



**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

**DOCKET HP 14-001**

**DIRECT TESTIMONY OF STEVE  
VANCE**

**1. Please state your name and address for the record.**

Answer: My name is Steven Vance. My work address is PO Box 590

Eagle Butte, SD 57625

**2. Please state your position with the Cheyenne River Sioux Tribe.**

Answer: I am the Tribal Historic Preservation Officer (THPO) for the Cheyenne River  
Sioux Tribe's Preservation Office.

**3. Please provide a description of your areas of responsibility within the Cheyenne  
River Sioux Tribe's Preservation Office.**

Answer: The Cheyenne River Sioux Tribe has assumed all previous duties of the South  
Dakota State Historic Preservation Officer (SHPO) on all lands within the exterior  
boundaries of the CRST reservation. In other words, as a Tribal Historic Preservation  
Officer I serve in an essentially identical capacity as a State Historic Preservation Officer.

**4. Please state your professional qualifications and experience.**

Answer: Previous to my position with the Cheyenne River Sioux Tribe's Preservation  
Office as a Tribal Historic Preservation Officer, I was employed for sixteen (16) years by  
the Cheyenne River Sioux Tribe as a Certified Law Enforcement Officer. Following my

career in law enforcement, I was employed by the Cheyenne River Sioux Tribe as a Certified Lakota Studies Instructor for the instruction of Lakota language, culture, history, and government for seven (7) years. Following my time as a Lakota Studies Instructor, I was hired by the Cheyenne River Sioux Tribe as a Tribal Historic Preservation Officer. I have served the Tribe in this capacity for the past five to six (5-6) years.

**5. Are you familiar with the TransCanada Keystone XL Pipeline project?**

Answer: Yes.

**6. Have you reviewed the proposed route of the Keystone Pipeline project; with specific regard to the portion of the project near the Cheyenne River Sioux Reservation?**

Answer: Yes.

**7. In your opinion, would construction of the Keystone Pipeline in the vicinity of the Cheyenne River Sioux Reservation affect the Cheyenne River Sioux Tribe's access to cultural and historical resources?**

Answer: Yes. The proposed route of the Keystone XL Pipeline falls within view shed of significant spiritual landforms, such as Slim Buttes, North Cave Hills, South Cave Hills, Woman Who Lived with the Wolves, Touch the Cloud Camp, and Spotted Elk Camp. This is a non-exhaustive list of affected cultural and historic sites. For instance, numerous trails which access these sites, as well as sites beyond the proposed route, such as the Sacred Black Hills, will also be affected by the proposed pipeline project.

**8. Please describe how access to such resources would be hindered by construction of the Keystone Pipeline.**

Answer: The actual construction phases will greatly hinder the Tribe's and Tribal Member's access to numerous cultural and historic sites. After all, people cannot simply walk through active construction zones to get to these sites. In all likelihood alternate routes, if there are any, would probably have to be selected by travelers to these cultural and historic sites.

**9. In your opinion, would the presence of the Keystone Pipeline, once completed, pose any ongoing problems with regard to cultural or historical resources?**

Answer: Yes. Once construction of the pipeline is complete there will undoubtedly be an ongoing need for general inspection and maintenance of the completed pipeline. This, in turn, would place pipeline workers within the vicinity of many sacred places. Traditional practitioners seeking solitude while performing traditional worship practices would almost certainly be interrupted by pipeline workers. Solitude is an essential element of many traditional worship practices, which require that outsiders not observe or otherwise disturb the practitioner during the traditional worship practice. As such, any disturbance by pipeline workers will necessarily have an immense negative impact on the ability of Tribal Members to perform traditional practices at these affected cultural and historical sites.

**10. In your opinion, would the Cheyenne River Sioux Tribe's cultural and historical resources be irreparably harmed by the construction and presence of the Keystone Pipeline?**

Answer: Yes. Comparing this to what happened to the mining of resources in the Sacred Black Hills, this proposed project will have long term negative effects emotionally and spiritually on many Tribal Members. In essence, the presence of the Keystone XL



Pipeline will cause irreparable harm to the Cheyenne River Sioux Tribe, its Tribal Members, and traditional cultural and religious practices.

- 11. In your professional capacity, has TransCanada Keystone XL Pipeline, LP contacted you or your office with regard to construction of the Pipeline project?**

Answer: Yes. Keystone held one teleconference about four (4) years ago and one (1) visit to the Chairman's office by two Native Keystone XL employees one year ago.

- 12. To the extent of your knowledge, was the Keystone Pipeline's impact on cultural and historic resources discussed during these meetings?**

Answer: The impacts to cultural resources could not be discussed during these preliminary meetings because the resources were not sufficiently identified at the time.

- 13. To the extent of your knowledge, did Keystone propose or otherwise agree to any mitigating measures in order to reduce the pipeline's impact on cultural and historic resources?**

Answer: To my knowledge, avoidance and mitigation measures should have been addressed during the development of the PA. However, the Cheyenne River Sioux Tribe was not involved in the development of the PA.

- 14. Does this conclude your prefiled testimony?**

Answer: Yes it does.

Dated this 2 day of April, 2015.

/S/ Steve Vance

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Steve Vance  
TRIBAL HISTORIC PRESERVATION OFFICER  
CHEYENNE RIVER SIOUX TRIBE  
P.O. Box 590  
Eagle Butte, SD 57625  
Telephone: (605) 964-7554  
Facsimile: (605) 964-7552  
Email: [stevev@vrstpres@outlook.com](mailto:stevev@vrstpres@outlook.com)

### **CERTIFICATE OF SERVICE**

I certify that on this 2<sup>h</sup> day of April, 2015, the original of this **PRE-FILED TESTIMONY OF MR. STEVE VANCE** on behalf of the Cheyenne River Sioux Tribe in Case Number HP 14-001, was filed on the Public Utilities Commission of the State of South Dakota e-filing website. Also on this day, a true and accurate copy of the above was sent to the following:

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

*Via Email*

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

*Via Email*

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

*Via Email*

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

*Via Email*

Mr. James E. Moore  
Representing: TransCanada Keystone Pipeline, LP  
Attorney  
Woods, Fuller, Shultz and Smith P.C.  
PO Box 5027  
Sioux Falls, SD 57117

*Via Email*

james.moore@woodsfuller.com  
(605) 336-3890 - voice  
(605) 339-3357 - fax

Mr. Bill G. Taylor  
Representing: TransCanada Keystone Pipeline, LP  
Attorney  
Woods, Fuller, Shultz and Smith P.C.  
PO Box 5027  
Sioux Falls, SD 57117  
bill.taylor@woodsfuller.com  
(605) 336-3890 - voice  
(605) 339-3357 - fax

*Via Email*

Mr. Paul F. Seamans  
27893 249th St.  
Draper, SD 57531  
jackknife@goldenwest.net  
(605) 669-2777 - voice

*Via Email*

Mr. John H. Harter  
28125 307th Ave.  
Winner, SD 57580  
johnharter11@yahoo.com  
(605) 842-0934 - voice

*Via Email*

Ms. Elizabeth Lone Eagle  
PO Box 160  
Howes, SD 57748  
bethcbest@gmail.com  
(605) 538-4224 - voice  
Serve both by email and regular mail

*Via Email and First Class  
Mail*

Mr. Tony Rogers  
Rosebud Sioux Tribe - Tribal Utility Commission  
153 S. Main St.  
Mission, SD 57555  
tuc@rosebudsiouxtribe-nsn.gov  
(605) 856-2727 - voice

*Via Email*

Ms. Viola Waln  
PO Box 937  
Rosebud, SD 57570  
walnranch@goldenwest.net  
(605) 747-2440 - voice

*Via Email*

Ms. Jane KleeB  
Bold Nebraska  
1010 N. Denver Ave.  
Hastings, NE 68901  
jane@boldnebraska.org  
(402) 705-3622 - voice

*Via Email*

Mr. Benjamin D. Gotschall  
Bold Nebraska  
6505 W. Davey Rd.  
Raymond, NE 68428  
ben@boldnebraska.org  
(402) 783-0377 - voice

*Via Email*

Mr. Byron T. Steskal & Ms. Diana L. Steskal  
707 E. 2nd St.  
Stuart NE 68780  
prairierose@nntc.net  
(402) 924-3186 - voice

*Via Email*

Ms. Cindy Myers, R.N.  
PO Box 104  
Stuart, NE 68780  
csmyers77@hotmail.com  
(402) 709-2920 - voice

*Via Email*

Mr. Arthur R. Tanderup  
52343 857th Rd.  
Neligh, NE 68756  
atanderu@gmail.com  
(402) 278-0942 - voice

*Via Email*

Mr. Lewis GrassRope  
PO Box 61  
Lower Brule, SD 57548  
wisestar8@msn.com  
(605) 208-0606 - voice

*Via Email*

Ms. Carolyn P. Smith  
305 N. 3rd St.  
Plainview, NE 68769  
peachie\_1234@yahoo.com  
(402) 582-4708 - voice

*Via Email*

Mr. Robert G. Allpress  
46165 Badger Rd.

*Via Email*



Naper, NE 68755  
bobandnan2008@hotmail.com  
(402) 832-5298 - voice

Mr. Jeff Jensen  
14376 Laflin Rd.  
Newell, SD 57760  
jensen@sdplains.com  
(605) 866-4486 - voice

*Via Email*

Mr. Louis T. Genung  
902 E. 7th St.  
Hastings, NE 68901  
tg64152@windstream.net  
(402) 984-7548 - voice

*Via Email*

Mr. Peter Capossela, P.C.  
Representing: Standing Rock Sioux Tribe  
Attorney at Law  
PO Box 10643  
Eugene, OR 97440  
pcapossela@nu-world.com  
(541) 505-4883 - voice

*Via Email*

Ms. Nancy Hilding  
6300 W. Elm  
Black Hawk, SD 57718  
nhilshat@rapidnet.com  
(605) 787-6779 - voice

*Via Email*

Mr. Gary F. Dorr  
27853 292nd  
Winner, SD 57580  
gfdorr@gmail.com  
(605) 828-8391 - voice

*Via Email*

Mr. Bruce & Ms. RoxAnn Boettcher  
Boettcher Organics  
86061 Edgewater Ave.  
Bassett, NE 68714  
boettcherann@abbnebraska.com  
(402) 244-5348 - voice

*Via Email*

Ms. Wrexie Lainson Bardaglio  
9748 Arden Rd.  
Trumansburg, NY 14886

*Via Email*

wrexie.bardaglio@gmail.com  
(607) 229-8819 - voice

Mr. Cyril Scott  
President  
Rosebud Sioux Tribe  
PO Box 430  
Rosebud, SD 57570  
cscott@gwtc.net  
ejantoine@hotmail.com  
(605) 747-2381 - voice

*Via Email*

Mr. Eric Antoine  
Attorney  
Rosebud Sioux Tribe  
PO Box 430  
Rosebud, SD 57570  
ejantoine@hotmail.com  
(605) 747-2381 - voice

*Via Email*

Ms. Paula Antoine  
Sicangu Oyate Land Office Coordinator  
Rosebud Sioux Tribe  
PO Box 658  
Rosebud, SD 57570  
wopila@gwtc.net  
paula.antoine@rosebudsiouxtribe-nsn.gov  
(605) 747-4225 - voice

*Via Email*

Mr. Cody Jones  
21648 US HWY 14/63  
Midland, SD 57552  
(605) 843-2827 - voice

*Via First Class Mail*

Ms. Amy Schaffer  
PO Box 114  
Louisville, NE 68037  
amyannschafter@gmail.com  
(402) 234-2590

*Via Email*

Mr. Jerry Jones  
22584 US HWY 14  
Midland SD 57552  
(605) 843-2264

*Via First Class Mail*

Ms. Debbie J. Trapp  
24952 US HWY 14  
Midland, SD 57552  
mtdt@goldenwest.net

*Via Email*

Ms. Gena M. Parkhurst  
2825 Minnewasta Place  
Rapid City, SD 57702  
gmp66@hotmail.com  
(605) 716-5147 - voice

*Via Email*

Ms. Joye Braun  
PO Box 484  
Eagle Butte, SD 57625  
jmbraun57625@gmail.com  
(605) 964-3813

*Via Email*

Mr. Robert Flying Hawk  
Chairman  
Yankton Sioux Tribe  
PO Box 1153  
Wagner, SD 57380  
Robertflyinghawk@gmail.com  
(605) 384-3804 - voice

*Via Email*

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  
(303) 673-9155 - fax

*Via Email*

Ms. Chastity Jewett  
1321 Woodridge Dr.  
Rapid City, SD 57701  
chasjewett@gmail.com  
(605) 431-3594 - voice

*Via Email*

Mr. Duncan Meisel  
350.org  
20 Jay St. #1010  
Brooklyn, NY 11201

*Via Email*

duncan@350.org  
(518) 635-0350 - voice

Ms. Sabrina King  
Dakota Rural Action  
518 Sixth Street, #6  
Rapid City, SD 57701  
sabrina@dakotarural.org  
(605) 716-2200 - voice

*Via Email*

Mr. Frank James  
Dakota Rural Action  
PO Box 549  
Brookings, SD 57006  
fejames@dakotarural.org  
(605) 697-5204 - voice  
(605) 697-6230 - fax

*Via Email*

Mr. Bruce Ellison  
Attorney  
Dakota Rural Action  
518 Sixth St. #6  
Rapid City, SD 57701  
belli4law@aol.com  
(605) 716-2200 - voice  
(605) 348-1117 - voice

*Via Email*

Mr. Tom BK Goldtooth  
Indigenous Environmental Network (IEN)  
PO Box 485  
Bemidji, MN 56619  
ien@igc.org  
(218) 760-0442 - voice

*Via Email*

Mr. Dallas Goldtooth  
38371 Res. HWY 1  
Morton, MN 56270  
goldtoothdallas@gmail.com  
(507) 412-7609

*Via Email*

Mr. Ronald Fees  
17401 Fox Ridge Rd.  
Opal, SD 57758  
(605) 748-2422 - voice

*Via First Class Mail*



Ms. Bonny Kilmurry  
47798 888 Rd.  
Atkinson, NE 68713  
bjkilmurry@gmail.com  
(402) 925-5538 – voice

*Via Email*

Mr. Robert P. Gough  
Secretary  
Intertribal Council on Utility Policy  
PO Box 25  
Rosebud, SD 57570  
bobgough@intertribalCOUP.org  
(605) 441-8316 - voice

*Via Email*

Mr. Terry & Cheryl Frisch  
47591 875th Rd.  
Atkinson, NE 68713  
tcfrisch@q.com  
(402) 925-2656 - voice

*Via Email*

Mr. Robin S. Martinez - Representing: Dakota Rural Action  
Martinez Madrigal & Machicao, LLC  
616 W. 26th St.  
Kansas City, MO 64108  
robin.martinez@martinezlzlaw.net

*Via Email*

Ms. Mary Turgeon Wynne, Esq.  
Rosebud Sioux Tribe - Tribal Utility Commission  
153 S. Main St  
Mission, SD 57555  
tuc@rosebudsiouxtribe-nsn.gov  
(605) 856-2727 - voice

*Via Email*

Mr. Matthew L. Rappold - Representing: Rosebud Sioux Tribe  
Rappold Law Office  
816 Sixth St.  
PO Box 873  
Rapid City, SD 57709  
Matt.rappold01@gmail.com  
(605) 828-1680 - voice

*Via Email*

Ms. April D. McCart - Representing: Dakota Rural Action  
Certified Paralegal  
Martinez Madrigal & Machicao, LLC  
616 W. 26th St.  
Kansas City, MO 64108

*Via Email*

april.mccart@martinezlaw.net  
(816) 415-9503 - voice

Mr. Paul C. Blackburn - Representing: Bold Nebraska  
Attorney  
4145 20th Ave. South  
Minneapolis, MN 55407  
paul@paulblackburn.net  
(612) 599-5568 - voice

*Via Email*

Ms. Kimberly E. Craven  
Representing: Indigenous Environmental Network (IEN)  
Attorney  
3560 Catalpa Way  
Boulder, CO 80304  
kimecraven@gmail.com  
(303) 494-1974 - voice

*Via Email*

/S/ Kaitlin Cramer

Kaitlin Cramer  
FREDERICKS PEEBLES & MORGAN LLP