.engle@state.sd.us
(605) 773-3262 - voice

Mr. Scott Pedersen
Chairman
Lake County
200 E. Center St.
Madison, SD 57042
lakegovt@lakecountysd.com
(605) 256-7600 - voice

Mr. Manuel J. de Castro, Jr.
Attorney
Lake County States Attorney
200 E. Center St.
Madison, SD 57042
lakesa2@lakecountysd.com
(605) 256-7630 - voice

General Manager
WEB Water Development Association, Inc.
PO Box 51
Aberdeen, SD 57402
office@webwater.org
(605) 229-4749 - voice

Mr. Randy Kuehn
17940 389th Ave.
Redfield, SD 57469
rikfarms@gmail.com
(605) 472-1492 - voice

Mr. Jim Schmidt
Chairman
Lincoln County Board of Commissioners
104 N. Main, Ste. 110
Canton, SD 57013-1703
Auditor@lincolncountysd.org
(605) 764-2581

Mr. Michael F. Nadolski - Representing Lincoln County Board of Commissioners
Attorney

006650

Lincoln County
Ste. 200
104 N. Main
Canton, SD 57077
mnadolski@lincolncountysd.org
(605) 764-5732 - voice
(605) 764-2931 - fax

Mr. Bret Merkle - Representing Pente Farms, LLC; KKKP Property, LLLP; Pederson Ag, LLC; Calvin Schreiber; DLK&M, LLC; Jean Osthus; and Daniel & Marcia Hoiland
Merkle Law Firm
PO Box 90708
Sioux Falls, SD 57109-0708
bret@merklelaw.com
(605) 339-1420 - voice

Ms. Cindy Heiberger
Commission Chairman
Minnehaha County
415 N. Dakota Ave.
Sioux Falls, SD 57104
cjepsen@minnehahacounty.org
(605) 367-4220 - voice

Mr. Kersten Kappmeyer
Attorney
Minnehaha County
415 N. Dakota Ave.
Sioux Falls, SD 57104
kkappmeyer@minnehahacounty.org
(605) 367-4226 - voice
(605) 367-4306 - fax

Mr. Glenn J. Boomsma - Representing: Peggy A. Hoogestraat, Kevin J. Schoffelman, Linda Goulet, Corlis Wiebers, Mavis Parry, Shirley Oltmanns, Janice E. Petterson, Marilyn Murray, Delores Andreessen Assid, Joy Hohn, and Orrin E. Geide
Attorney
Breit Law Office, P.C.
606 E. Tan Tara Circle
Sioux Falls, SD 57108
glenn@breitlawpc.com
(605) 336-8234 - voice
(605) 336-1123 - fax

Ms. Peggy A. Hoogestraat
27575 462nd Ave.
Chancellor, SD 57015
gardengalpeggy@gmail.com
(605) 647-5516 - voice

Ms. Joy A. Hohn
46178 263rd St.
Hartford, SD 57033
rjnchohn@gmail.com
(605) 212-9256 - voice

Ms. Marilyn J. Murray
1416 S. Larkspur Trl.
Sioux Falls, SD 57106
murrayma1@sio.midco.net
(605) 321-3633 - voice

006651

Mr. Larry A. Nelson - Representing: City of Hartford
Frieberg, Nelson and Ask, L.L.P.
PO Box 38
Canton, SD 57013
lnelson@frieberglaw.com
(605) 987-2686 - voice

Ms. Teresa Sidel
City Administrator
City of Hartford
125 N. Main Ave.
Hartford, SD 57033
cityhall@hartfordsd.us
(605) 528-6187 - voice

Ms. Linda Glaeser
Manager
Rocky Acres Land Investment, LLC
27324 91st Ave. E.
Graham, WA 98338
lglaeser@seattlecca.org
lmglaeser@wwdb.org
(253) 670-1642 - voice

Ms. Linda Goulet
27332 Atkins Pl.
Tea, SD 57064
45lgoulet@gmail.com
(605) 359-3822 - voice

Mr. Dale E. Sorenson
Dale E. Sorenson Life Estate
45064 241st St.
Madison, SD 57042
a77man@msn.com
(605) 480-1386 - voice

Ms. Kimberly Craven - Representing Dakota Rural Action and Indigenous Environmental Network
(IEN)
3560 Catalpa Way
Boulder, CO 80304
kimecraven@gmail.com
(303) 494-1974 - voice

Ms. Sabrina King
Community Organizer
Dakota Rural Action
518 Sixth Street, #6
Rapid City, SD 57701
sabrina@dakotarural.org
(605) 716-2200 - voice

Mr. Frank James
Staff Director
Dakota Rural Action
PO Box 549
Brookings, SD 57006
fejames@dakotarural.org
(605) 697-5204 - voice
(605) 697-6230 - fax

006652

Ms. Debra K., Mr. Duane H. & Mr. Dennis S. Sorenson
24095 451st Ave.
Madison, SD 57042
stubbyfarmer@yahoo.com
(605) 480-1370 - Debra Sorenson - voice
(605) 480-1162 - Duane Sorenson - voice
(605) 480-1055 - Dennis Sorenson - voice

Mr. Douglas Sorenson
24095 451st Ave.
Madison, SD 57042
plowboy@svtv.com
(605) 480-1385 - voice

Mr. William Haugen
Haugen Investments LP
PO Box 545
Hartford, SD 57033
wh401889@hotmail.com
(605) 359-9081 - voice

Mr. Phillip Fett
PO Box 572
Lennox, SD 57039
vonfett529@gmail.com
(605) 366-7155 - voice

Mr. Orrin E. Geide
46134 263rd St.
Hartford, SD 57033
(605) 261-4815 - voice

Ms. Shirley M. Oltmanns
26576 466th Ave.
Sioux Falls, SD 57106
ssoltm@gmail.com
(605) 941-0005 - voice

Mr. Bradley F. Williams
1044 Overlook Rd.
Mendota Heights, MN 55118
bwilliams@bestlaw.com
(612) 414-4950 - voice

Mr. Craig L. & Ms. Dotta-Jo A. Walker
733 NE 15th St.
Madison, SD 57042
court_walker@hotmail.com
(605) 256-0263 - voice

Mr. Kevin J. Schoffelman
712 W. Fourth Ave.
Lennox, SD 57039
kischoff@outlook.com
(605) 310-7062 - voice

Ms. Diane Best
Attorney
City of Sioux Falls
224 W. Ninth St.
Sioux Falls, SD 57117-7402

dbest@siouxfalls.org
(605) 367-8600 - voice

Mr. Charles J. Johnson
45169 243rd St.
Madison, SD 57042
c-bjohnson@svtv.com
(605) 270-2665 - voice

Ms. Janice E. Petterson
6401 S. Lyncrest Ave., Apt. 307
Sioux Falls, SD 57108
grmjarp@sio.midco.net
(605) 201-6897 - voice

Ms. Corliss F. Wiebers
607 S. Elm St.
PO Box 256
Lennox, SD 57039
wiebersco@gmail.com
(605) 647-2634 - voice

Mr. Paul A Nelsen
46248 W. Shore Pl.
Hartford, SD 57033
paul@paulnelsenconstruction.com
(605) 366-1116 - voice

Mr. Paul F. Seamans
27893 244th St.
Draper, SD 57531
jackknife@goldenwest.net
(605) 669-2777 - voice

Delores Andreessen Assid
c/o Laurie Kunzelman
3604 E. Woodsedge St.
Sioux Falls, SD 57108
(605) 321-5539 - voice

Mr. John Wellnitz
305 A St.
Osceola, SD 57353
johnwellnitz@gmail.com
(605) 350-5431 - voice

Mr. John Stratmeyer
46534 272nd St.
Tea, SD 57064
(605) 261-5572 - voice

Mr. Lorin L. Brass
46652 278th St.
Lennox, SD 57039
brass@iw.net
(605) 759-5547 - voice

Mr. Tom Goldtooth
Executive Director
Indigenous Environmental Network
ien@igc.org

006654

Mr. Dallas Goldtooth
Community Organizer
Indigenous Environmental Network
goldtoothdallas@gmail.com

Mr. Matthew L. Rappold - Representing: RST-Sicangu Oyate Land Office
and RST- Sicangu Lakota Treaty Office
Rappold Law Office
816 Sixth St.
PO Box 873
Rapid City, SD 57709
Matt.rappold01@gmail.com
(605) 828-1680 - voice

Ms. Paula Antoine
RST-Sicangu Oyate Land Office
PO Box 658
Rosebud, SD 57570
wopila@gwtc.net
(605) 747-4225 - voice

Mr. Royal Yellow Hawk
RST- Sicangu Lakota Treaty Office
PO Box 430
Rosebud, SD 57570
yellowhawkroyal@yahoo.com
(605) 856-2998 - voice

Ms. Thomasina Real Bird - Representing - Yankton Sioux Tribe
Attorney
Fredericks Peebles & Morgan LLP
1900 Plaza Dr.
Louisville, CO 80027
trealbird@ndnlaw.com
(303) 673-9600 - voice

Ms. Jennifer S. Baker – Representing Yankton Sioux Tribe
Attorney
Fredericks Peebles & Morgan LLP
1900 Plaza Dr.
Louisville, CO 80027
Jbaker@ndnlaw.com
303-673-9600 - voice
303-673-9155 – fax

Ms. Mavis A. Parry
3 Mission Mtn. Rd.
Clancy, MT 59634
mavisparry@hotmail.com
(406) 461-2163 - voice

Ms. Margo D. Northrup - Representing: South Dakota Association of Rural Water Systems, Inc.
Attorney
Riter, Rogers, Wattier & Northrup LLP
PO Box 280
Pierre, SD 57501-0280
m.northrup@riterlaw.com
(605) 224-5825 - voice

006655