



THOMASINA REAL BIRD

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October 15, 2014

VIA E-FILE

Patricia Van Gerpen
Executive Director
Public Utilities Commission
Capitol Building, 1st floor
500 E. Capitol Avenue
Pierre, SD 57501-5070

RE: HP14-001 - Application for Party Status and Entry of Appearance

Dear Ms. Van Gerpen:

Please find enclosed the Yankton Sioux Tribe's *Application for Party Status* and the *Entry of Appearance of Thomasina Real Bird on behalf of the Yankton Sioux Tribe* for filing in docket number HP14-001.

The Yankton Sioux Tribe is sovereign government whose ancestral and treaty lands include the proposed pipeline corridor. As such, the Yankton Sioux Tribe is qualified to be party to this proceeding under SDCL § 49- 41B-17.

Thank you for your attention to this matter. Should you have any questions or concerns, please call me at (303) 673-9600.

Sincerely,

Thomasina Real Bird

Enclosures (2)

cc: James E. Moore, via: james.moore@woodsfuller.com

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

Print

**IN THE MATTER OF THE PETITION OF
TRANSCANADA KEYSTONE PIPELINE, LP
FOR ORDER ACCEPTING CERTIFICATION
OF PERMIT ISSUED IN DOCKET
HP09-001 TO CONSTRUCT THE
KEYSTONE XL PIPELINE**

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**APPLICATION FOR PARTY
STATUS
HP14-001**

Pursuant to SDCL 49-41B-17,

The Yankton Sioux Tribe

(Name of Applicant)

petitions the Public Utilities Commission to be granted party status in the above-referenced facility permit proceeding.

Briefly explain your interest in this permit proceeding. Form is limited to 1000 characters.

The Yankton Sioux Tribe (YST), a sovereign government whose ancestral and treaty lands include the proposed pipeline corridor, requests party status to monitor TransCanada's application and ensure conditions can be met in light of changes since 2009. Today, KXL poses an even greater risk to Indian Country. The YST must inform the PUC of risks to tribal lands, health and other interests overlooked in 2009. The YST can also provide a tribal perspective on cultural, environmental, construction, and liability issues. After the initial flawed tribal consultation, tribal input is needed now to identify cultural and religious properties in the corridor that could be compromised. The YST must also protect its reserved water rights, confirm the completion of all applicable surveys, and ensure the tribal safety with the man camps near the Reservation. Too many rights are at stake, and too many laws have been violated for tribes to once again be ignored.

Signature of Applicant

Robert Flying Hawk, Chairman

Print or Type Name

Address: **PO Box 1153
Wagner, SD 57380**

605-384-3804

Phone Number

Robertflyinghawk@gmail.com

E-mail Address

Yankton Sioux Tribe

Name of Organization (if applicable)

Date

Subscribed and sworn to before me this 10 day of Oct, 2014.



(Seal)

Notary Public

My Commission expires: 8-31-18

NOTE:

The petition was filed Sept. 15, 2014. This Application for Party Status form must be filed in the Commission's offices on or before Oct. 15, 2014.

Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501-5070
Electronic Filing: <http://puc.sd.gov/EFilingOptions.aspx>

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

IN THE MATTER OF THE PETITION OF
TRANSCANADA KEYSTONE PIPELINE, LP
FOR ORDER ACCEPTING CERTIFICATION
OF PERMIT ISSUED IN DOCKET
HP09-001 TO CONSTRUCT THE
KEYSTONE XL PIPELINE

**ENTRY OF APPEARANCE FOR
THOMASINA REAL BIRD ON
BEHALF OF YANKTON SIOUX
TRIBE**

HP14-001

COMES NOW, Thomasina Real Bird with Fredericks Peebles & Morgan LLP, and hereby enters her appearance as counsel of record on behalf of the Yankton Sioux Tribe, an Applicant Requesting Party Status in the above-captioned South Dakota Public Utilities Commission matter.

Dated this 15th day of October 2014.



Thomasina Real Bird, SD Bar No. 4415
FREDERICKS PEEBLES & MORGAN LLP
1900 Plaza Drive
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Facsimile: (303) 673-9155
Email: trealbird@ndnlaw.com
*Attorney for Yankton Sioux Tribe, Applicant
Requesting Party Status*

CERTIFICATE OF SERVICE

I certify that on this 15th day of October, 2014, the original of this **ENTRY OF APPEARANCE FOR THOMASINA REAL BIRD ON BEHALF OF YANKTON SIOUX TRIBE** was filed on the Public Utilities Commission of the State of South Dakota e-filing website. And also on this day, a true and accurate copy was sent via email and U.S. Mail, first class postage prepaid, to the following:

James E. Moore
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P.C.
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Sioux Falls, SD 57117-5027
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Email james.moore@woodsfuller.com

Attorneys for Applicant
TransCanada Keystone Pipeline, LP.



Patricia Krakowski
Legal Assistant